

Board of Management

Date of Meeting	Wednesday 26 August 2020
Paper No.	BoM1-B
Agenda Item	3.2
Subject of Paper	Scheme of Delegation: 2020 Revision
FOISA Status	Disclosable
Primary Contact	P Clark; College Secretary
Date of production	29 July 2020
Action	For Approval

1. Recommendations

1.1 To approve the amendments to the Board of Management Scheme of Delegation.

2. Purpose of Paper

2.1 The purpose of this paper is to formalise Board of Management approval of the College Scheme of Delegation subject to agreed revisions.

3. Context and Content

3.1 The Board of Management Scheme of Delegation was last reviewed in August 2016.

3.2 The objective is to ensure that the Board's Scheme of Delegation continues to be fit for purpose, and is clearly understood and agreed as such by the Board.

3.3 The proposed revisions are minor, and in line with the Model Scheme of Delegation agreed within the sector (Secretary to the Board Network, CDN).

3.4 Incorporated colleges are established under the Further and Higher Education (Scotland) Act 1992 ("the 1992 Act")¹. Under that Act, Boards of Management are responsible for developing and maintaining Standing Orders, Schemes of Delegation and Staff Member Election Rules.

4. Impact and Implications

4.1 This review will:

- Follow Good Governance practice in demonstrating regular review of the delivery of governance via the Board Scheme of Delegation in line with the Model Standing Orders accepted by the sector.
- Ensure fitness of purpose of a key component of the College's Articles of Governance.

Appendix:

- 1. Scheme of Delegation** (with proposed edits as tracked changes)

Scheme of Delegation of the Board of Management of City of Glasgow College

Preamble

In accordance with paragraph 12(4) of the Further and Higher Education (Scotland) Act 1992 a Board may delegate the performance of any of their functions to their Chair, to any Committee appointed by them, or to any member of their staff.

In accordance with paragraph C.8 of the Code of Good Governance for Scotland's Colleges (2016), delegation of responsibilities from, and matters reserved to, the Board and its Committees, must be clarified through a Scheme of Delegation including the functions delegated by the Board to the Chair, Committees, the Principal, and the Board Secretary.

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This Scheme of Delegation must be approved by the Board before it comes into effect, and any subsequent amendments must also be approved by the Board.

1 Authority Reserved to the Board

Whilst initial discussion or consideration may take place by Committees or individuals, the Board may not delegate decisions relating to the undernoted matters:

- 1.1 determining the objectives of the Board.
- 1.2 final approval of the College's Strategic Plan and Regional Outcome Agreement.
- 1.3 approval of the year-end annual report and accounts.
- 1.4 approval of the annual budget.
- 1.5 final consideration of the Annual Audit Report.
- 1.6 approval of the Strategic Risk Register.
- 1.7 acquisition and disposal of heritable property, subject to approval of the Glasgow College's Regional Board (GCRB) and the Scottish Funding Council (SFC) as appropriate.
- 1.8 appointment and removal of the Principal.
- 1.9 appointment and removal of the Board Secretary (in accordance with paragraph D.13 of the Code of Good Governance for Scotland's Colleges).
- 1.10 approval of the Students' Association constitution and the election regulations for student officers.
- 1.11 delegation of functions of the Board including remits of Committees and this Scheme of Delegation.
- 1.12 the making, amendment and revocation of the Standing Orders of the Board
- 1.13 n.b. In accordance with the College Sector Board Appointments: 2014 Guidance the appointment of assigned College Board members is the responsibility of the Regional Strategic Body, although recommendations may be made by the assigned College Board either directly, or via a delegated Nominations Committee.

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2 Delegation to Committees

- 2.1 In accordance with paragraph 13 of the Further and Higher Education (Scotland) Act 1992, the Board may establish Committees for any purpose and any such Committee may appoint Sub Committees.

2.2 In accordance with paragraph C.8 of the Code of Good Governance for Scotland's Colleges, the minimum Committees required are Audit, Remuneration, Finance, and Nominations/Appointments.

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2.3 Each Committee and Sub Committee shall have a clearly defined remit which shall clearly set out the duties and responsibilities delegated. The remit must be approved by the Board. The Committee may suggest amendments to the remit, but any amendments must be approved by the Board before they are implemented.

2.4 The Board may delegate functions to a specific Committee, and this shall be clearly detailed within the minutes of the appropriate meeting.

2.5 The Board reserves the right to review the Committees required, and the authority delegated to them as and when it deems it appropriate to do so.

2.6 The minutes of each Committee meeting will be submitted to the Board for information at its next meeting. In addition, the Committee Chair (Convener) shall give an update to the Board on key issues where requested to do so.

3 Delegation to Chair of the Board

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

3.1 exercise judgement in the event of a need for an urgent decision during the period between Board meetings, such that:

3.1.1 an extraordinary Board meeting is called in the case of material decisions;

3.1.2 a proposal is circulated by email (in accordance with the Standing Orders) and the decision is homologated at the next Board meeting

3.1.3 to make the required decision, subject to homologation at the next Board meeting.

