

# **VARNDEAN COLLEGE CORPORATION**

## **SCHEME**

### **OF**

## **DELEGATION**

#### **DOCUMENT HISTORY:**

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# **SCHEME OF DELEGATION**

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NOTE: Reference should be made to Articles 9, 10 and 11 regarding Delegable and Non-Delegable Functions

## **Authority reserved to the Corporation**

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

- a) Determining the objectives of the Corporation.
- b) Determining and periodically reviewing the educational character and mission of the College.
- c) Ensuring the solvency of the College and the Corporation and the safeguarding of their assets.
- d) Overseeing matters of new policy or variation to existing policy in line with the Corporation Policy Review Schedule, except for those non-statutory policies which have been delegated to the Principal.
- e) The final approval of the College's Strategic and Operational Plans.
- f) The final approval of the College's Self-assessment Report and Development Plan.
- g) The approval of the annual estimates of income and expenditure.
- h) The approval of the year end financial statements.
- i) The final consideration of the Annual Audit Reports.
- j) The acquisition and disposal of property.
- k) The final approval of the annual estimates of capital expenditure for work authorised by the Corporation.
- l) Borrowing money (other than overdraft facilities within the Principal's delegated authority) and, in connection with such borrowing, granting securities or giving guarantees or indemnities.
- m) The appointment of Corporation members.
- n) The appointment to standing and ad hoc committees of members and co-opted members.
- o) The removal from office of Corporation members.
- p) The appointment of the Principal.
- q) The appointment of the Clerk.
- r) The consideration of the case for dismissal of the Principal, the Clerk or the holder of a senior post, other than to a committee of members of the Corporation.
- s) The power to determine an appeal in connection with the dismissal of the Principal, the Clerk or the holder of a senior post, other than to a committee of members of the Corporation.
- t) The delegation of functions of the Corporation.
- u) The making, amendment and revocation of Corporation Standing Orders, Committee Structure & Procedures and Governors' Code of Conduct.
- v) The modifying or revoking of the Instrument and Articles of Government.

## **DELEGATED MATTERS**

### **1. Action Taken by the Chair of the Corporation**

- 1.1. The Corporation has decided not to delegate specific functions to the Chair of the Corporation as this may prove to be too restrictive for the arrangements to work effectively as and when appropriate. However, any action taken by the Chair after delegation of that action by the Corporation is the responsibility of the Corporation (NB refer standing orders, clause 10 and 11 regarding Chair's Action and Urgent Action and refer to 1.5 below).
- 1.2. The Corporation's Standing Orders acknowledge that there are occasions when issues arise which should be placed before the Corporation although the next scheduled meeting is too distant and it is not thought appropriate to call a special meeting. In such circumstances the Corporation has agreed that the Chair (or the Vice-Chair in the absence of the Chair) may take action on behalf of the Corporation in routine matters on the condition that such a course of action is not contrary to the Articles of Government or other regulations.
- 1.3. Requests for action by the Chair will only be made through the Clerk to the Governors unless other exceptional arrangements have been made and the Clerk to the Governors is kept informed. Requests should normally be made in writing although if an issue requires immediate attention it will be acceptable for a letter confirming a telephone conversation to be forwarded to the Chair.
- 1.4. The decision of the Chair, which must be in writing, will be reported to the next scheduled meeting of the Corporation.
- 1.5. Where urgent action is required and delayed action would disadvantage either the College, any student at the College or any person employed by the College the following procedure has been agreed:
  - a. The Principal will determine the scope of the problem and the likely strategy to be adopted in its resolution. Where the Principal is unavailable, the College Executive Team (CET) duty member will nevertheless aim to contact him to determine a response at the earliest opportunity.
  - b. The Chair of the Corporation, Vice-Chair and chairs of appropriate committees will be contacted to determine the involvement of Corporation members in the decision-making process.
  - c. If it is not possible to draw all members together in the time available then the Chair, Vice-Chair and appropriate committee chairs are empowered to take executive action which will require retrospective approval by the full Corporation at the next scheduled meeting. Such action is likely in all cases where urgent decisions are necessary involving sizeable, unforeseen and unbudgeted expenditure.
  - d. All members should be informed as soon as possible and in writing of any executive action taken as described above. This will be undertaken normally by the Principal or the duty CET member.
  - e. For unforeseen events needing immediate resolution by CET (e.g. notifiable illness) the Principal or CET duty member should contact the Chair of the Corporation or Vice-Chair who will decide which other members should be advised of events.
  - f. Where necessary, press statements will be prepared by the Principal or delegated alternate for use by members and senior staff. Normally only the Principal, Chair or Vice-Chair will be involved in direct contact with the media.

