



**WEST COLLEGE SCOTLAND**

**SCHEME OF DELEGATION**

**Version Control**

- Revised November 2017
- Approved by the Board of Management – 5 February 2018
- Approved by the Board of Management – 5 October 2020
- Approved by the Board of Management – 22 March 2021
- Approved by the Board of Management – 10 October 2022 – No revisions
- Approved by the Board of Management – 11 December 2023
- Approved by the Board of Management – 7 October 2024

## **SCHEME OF DELEGATION**

- 1 Introduction**
- 2 Authority Reserved to the Board**
- 3 Delegations to the Chair of the Board**
- 4 Delegations to the Principal**
- 5 Delegations to the Governance Professional**
- 6. Delegations to Committees**

## **SCHEME OF DELEGATION**

### **1 Introduction**

1.1 In accordance with paragraph 12(4) of the Further and Higher Education (Scotland) Act 1992 the Board may delegate the performance of any of its functions to:

- (a) the Chair; or
- (b) any committee appointed by them; or
- (c) any member of the College staff (which may include the Principal);
- (d) or a combination thereof as the Board shall determine.

In accordance with paragraph C.8 of the Code of Good Governance for Scotland's Colleges 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 Governance Professional.

1.2 Only a committee or the persons or the holders of posts specifically named in this scheme may exercise the function delegated to them.

1.3 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. Once approved this Scheme replaces all other Schemes of Delegation adopted by the Board.

### **2 Authority Reserved to the Board**

The following matters are reserved to the Board and therefore excluded from any delegation:

- (a) the determination of the objectives of the Board.
- (b) Final approval of the College's Strategic Plan and Regional Outcome Agreement.
- (c) the determination of the risk appetite of the Board and approval and monitoring of the Strategic Risk Register.
- (d) the approval of the year-end Annual Report and Accounts, the Annual Budget, College financial plans, forecasts, delegations and regulations.
- (e) Final consideration of the Annual Audit Report.
- (f) Acquisition and disposal of heritable property, subject to the approval of the Scottish Funding Council.
- (g) the appointment, extension of appointment, and removal of Board members subject to approval by the Chair of the Board and the Scottish Ministers.
- (h) monitoring the conduct of Board members and, where necessary taking such action as deemed appropriate.
- (i) the appointment and removal of the Principal, as well as the instigation of disciplinary action against the Principal.
- (j) The appointment and removal of the Governance Professional (in accordance with paragraph D.14 of the Code of Good Governance for Scotland's Colleges).
- (k) Approval of the Students' Association Constitution, which includes the election rules for candidates, and Annual Budget for the Students' Association. The election rules follow guidelines as per the Education Act (1994).
- (l) delegation of functions of the Board, including remits of the Committees.
- (m) the making, amendment and revocation of the Articles of Governance, this Scheme of Delegation, and the Standing Orders of the Board.

- (n) the acceptance of endowments, gifts of money, land or other property and determining their application to any of the activities which the Board has the power to carry on.

### **3. Delegations to the Chair of the Board**

3.1 The Chair has delegated authority to take into account:

- (a) the legislation and any further provisions set out in the Articles of Governance or Scheme of Delegation of the Board.
- (b) guidance issued by the Scottish Ministers and/ or the SFC, including the Scottish Public Finance Manual and the Financial Memorandum with SFC.
- (c) any potential conflict of interest as explained in the Code of Conduct.
- (d) the provisions of The Ethical Standards in Public Life etc (Scotland) Act 2000 and the Code of Conduct adopted by the College.

3.2 Functions delegated to the Chair shall not be exercised by any other person acting in place of the Chair.

3.3 The Chair of the Board is authorised –

- (a) to take such measures as may be required in emergencies, subject to reporting to the relevant Committee or to the Board as soon as possible thereafter on any items for which approval of that Committee or the Board would normally be necessary.
- (b) to deal with urgent items of business after consultation with the Chair of the relevant Committee and with the Principal.
- (c) following Board approval, to sign and date the Annual Report and Accounts (in terms of the accounts direction given by SFC under paragraph 18 of Schedule 2 to the 1992 Act), and other documents as may be required.
- (d) to represent the Board within the College and externally.
- (e) in the event of the Principal not being available, to act in the Principal's stead in fulfilling as required any function that may not be delegated to any other member of staff, with due regard to any relevant provisions in the Financial Memorandum;
- (f) to ensure that each Board member participates in an annual development meeting, facilitated by either the Chair or the Vice Chair.
- (g) to monitor, review and record the Principal's performance at least annually against the performance measures agreed by the Board.
- (h) to monitor, review and record the Governance Professional's performance at least annually against performance measures agreed by the Board.
- (i) to initiate action further to a decision of the Board to take disciplinary action against, or suspend, the Principal or Governance Professional.
- (j) to initiate action further to a decision of the Board to appoint a new Principal or Governance Professional.

