



Scheme of Delegation

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SCHEME OF DELEGATION

1. Purpose of the Scheme of Delegation

- 1.1 This Scheme of Delegation distinguishes between matters reserved exclusively for the Corporation's approval or decision, and matters delegated to committees and individuals.
- 1.2 The Corporation has certain functions expressly reserved to it in law but delegates the operational management of its business to the Principal/CEO/Chief Executive, along with Senior Post Holders and a Senior Leadership team. In addition to the powers and responsibilities delegated by the Corporation, the Chief Executive and other members of the College staff have functions and responsibilities deriving from, for example, the Education & Skills Funding Agency ("ESFA") Conditions of Funding (Grant) agreement with colleges (the "Conditions of Funding").
- 1.3 Except as otherwise provided, individuals and bodies to whom the Corporation has delegated authority may further delegate to other individuals or bodies, provided that he, she or it reasonably considers that the individual or body in question is appropriately skilled and accountable and provided that such delegation is consistent with the Corporation's Instrument and Articles of Government; its Standing Orders; any restrictions contained within the Conditions of Funding; the terms and conditions of other sources of funding; and the Post 16 Audit Code of Practice.
- 1.4 Notwithstanding any delegations it makes, the Corporation remains accountable for the discharge of all its functions and meeting all its obligations. In order to gain assurance in this regard, it receives information for monitoring purposes from those to whom it delegates.
- 1.5 The purpose of this document is to record where authority resides within the College for particular types of decisions, albeit no such schedule can ever be absolutely comprehensive or up-to-date.
- 1.6 The Corporation expressly reserves the right to deal with any matter, whether generally or exceptionally, that it has previously delegated.
- 1.7 This document is subordinate to the Corporation's Instrument and Articles of Government, its Standing Orders and any restrictions contained within the Conditions of Funding and/or the Post 16 Audit Code of Practice ("ACOP").

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 Strategic Leadership 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:

- (a) The determination and periodic review of the educational character and mission of the institution and the oversight of its activities;
- (b) 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;
- (c) Approving the quality strategy of the institution;

- (d) The effective and efficient use of resources, the solvency of the institution and the Corporation and safeguarding their assets;
- (e) Approving annual estimates of income and expenditure; and
- (f) 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.
- (g) Setting a framework for the pay and conditions of service of all other staff

Article 6 states that the Corporation **shall not** delegate the following functions:

- (a) The determination of the educational character and mission of the institution;
- (b) The approval of the annual estimates of income and expenditure;
- (c) The responsibility for ensuring the solvency of the institution and the Corporation and for safeguarding their assets;
- (d) The appointment of the Principal or holder of a senior post;
- (e) The appointment of the Clerk, and
- (f) 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; and
- (f) 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 8 states that the Principal may delegate functions to the holder of any senior post or a 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 (Director Governance)

The Director of Governance shall be responsible as set out in Article 3(3) for: advising the Corporation with regard to the operation of its powers; procedural matters; the conduct of

its business and matters of governance practice.

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 more detail in the College Instruments & Articles or Standing Orders:

- Take urgent action on matters, which he/ she judges are too urgent to await a meeting of governors (Standing Orders 14(a))
- Call special and non-scheduled meetings (Instrument -11(3) & Standing Orders – 3 (b) & 14(b))
- Issue the agenda item and relevant papers relating to any proposal regarding the remuneration, conditions of service, conduct, suspension, dismissal, or retirement of the Clerk (Standing Orders – 3(c))
- Second or casting vote in the event of a tie (Standing Orders – 5(a))
- 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 (Standing Orders – 3(f))
- Approving urgent matters that governors may wish to raise at the beginning of meetings that are not on the agenda (Standing Orders – 5 (h))
- Invite at their discretion persons who are not members of the Corporation to attend Corporation meetings or parts of meetings (Standing Orders 10(a))
- Investigate and respond to any complaints against the Clerk (Standing Orders)

6. Role of the Search & Governance Committee

As detailed in the Search & Governance Committee's terms of reference, the Committee has specific duties. Additionally, it has responsibility / delegated authority to review and approve the following documents as outlined below:

- Governor Code of Conduct and Declarations of Interest (approved by the S&G Committee)
- Governor / Chair Role Descriptions (approved by the S&G Committee)
- Governor Appointment, Reappointment & Succession Policy (approved by the S&G Committee)
- Instruments & Articles of Government, Standing Orders, Terms of Reference (Reviewed by the Committee and recommended to the Board for approval)

The Search & Governance Committee must also highlight any concerns to the Corporation at the earliest opportunity.

7. Role of the Audit Committee

As detailed in the Audit Committee's terms of reference the Committee has specific duties. Additionally, it has the authority to:

- investigate any activity within its Terms of Reference and has the right of access to obtain all the information and explanations it considers necessary, from whatever source, to fulfil its remit.
- to obtain outside legal or other independent professional advice and to secure the attendance of outsiders with the relevant experience and expertise when necessary.