## **2. Items Delegated by the Corporation to its Committees**

- 2.1. The Corporation delegates to each Committee of the Corporation all functions relative to the respective terms of reference of those Committees as detailed in the Corporation Committee Structure & Procedures, and each Committee may exercise and perform on behalf of and in the name of the Corporation all of the authority, powers and duties of the Corporation in relation to the functions so delegated.
- 2.2. The Corporation delegates to each Committee of the Corporation all functions relative to any Minutes of the Corporation making a special delegation to a Committee.
- 2.3. The Special Committee shall examine and determine the case for dismissal of the Principal and the Clerk.
- 2.4. The Corporation delegates approval of certain policies to Committees in line with the Corporation Policy Review Schedule and the respective Committees' terms of reference, except for those non-statutory policies to which the Principal has been granted delegated authority to approve and review.

## **3. Items Delegated by the Corporation to the Principal**

The Corporation delegates to the Principal, as Chief Executive of the College, responsibility for the operational management of the College subject to the strategic direction set by the Corporation.

- 3.1. The Corporation delegates to the Principal, as Accounting Officer, the day to day responsibility for reviewing the adequacy of the system of internal financial control and making any appropriate amendments.
- 3.2. The Corporation delegates to the Principal responsibility for determining, promulgating and implementing the employment policies and reporting annually to the Corporation on these.
- 3.3. The Corporation delegates to the Principal responsibility for determining, promulgating and implementing other non-statutory policies agreed by Corporation from time to time, in line with the Corporation Policy Review Schedule. The Principal is required to prepare an annual report for presentation to Corporation, detailing significant changes to any of the policies for which he has delegated authority.
- 3.4. The Principal is authorised:
  - a) to take such measures as may be required in emergencies subject to advising the Chair of the Corporation, where possible, and subsequently reporting to the appropriate Committee or to the Corporation as soon as possible thereafter any items for which approval of the Committee or Corporation would normally be necessary.
  - b) to authorise the absence of any member of staff of the College in accordance with the relevant College policies.
  - c) if he considers it would be in the interests of the College or Corporation to do so, to approve the provision of reasonable hospitality to representatives of other colleges, organisations, members of staff of the College or others.
  - d) to make visits and to authorise members of staff of the College to make visits as representatives of the College.
  - e) to give a direction, in special circumstances, that any member of staff shall not exercise a delegated function.
  - f) to take out membership of and to attend meetings of appropriate outside bodies and professional associations where it is compatible with the duties of the Principal and in the interests of the College to do so.