### **4 Delegation to the Principal**

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

4.2 In exercising any delegated function the Principal will take into account:-

- (a) the legislation and any further provisions set out in the Articles of Governance and this Scheme of Delegation of the Board from time-to-time in force.
- (b) guidance issued by the Scottish Ministers and/or the SFC, including the Scottish Public Finance Manual and the Financial Memorandum with SFC.
- (c) any potential conflict of interest as explained 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 codes of conduct as may exist and be adopted from time to time.

#### **4.3 General Management**

- (a) to 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.
- (b) to delegate responsibilities to other members of staff as appropriate for the exercise of particular functions, while retaining overall responsibility to the Board for reporting on, and for performance against, the College's strategic objectives.
- (c) to engage the services of outside persons, firms or organisations and to enter into contracts and to sign all deeds and other documents binding the Board for all purposes except those where the power to engage such services is delegated to a Committee or is reserved to the Board.
- (d) to ensure the provision of courses as required by outside agencies and to negotiate appropriate charges thereof.

#### **4.4 Staff Management**

- (a) to determine an appropriate staff structure for the College and, where appropriate, consultation with representatives of recognised trade unions.
- (b) to consult and negotiate with representatives of recognised trade unions on behalf of the Board.
- (c) to represent the Board in negotiating and implementing conditions of service in relation to relevant College staff, including participation in National Bargaining.
- (d) to ensure appropriate procedures are in place for the human resources and organisational development of the College.
- (e) to establish any other procedures required for the orderly management of employees of the College.

#### **4.5 Student Management**

- (a) to arrange for the provision of appropriate curriculum and support services for students and clients.
- (b) to administer, in accordance with any policy of the Board, the provision of financial or other assistance to students of the College.
- (c) to 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 accordance with guidelines set by the Board.
- (d) to authorise students, and to make grants to students, to enable them to attend courses and conferences and to undertake educational visits and excursions at home or abroad within the approved estimates and policies of the Board.
- (e) to take appropriate disciplinary action including expulsion against students in accordance with any policies of the Board.

- (f) to provide financial and other assistance to the Students' Association of the College within the terms of any scheme of establishment or policy of the Board.

#### **4.6 Property Management**

- (a) to 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.
- (b) to 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 and in accordance with any policies of the Board;
- (c) to apply to the appropriate authority for any necessary statutory consents.

#### **4.7 Financial Management**

- (a) to 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.
- (b) to act at all times in compliance with the Financial Memorandum with the SFC and the Scottish Public Finance Manual, and to follow the College's Financial Regulations taking particular account of the Delegated Financial limits.
- (c) 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.
- (d) terminate contracts, when it is in the best interests of the College to do so.
- (e) to dispose of assets as set out in the Financial Regulations and in line with the requirements of the Scottish Public Finance Manual.
- (f) to take out any necessary insurances to protect the interests of the Board.
- (g) to spend public funds only for the purposes for which they were given and in accordance with any terms and conditions attached to them.
- (h) to arrange for 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 statements.
- (i) to arrange for the preparation, audit and presentation to the Board the 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 direction.
- (j) to report to the SFC 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 the requirements of propriety or regularity, and to report to the Board in writing on such matters being considered, and advise the Board that, should it choose to continue with the policy or action, then as accounting officer he or she must report the Board's intentions to SFC in writing.

#### **4.8 Absence of the Principal**

In the absence of the Principal, the Executive Team shall ensure that the essential functions and delegated authorities of the Principal are carried out with due regard to any relevant provisions of the Financial Memorandum or the Scottish Public Finance Manual.

After a period of four weeks unplanned continuous absence of the Principal, the Board shall designate 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 arrangements at the earliest opportunity.

## **5 Delegation to the Governance Professional**

The Governance Professional has delegated authority to:

- (a) administer, circulate, retain and publish as appropriate the records of all Board and Committee business.
- (b) 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.
- (c) administer staff elections to the Board and act as Returning Officer.
- (d) act as Standards Officer in accordance with Advice on the Role of a Standards Officer (issued by the Standards Commission for Scotland).
- (e) maintain a register of interests as provided by the Code of Conduct so adopted by the Board.
- (f) maintain a register of members' attendance at Board and Committee meetings.
- (g) in accordance with the Code of Good Governance, report any unresolved concerns about the governance of the College to the Scottish Funding Council.

## **6. Delegation to Committees**

- (a) In accordance with paragraph 13 of the Further & Higher Education (Scotland) Act 1992, the Board may establish Committees for any purpose and any such Committee may appoint Sub Committees.
- (b) 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/Appoints.
- (c) The Board currently has five committees, these being:
  - Audit & Risk
  - Corporate Development
  - Learning, Teaching and Quality
  - Nominations
  - Remuneration
- (d) The Board may delegate functions to a specific Committee, and this shall be clearly detailed within the minute of the appropriate meeting.
- (e) 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.
- (f) The Board approves the detailed remit and membership of each of these Committees. This information is available on the College website or from the Governance Professional.
- (g) The minutes of each Committee meeting will be submitted to the Board for information at its next meeting. In addition, the Committee Chair shall give an update to the Board on key discussions where requested to do so.
- (h) The Board may appoint persons who are not members of the Board to be members of committees established by it, as per the Procedure for Appointing Co-opted Members.