The Audit Committee must also highlight any concerns to the Corporation at the earliest opportunity.

8. Role of the Performance & Remuneration Committee

As detailed in the Performance & Remuneration Committee's terms of reference the Committee has specific duties. Additionally, it has the authority to:

- seek any information it requires from any Corporation Board Member, Committee of the Corporation, or employee of the College.
- obtain outside legal or other independent professional advice and to secure the attendance of outsiders with the relevant experience and expertise when necessary.

The Performance & Remuneration Committee must also highlight any concerns to the Corporation at the earliest opportunity.

9. Scheme of Delegation – Document Schedule / Policy Schedules

The following list of documents contained in Part I – Document Schedule & Part II – Policy Schedule must be approved by the Corporation (and include the reason for the Corporation approval). The approval for the documents listed in Part III – Policy Schedule has been delegated to the Search & Governance Committee by the Corporation. All other College policies not listed in these documents may be approved by the Strategic Leadership Team (SLT) unless otherwise decided by the Corporation.

SCHEME OF DELEGATION**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.

Document	Responsibility	Reason for Corporation Approval
Annual Budget	Vice Principal – Finance & Resources	Instrument and Articles of Government: Article 3 and Article 6
Audit Committee Annual Report	Director of Governance	Post 16 Audit Code of Practice Requirement
Audit Committee Terms of Reference	Director of Governance	Post 16 Audit Code of Practice Requirement
Borrowing Approval	Vice Principal – Finance & Resources Audit Committee	Instrument and Articles of Government: Article 3 and Article 6
College Key Performance Indicators Review	Principal & Chief Executive	Monitoring tool
Corporation Improvement Action Plan	Director of Governance	Code of Good Governance for English Colleges
Corporation Self-Assessment Report	Director of Governance	Code of Good Governance for English Colleges
Cycle of Corporation Business	Director of Governance	Governance Framework
Financial Statements	Vice Principal – Finance & Resources	ESFA Annual Finance Circular
Financial Statements Audit Management Letter	Vice Principal – Finance & Resources	Post 16 Audit Code of Practice Requirement
Financial Statements Auditors Engagement Letter	Vice Principal – Finance & Resources	Post 16 Audit Code of Practice Requirement
Financial Statements Subsidiary Companies	Vice Principal – Finance & Resources	ESFA Annual Finance Circular
Internal Audit Service Audit Needs Assessment and Plans	Vice Principal – Finance & Resources	Post 16 Audit Code of Practice Requirement
Internal Audit Service Engagement Letter	Vice Principal – Finance & Resources	Post 16 Audit Code of Practice Requirement
Internal Auditors Annual Report	Vice Principal – Finance & Resources	Post 16 Audit Code of Practice Requirement
Letter of Representation - Financial Statements Audit and Regularity Audit	Vice Principal – Finance & Resources	Financial Statements Auditors Requirement
Performance & Remuneration Committee	Director of Governance	Senior Post Holder Remuneration Code

Annual Report		
Quality Strategy (& Quality Improvement Plan)	Assistant Principal – Quality & Student Experience	Instrument and Articles of Government – Article 3
Risk Management Annual Report	Vice Principal – Finance & Resources	LSC “A Guide to Risk Management in Further Education”
Search & Governance Committee Annual Report	Director of Governance	Code of Good Governance for English Colleges Search & Governance Committee Terms of Reference
College Self-Assessment Report	Assistant Principal – Quality & Student Experience	Education Inspection Framework
Senior Postholder Objectives	Performance & Remuneration Committee	Performance & Remuneration Committee Terms of Reference
College Strategic Plan	Principal & Chief Executive	Instrument and Articles of Government: Article 3 and Article 9
Sub-Contractors/ Partners – Annual Report	Assistant Principal – Data & Employer Engagement	ESFA Funding Rules and supply chain advice
Sub-Contractors / Partners Contracts – Future Contracts/Additional partner/Extensions	Assistant Principal – Data & Employer Engagement	ESFA Funding Rules and supply chain advice
Three Year Financial Plan	Vice Principal – Finance & Resources	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	Assistant Principal – Adult Learning & Higher Education	S12 HERA 2017
Accommodation Policy (for students staying in residential accommodation)	Assistant Principal – Quality & Student Experience	Ofsted guidance on inspecting residential accommodation
Anti-Bribery Policy and Procedures	Vice Principal – Finance & Resources	Bribery Act 2010.
Code of Practice for Student Union (Constitution)	Assistant Principal – Quality & Student Experience	Education Act 1994
Complaints & Compliments Policy	Assistant Principal – Quality & Student Experience	ESFA; Consumer Protection Law
Disciplinary Procedure for all staff after consultation	Head of Human Resources	Instrument and Articles of Government: Article 3, Article 10, Article 11, Article 15
Equality, Inclusion & British Values Policy	Assistant Principal – Quality & Student Experience	Equality Act 2010
Estates Strategy	Vice Principal – Finance & Resources	Instrument and Articles of Government: Article 3 and Article 6
Expenses Policy	Vice Principal – Finance & Resources	Standing Order 16
Fees, Debt & Financial Support Policy	Vice Principal – Finance & Resources	Consumer Rights Act 2015, ESFA funding rules on adult education & apprenticeships
Financial Regulations including procedures for procurement & contracting	Vice Principal – Finance & Resources	Instrument and Articles of Government: Article 3 and Article 6
Framework for setting pay & conditions of all staff	Vice Principal – Finance & Resources	Instrument and Articles of Government: Article 3(2)
Fraud Policy and Fraud Response Plan	Vice Principal – Finance & Resources	Financial Regulations and Procedures
Freedom of Information Act Publication Scheme	Assistant Principal – Data & Employer Engagement	Freedom of Information Act 2000
Freedom of Speech Code of Practice	Assistant Principal – Quality & Student Experience	Section 42 Education (No 2) Act 1986
GDPR Policy & Privacy statements	IT & Learning Resources Manager	GDPR 2018
Grievance Procedure for all staff after consultation	Head of Human Resources	Instrument and Articles of Government: Article 3, Article 10, Article 11, Article 15