- g) to authorise the issue of press releases for publication and broadcasting on behalf of the College.
- h) to authorise the commercial publication of any document on behalf of the College.
- i) to authorise the appointment of staff to the College, within the agreed budget approved by the Corporation, in circumstances where the power to appoint has not been delegated to a Committee or is not reserved to the Corporation.
- j) to determine an appropriate 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.
- k) to consult and negotiate with representatives of recognised trades unions and professional associations on behalf of the Corporation.
- l) 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 Corporation.
- m) to engage the services of outside persons, firms or organisations when it is necessary to carry out the functions of the Corporation in cases where the authority to engage such services is not delegated to a Committee or is not reserved to the Corporation.
- n) to deem an employee to be in breach of contract and to take appropriate action against such an individual within the College's policies.
- o) to grant appropriate leave of absence with salary to enable staff to undertake work experience, approved courses or to attend approved meetings or conferences.
- p) to grant leave of absence without salary for up to one year to enable staff to undertake voluntary service or for other appropriate purposes.
- q) to arrange programmes of in-service training for both staff and members of the Corporation or Management.
- r) to exercise any discretionary powers available in the implementation of conditions of service in relation to all staff.
- s) 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.
- t) to sanction the payment of overtime allowances where necessary.
- u) to sanction the payment of temporary responsibility allowances in accordance with the conditions of service.
- v) to approve initial salary placing's for staff within Corporation-approved salary scales.
- w) to administer in accordance with any policy determined by the Government, LSC or the Corporation the disbursement of monies to students attending the College.
- x) to administer in accordance with any policy of the Corporation the provision of financial or other assistance to students of the College.
- y) to authorise students and make financial contributions to students to attend courses and conferences and to undertake educational visits and excursions within the UK or abroad.
- z) to authorise staff to accompany students of the College to such courses and conferences and on such visits and excursions as mentioned above.

- aa) to take appropriate disciplinary action, including temporary exclusion and permanent exclusion, against students in accordance with any policies of the Corporation.
- bb) to provide financial or other assistance to the Students' Union of the College within the terms of any scheme of establishment or policy of the Corporation.
- cc) to grant the use of College accommodation to outside bodies or persons 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.
- dd) to allocate and apportion accommodation within the College.
- ee) to arrange for any necessary alterations to College property and to enter into contracts and to incur capital expenditure for any amounts which are consistent with the budget agreed by the Corporation and provided that the alteration or adaptation does not effect any material change in the character of the College, and subject to tender procedures laid down by the Corporation.
- ff) to apply to the appropriate authority for any necessary statutory consents.
- gg) 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.
- hh) to determine and control the standard of furniture, furnishings and equipment within the College.
- ii) to grant any way leave or servitude over property of the College on such terms as may be appropriate.
- jj) to 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 on behalf of the Corporation or to authorise another to enter into such contracts for any amounts, provided that such amounts are consistent with the budget agreed by the Corporation and are within the limit of the relevant EU Procurement threshold per item or group of related items if lower and all in accordance with the College's Business Procedures.
- kk) to enter into contracts and to incur capital expenditure for any amounts, which are consistent with the budget agreed by the Corporation.
- ll) when it is judged to be in the interests of the Corporation to do so, to terminate contracts or to authorise the termination of contracts except in cases where the contracts have been specifically approved either by the Corporation or a Committee.
- mm) to provide courses requested by outside agencies and to negotiate in accordance with the approved fees policy appropriate charges which cover (as a minimum) the marginal costs of the specific/particular provision requested;
- nn) to raise funds for and apply them to any of the activities which the Corporation have power to undertake and have approved.
- oo) to sign cheques in accordance with the provisions for cheque signatories.
- pp) to monitor and manage any budgets for which he is the designated budget holder.
- qq) to take out any necessary insurances to protect the interests of the College and the Corporation.