3.1.4 to refer the decision to a meeting of the Board Committee comprising Board Committee Conveners, as set out in that Committee's Terms of Reference.

3.2 on behalf of the Board, sign and date the College's Annual Report and Accounts, after Board approval, and other documents as may be required.

3.3 represent the Board within the College and externally.

3.4 monitor, review and record the Principal's performance at least annually against performance measures agreed by the Board.

3.5 monitor, review and record the Board Secretary's performance at least annually against performance measures agreed by the Board.

3.6 ensure each Board member participates in an annual development meeting, facilitated either by the Chair or Vice Chair.

3.7 initiate action further to a decision of the Board to take disciplinary action against, or suspend, the Principal or Board Secretary.

3.8 initiate action further to a decision of the Board to appoint a new Principal or Board Secretary.

4 Delegation to the Principal

The Principal, as Chief Executive of the College, shall be responsible for the operational management of the College subject to strategic and policy direction by the Board and the terms of any specific authority reserved to the Board.

In exercising any delegated function the Principal shall take into account:

- (a) the legislation and any further provisions set out in the Standing Orders and Scheme of Delegation of the Board
- (b) guidance issued by the Scottish Ministers and the Scottish Funding Council
- (c) any potential conflict of interest as outlined in the Code of Conduct
- (d) the provisions of the Ethical Standards in Public Life etc (Scotland) Act 2000, the Code of Good Governance for Scotland's Colleges, and any such legislation and guidance as may be in force at any time.

The Principal has delegated authority to:

General Management

- 4.1 take such measures as may be required in emergencies subject to advising the Chair where possible and reporting to the appropriate Committee or to the Board as soon as possible thereafter on any items for which approval of the Committee or the Board would normally be necessary.
- 4.2 facilitate the management of the College and its provision of services within the framework determined by the College's Strategic Plan and Regional Outcome Agreement, the approved budget, and any other policies and strategies determined by the Board.
- 4.3 consult on behalf of the Board with representatives from key organisations, local and national, about the priorities contained within the College's Strategic Plan and Regional Outcome Agreement prior to final approval by the Board.
- 4.4 respond on behalf of the Board to consultative documents that may be sent to the College by the Scottish Government, the Scottish Funding Council, the Regional Strategic Body, or other external agencies.
- 4.5 incur expenditure in making visits and the provision of reasonable hospitality to representatives of other Colleges, organisations and companies, taking into account the principles of the Bribery Act.
- 4.6 give a direction in special circumstances that any member of staff shall not exercise a delegated function.
- 4.7 take out membership of and attend meetings of outside bodies and professional associations where it is compatible with the duties of Principal and in the interests of the College to do so.
- 4.8 authorise the issue of press releases for publication and broadcasting on behalf of the College.
- 4.9 authorise the publication of any document on behalf of the College.

- 4.10 engage the services of outside persons, firms or organisations and enter into contracts and sign all deeds and other documents binding the Board for all purposes except those where the power to engage such services is not delegated to a Committee or is not reserved to the Board.
- 4.11 raise funds for and supply them to any of the activities which the Board has power to undertake.
- 4.12 provide courses as required by outside agencies and negotiate appropriate charges for these.
- 4.13 determine the dates of the College holidays and other details of the College's academic calendar.
- 4.14 appoint a senior member of staff to deputise for the Principal during periods of planned absence.

Staff Management

- 4.15 determine an appropriate staff structure for the College consistent with the conditions of employment that currently apply after consultation and (where appropriate) negotiation with representatives of recognised trade unions and professional institutions.
- 4.16 consult and negotiate with representatives of recognised trade unions and professional associations on behalf of the Board.
- 4.17 establish procedures for the appointment of College staff in circumstances where the power to appoint has not been delegated to a Committee or is not reserved to the Board.
- 4.18 supervise, manage and deploy staff within the College and arrange appropriate induction and training for College staff.
- 4.19 establish procedures for taking disciplinary action against College staff up to and including dismissal subject to complying with the policies laid down by the Board.
- 4.20 grant unpaid leave of absence to any member of College staff in accordance with the relevant policies laid down by the Board.
- 4.21 represent the Board in negotiating and implementing conditions of service in relation to relevant College staff.
- 4.22 approve the secondment of College staff to external agencies in accordance with relevant policies laid down by the Board and to approve the appointment, where necessary, of a temporary replacement for the duration of the secondment.
- 4.23 in exceptional circumstances, agree individual severance arrangements with staff, taking into account limits set by the Scottish Funding Council and functions delegated to the Board or a Committee.
- 4.24 establish any other procedures required for the orderly management of College staff.