HE Strategy	Assistant Principal – Adult Learning & Higher Education	OfS regulations
Health, Safety & Environment Policy	Vice Principal – Finance & Resources	Health and Safety at Work Act 1974; Management of Health and Safety at Work Regulations 1999 etc. Code of Good Governance for English Colleges
Link Governor Protocol	Assistant Principal – Quality & Student Experience	Best practice recommendation
Partnership Management Fees Policy	Vice Principal – Finance & Resources	ESFA Funding Guidance
Pensions statement on the exercise of discretionary function in connection with LGPS	Head of Human Resources	Regulation 66 of the LGPS (Administration) Regulations 2008
People Strategy	Head of Human Resources	Instrument and Articles of Government: Article 3
Policy on the Publication of Minutes of the Corporation	Director of Governance	Instrument and Articles of Government: Instrument 14
Quality Strategy	Assistant Principal – Quality & Student Experience	Instrument and Articles of Government: Article 3
Risk Management Policy including Disaster Management Plan	Vice Principal – Finance & Resources	LSC “A Guide to Risk Management in Further Education”. To be lodged with annual financial return to ESFA.
Safeguarding Policy for Children and Vulnerable Adults including: <ul style="list-style-type: none"> Supporting the Rehabilitation of Offenders Prevent Strategy Freedom of Expression & External Speaker Request Policy and Procedures 	Assistant Principal – Quality & Student Experience (Senior Safeguarding Lead)	Education Act 2002 s.175, Safeguarding vulnerable groups Act. Counter Terrorism & Security Act 2015
Senior Postholder Disciplinary Policy after consultation	Head of Human Resources	Instrument and Articles of Government: Article 11
Senior Postholder Grievance procedure - after consultation	Head of Human Resources	Instrument and Articles of Government: Article 11
Scheme of Delegation	Director of Governance	Instrument and Articles of Government: Article 3 Article 4, Article 6
Standing Orders	Director of Governance	Instrument and Articles of Government
Staff Professional Development Policy	Head of Human Resources	OfS Requirement
Student Union Code of Practice	Assistant Principal – Quality & Student Experience	Education Act 1994
Supply Chain Fees	Vice Principal – Finance & Resources	ESFA Funding Guidance
Treasury Management Policy	Vice Principal – Finance & Resources	Financial Regulations and Procedures

Whistleblowing Procedure	Director of Governance	Public Interest Disclosure Act 1998 Financial Regulations and Procedures
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**SCHEME OF DELEGATION
POLICY SCHEDULE FOR COMMITTEE APPROVAL**

The Search & Governance Committee is responsible for approving the following policies.

Part III

Policy	Responsibility	Reason for Committee Approval
Appointment, Re-Appointment & Removal of Governors Policy	Director of Governance	Instrument and Articles of Government: Instrument 3, 5, 7, 8; Standing Order 11
Code of Conduct for Governors	Director of Governance	Report of Committee on Standards in Public Life
Conflicts of Interest and Register of Interests Policy (to be drafted)	Director of Governance	Instrument and Articles of Government: Instrument 9 Charities Act
Governor Training & Induction Policy (to be drafted)	Director of Governance	(ESFA Funding Agreement) - Mandatory requirement to report on Governor training in Annual Reports