- rr) to settle up to a maximum of £5,000 and without reference to the Corporation claims made against the Corporation 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 applies or other guidance from the EFA.
- ss) to make arrangements with insurance companies concerning the settlement of claims up to a value of £15,000.
- tt) on receipt of valid claims, to pay to members of the Corporation or co-opted members of the Corporation's Committees such allowances and expenses as the Corporation may have determined after taking cognisance of any guidance issued by the EFA.
- uu) to respond on behalf of the Corporation to consultative documents which may from time to time be sent to the College by the Government, EFA or other external agencies.
- vv) to consult on behalf of the Corporation with representatives of the EFA about the priorities contained within the College's Strategic Plan prior to its final approval by the Corporation.
- ww) to determine the dates of the College holidays and other details of the College's academic calendar.
- xx) to review the performance of members of the College senior management against predetermined targets in accordance with the policy of the Corporation.
- yy) to prepare the job descriptions and specifications of staff employed in the College and review and modify these as necessary to meet the perceived needs of the College.
- zz) to supervise, manage and deploy staff within the College.
- aaa) to determine his own pattern of annual leave within the conditions of service which apply, for the time being, to his post, subject to details being approved by the Chair of the Corporation.
- bbb) to facilitate the management of the College within the framework determined by the College's Strategic and Operational Plans, the approved budget and any other policies determined by the Corporation.
- ccc) to vire monies from expenditure heads within agreed budgets taking account of and complying with the College's financial regulations.
- ddd) to authorise standard disclosure reports from Criminal Records Bureau on relevant staff.
- eee) to sign and date the report of the Corporation of the Annual Accounts in terms of the Financial Memorandum issued by the EFA.
- fff) to accept gifts of money, other property and services on behalf of the College and (in accordance with the College's policy on the receipt of gifts) and to determine their application, or to set up a trust to hold or administer them for the purpose for which they have been established.
- ggg) to rescind, in his role of Accounting Officer, any delegation to any nominated officer.
- hhh) to commit the College to exceptional expenditure up to the value of £10,000 to ensure the smooth running of the College business. Any use of this delegated authority to be reported to and ratified by the Corporation at its next scheduled meeting.



#### **4. Items Delegated by the Principal**

- 4.1. The College's system of internal financial control is based on a framework of regular management information, administrative procedures including the segregation of duties, and a system of delegation and accountability. In particular, it includes:
  - a. comprehensive budgeting systems with an annual budget which is reviewed and agreed by the Corporation
  - b. regular reviews by the Corporation of periodic and annual financial reports which indicate financial performance against forecasts
  - c. setting targets to measure financial and other performance
  - d. clearly defined capital investment control guidelines
  - e. the adoption of formal project management disciplines where appropriate.
- 4.2. Underpinning the system of internal financial control are the College's Financial Regulations & Business Procedures. These contain multiple 'implied delegations' where specific responsibilities of or authorisation to named posts within the management structure are described. The majority of these are a consequence of the actual role of the Principal or of a function delegated to the Principal by the Corporation.
- 4.3. The Principal delegates to the Directors the power under Article 3(2)(f) to suspend or exclude students on disciplinary grounds and to implement decisions to exclude students.
- 4.4. The Principal delegates to the Directors the authority to deputise for him in his absence.

#### **OTHER MATTERS**

#### **5. Amendments to the Scheme of Delegation**

- 5.1. The Clerk, on behalf of the Corporation, will be required to keep under continuous review the provisions of this document with the intention of suggesting to the Corporation improvements/amendments to meet changed circumstances.
- 5.2. Individual members of the Corporation may wish to suggest to the Clerk improvements/amendments to this document. Points raised will be the subject of a report to the next convenient meeting of the Corporation so that a decision may be made.
- 5.3. Any amendments to the text of this document will require the approval of the Corporation unless they are covered directly or indirectly by statute in which case such changes will be acted on without delay.
- 5.4. The Clerk may be contacted as follows:-

The Clerk to the Governors, Varndean College, Surrenden Road, Brighton, BN1 6WQ

Tel: 01273 508011 Fax: 01273 542950 E-mail: lep@varndean.ac.uk

## APPENDIX 1

### **Powers and Responsibilities of the Corporation**

The matters specifically reserved to the Corporation for decision are set out in the Instrument & Articles of Government of the College. The Articles of Government also specify which functions cannot be delegated. The table in below sets out the **responsibilities** and the **delegation limitations** placed upon Corporations.