Student Management

- 4.25 arrange for the provision of appropriate curriculum and support services for students and clients.
- 4.26 administer, in accordance with any policy determined by the Scottish Government or the Scottish Funding Council or the Board the disbursement of monies to students attending the College.
- 4.27 administer, in accordance with any policy of the Board, the provision of financial or other assistance to students of the College.
- 4.28 set and amend as necessary the level of tuition fees, examination expenses, maintenance and contribution scales for all courses offered by the College and to waive or grant remission of such fees or expenses in special cases within guidelines set by the Board.
- 4.29 authorise students, and to make grants to students, to enable them to attend courses and conferences and to undertake educational visits and excursions within, the UK or abroad, within approved budgets and policies of the Board.
- 4.30 take appropriate disciplinary action, including exclusion, against students in accordance with any policies of the Board.
- 4.31 provide financial or other assistance to the Students' Association of the College within the terms approved by the Board.

Property Management

- 4.32 grant the use of College accommodation to outside bodies or persons for the purpose of holding meetings and functions on such terms and conditions as are reasonable in the circumstances.
- 4.33 allocate accommodation within the College in order to meet student and staff needs and to arrange for any necessary alterations or adaptations to College property.
- 4.34 apply to the appropriate authority for any necessary statutory consents.
- 4.35 grant any way leave or servitude over property of the College on such terms as may be appropriate.

Financial Management

- 4.36 take personal responsibility for ensuring 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 the College's income, assets and expenditure.
- 4.37 act at all times in compliance with the Financial Memorandum, conditions of grant, Scottish Public Finance Manual, and to follow the College's Financial Regulations taking particular account of the delegated financial limits.
- 4.38 enter into and negotiate contracts and other binding arrangements for the supply of goods and services (whether bought, leased, hired or otherwise acquired) to the College or to authorise another to enter into such contracts up to a value of the

relevant EU Procurement threshold or Board approved budgetary limits and all in accordance with the College's financial regulations.

- 4.39 terminate contracts, when it is in the best interests of the College to do so.
- 4.40 check the financial standing of potential contractors.
- 4.41 dispose of assets up to the value of the delegated financial limit as set out in the Finance Regulations and in line with the requirements of the Scottish Public Finance Manual.
- 4.42 administer any educational endowment which transferred to and vested in the Board in terms of Section 19(1) of the 1992 Act.
- 4.43 take out any necessary insurances to protect the interests of the College.
- 4.44 settle any claims whether or not such claims are insured or whether or not a court action has been raised.
- 4.45 spend public funds only for the purposes for which they were given and in accordance with any terms and conditions attached to them.
- 4.46 arrange for the presentation to the Board for approval an annual budget of income and expenditure, including revenue and capital, and to give regular updates on income and expenditure account, balance sheet and cash flow statement.
- 4.47 arrange for the preparation, audit and presentation to the Board of accounts following the end of each financial year in compliance with the requirements of the Accounts Direction and encompassing Audit Scotland and the Scottish Funding Council instruction.
- 4.48 report to the Scottish Funding Council should the Board adopt a policy or commission an action which is incompatible with the terms of the Financial Memorandum or the Scottish Public Finance Manual, or which would infringe on the requirements of propriety or regularity, and report to the Board in writing on such matters being considered, and advise the Board that, should it wish to choose to continue with the policy or action, then as accounting officer he or she must report the Board's intentions to the Scottish Funding Council in writing.

5 Absence of the Principal

- 5.1 In the absence of the Principal, the Executive Team shall ensure that the essential functions of the Principal are carried out with due regard to any relevant provisions of the Financial Memorandum with Fundable Bodies in the College Sector.
- 5.2 After a period of four weeks' unplanned continuous absence of the Principal, the Board shall delegate a Vice Principal as the accountable officer for the duration of the Principal's absence, ensuring that the Scottish Funding Council is advised of such absence at the earliest opportunity.

6 Delegation to the College Secretary (Secretary to the Board)

The College Secretary has delegated authority to:

- 6.1 administer, retain and publish as appropriate the records of all Board and Committee business.
- 6.2 undertake appropriate actions to ensure that the Board is sufficiently informed of its obligations as defined in legislation, the terms and conditions of grant, the Scottish Public Finance Manual, the Code of Good Governance and the Standing Orders.
- 6.3 administer staff elections to the Board and act as returning officer.
- 6.4 act as Standards Officer in accordance with Advice on the Role of a Standards Officer (issued by the Standards Commission for Scotland).
- 6.5 report any unresolved concerns about the governance of the body to the relevant funding body (ie. the SFC or the Regional Strategic Body) in accordance with the Code of Good Governance (2016)

7 Absence of the Board Secretary

- 7.1 In the absence of the Board Secretary, the Board shall agree temporary arrangements that can be put in place either by appointing a staff member to fulfil the functions, or by making such other arrangements as may be required.

8 Previous Schemes

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

Approved by the Board 26 August 2020

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