Under the College's Articles of Government the Corporation shall be responsible for:-		The Articles of Government prohibit the Corporation from delegating the following:-	
3(1)(a)	the determination and periodic review of the educational character and mission of the institution and for oversight of its activities	9(a)	the determination of the educational character and mission of the institution
3(1)(aa)	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	9(b)	The approval of the annual estimates of income and expenditure
3(1)(b)	Approving the quality strategy of the institution	9(c)	The responsibility for ensuring the solvency of the institution and the Corporation and the safeguarding of their assets.
3(1)(c)	the effective and efficient use of resources, the solvency of the institution and the Corporation and for safeguarding their assets	9(d)	The appointment of the Principal or holder of a senior post.
3(1)(d)	approving annual estimates of income and expenditure	9(e)	The appointment of the Clerk
3(1)(e)	the appointment, grading, suspension, dismissal and determination of the pay and conditions of service of the holders of senior posts and the Clerk	9(f)	The modifying or revoking of the Articles of Government.
3(1)(f)	setting a framework for the pay and conditions of service of all other staff	10(1)(a)	The consideration of the case for dismissal of the Principal, the Clerk or the holder of a senior post, other than to a committee of members of the Corporation.
	Refer to articles for all other responsibilities of Corporation, including articles 14, 16, 18, 19, 20, 21, 22, 25 and 26	10(1)(b)	The power to determine in connection with the dismissal of the Principal, the Clerk or the holder of a senior post, other than to a committee of members of the Corporation

## **APPENDIX 2**

### **Powers and Responsibilities of the Principal**

Subject to the responsibilities of the Corporation, Article 3(2) sets out the responsibilities and the delegation limitations (article 11) placed upon the Principal as the Chief Executive as follows:

- (a) making proposals to the Corporation about the educational character and mission of the institution, and for 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) maintaining student discipline and, within the rules and procedures provided for within these Articles, suspending or expelling students on disciplinary grounds, and implementing decisions to expel students for academic reasons.

Under Article 11, the Principal may delegate to the holder of any other senior post or any member of the College Executive Team any functions that are necessary to enable the responsibilities of the Principal to be discharged properly, other than:

- (a) the management of budget and resources
- (b) any functions that have been delegated to the Principal by the Corporation.

## APPENDIX 3

### Financial Memorandum

The EFA's Financial Memorandum sets out the above responsibilities and some additional points for the purpose of regulating its relationship with colleges in financial and related matters and specifies the **terms and conditions** on which public funds will be paid by the EFA to the College. The general elements in Part 1 of the Financial Memorandum, which are in addition to those listed above, or are an expansion of them, are outlined in the following table. Part 2 of the Financial Memorandum contains specific conditions that might apply to a college and is the subject of individual notification each year.

The Financial Memorandum states that:-

- the Corporation should require the Principal to take personal responsibility, which may not be delegated, to assure it that there is compliance with the financial memorandum.
- the Clerk should intervene when the Clerk considers that the Corporation is acting inappropriately or beyond its powers.
- with regard to Land and Buildings, the College should manage and develop its property with regard to guidance issued from time to time by the EFA on property procedures, including strategic property management, option and investment appraisal, the affordability of the project and private finance. The College must seek independent professional advice when disposing of land and buildings.
- The College must obtain the EFA's consent for capital transactions where the total cost or proceeds exceed £1.5m or 5% of the College's annual revenue, whichever is the lesser. Where the transaction is a disposal or renting or leasing of property to a third person, the College must seek to secure the best obtainable value for money.
- with regard to Borrowing, the College must obtain the EFA's prior written consent for any secured or unsecured borrowing proposal. The EFA has given a general consent for unsecured borrowing of up to 5% of the College's total annual income and for secured borrowing up to a cumulative maximum of 5% of the College's total annual income in order to finance the construction, refurbishment or purchase of land and buildings provided that only the land and buildings so purchased or constructed are offered as security.
- with regard to Financial Reporting, the College is required to notify the EFA in writing if at any time there is a significant deterioration in its financial position. The College may be required to put in place a plan that will secure a recovery to a satisfactory financial position. The College must ensure that it has an effective policy of risk management,

In addition, the Financial Memorandum contains a number of detailed requirements relating to the allocation of funds, audit, contingent liabilities, procurement and contracting, payments to employees on termination of employment, the provision of information and the imposition by the EFA of penalties where a Corporation fails to comply with any of the conditions of funding.