



University of the
Highlands and Islands
Argyll College

BOARD SCHEME OF DELEGATION FOR ARGYLL COLLEGE UHI LTD

Policy Number:	AC035
Revision Number:	3
Status:	Approved
Date of Approval:	24 June 2013
Responsibility for Policy:	The Board of Governors
Responsibility for Review:	Board Secretary
Date of Last Review:	11 May 2020
Date of Last Revision:	24 June 2013
Date of Next Review:	May 2023
Date of Equality Impact Assessment:	24 March 2017

1. Introduction

The Scheme specifies the functions which are reserved and delegated by the Board of Governors ('the Board')

All delegations must be exercised in accordance with the law and having regard to any lawful direction or guidance subsequently issued by Scottish Ministers or the Scottish Funding Council. In accordance with paragraph C5 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.

Delegations are generally dealt with in 4 sections:

- Delegation to the Chair of the Board of Governors
- Delegation to Committees of the Board of Governors
- Delegation to the Principal and Chief Executive
- Delegation to the Board Secretary.

2. Review

The Scheme of Delegation will be reviewed by the Board every 3 years, and earlier if considered necessary by the Board of Governors and/or to come into line with new guidance or Financial Memoranda. Any amendments must be approved by the Board.

3. Authority reserved to the Board of Governors

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

- Determining the objectives of the Board of Governors;
- Final approval of the College contribution to the Regional Outcome Agreement and the College's Strategic Plan;
- Final approval of the year end Annual Accounts and Financial Statements;
- Final consideration of the Annual Audit Report;
- ✓ Approval of financial forecasts prior to submission to the Scottish Funding Council;
- Borrowing money and granting securities, or giving guarantees or indemnities in connection with such borrowing;
- The acquisition and disposal of heritable property;
- The appointment and re-appointment of Board Members
- ✓ The appointment and removal of Board Secretary;
- The Removal from office of Board members;
- The appointment and removal of the Principal;
- Any functions, the exercise of which is clearly reserved to the Board in terms of any direction by legislation or the Scottish Funding Council;
- The making, amendment and revocation of the Articles of Association of Argyll College UHI Ltd.

3.2 The Principal, as Chief Executive of the College, is responsible for the operational management of the College subject to strategic direction by the Board.

4. Delegation to the Chair of the Board of Governors

The Chair of the Board is authorised:

- 4.1 exercise judgement in the event of a need for an urgent decision during the period between Board meetings, such that:
 - 4.1.1 an extraordinary Board meeting is called in the case of material decisions;
 - 4.1.2 a proposal is circulated by email (in accordance with the Standing Orders and Articles of Association) and the decision is homologated at the next Board meeting;
 - 4.1.3 to make the required decision, subject to homologation at the next Board meeting.
- 4.2 After approval by the Board of Governors, to sign and date the College's Annual Financial Statements, prior to their submission to Companies House;
- 4.3 To monitor and review the Principal's performance and development annually, against performance measures agreed by the Board;
- 4.4 To ensure that each Board member participates in an annual development meeting facilitated by Chair or Vice Chair;
- 4.5 To monitor and review the Board Secretary's performance annually, against performance measures agreed by the Board;
- 4.6 To consider the role of the Board in circumstances where the performance of the Principal or Board Secretary falls short of expectations. It is recommended that professional advice is sought in such circumstances;
- 4.7 To represent the Board within the college and externally.

5. Delegation to Committees of the Board of Governors

- 5.1 Each Committee of the Board is delegated all functions relative to:
 - the respective terms of reference of those Committees, which must be approved by the Board;
 - any minute of the Board making a special delegation to a Committee.
- 5.2 Each Committee may exercise and perform on behalf of and in the name of the Board all of the powers and duties of the Board in relation to the functions so delegated.
- 5.3 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 issues where requested to do so.

6. 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 direction by the Board and the terms of any specific authority reserved to the Board.

The Principal has delegated authority for

6.1 General management

- direct the College's operations and facilitate the management of the College within the framework determined by the College Strategic Plan and Regional Outcome Agreement the approved budget and any other policies determined by the Board;
- authorised to take such measures as may be required in emergencies and matters of urgency subject to advising the Chair of the Board and subsequently reporting to the appropriate Committee or to the Board as soon as possible thereafter any items for which approval of the Committee or Board would normally be necessary.
- consult on behalf of the Board with representatives from key local organisations about the priorities contained within the College's Strategic Plan and Regional Outcome Agreement prior to final approval by the Board.
- respond on behalf of the Board to consultative documents that may be sent to the College by the Scottish Government, the Scottish Funding Council or other external agencies.
- 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.
- 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.
- appoint a senior member of staff to deputise for the Principal during periods of planned absence.

6.2 Staff management

- 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;
- consult and negotiate with staff or their appropriate representatives using the most appropriate method on behalf of the Board;
- 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;
- supervise, manage and deploy staff within the College and arrange appropriate induction and training for College staff;

- 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;
- represent the Board in negotiating and implementing conditions of service in relation to relevant College staff;
- 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;
- 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;
- establish any other procedures required for the orderly management of College staff.

6.3 Student Management

- arrange for the provision of appropriate curriculum and support services for students and clients;
- 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;
- administer, in accordance with any policy of the Board, the provision of financial or other assistance to students of the College;
- 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;
- 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;
- take appropriate disciplinary action, including exclusion, against students in accordance with any policies of the Board;
- provide financial or other assistance to the Students' Association within the terms approved by the Board.

6.4 Financial, contractual and procurement:

- 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;
- enter into and negotiate contracts and other binding arrangements for the supply of goods and services to the College on behalf of the Board all in accordance with the College's Contract and EU Procurement Procedures;
- terminate contracts, when it is in the best interests of the College to do so;
- check the financial standing of potential contractors;
- incur individual items of capital expenditure up to an amount of £25,000;

- settle up to a maximum of £10,000 and without reference to the Board claims made against the Board 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 SFC;
- make arrangements with insurance companies concerning the settlement of claims up to a value of £50,000;
- Sign for and on behalf of the Board, European Social Fund and other Public Authority Support Certificates;
- Write off bad debts due to the College up to the value of £5,000;
- On receipt of valid claims, to pay to members of the Board or co-opted members of the Board's Committees such allowances and expenses as the Board may have determined after taking cognisance of guidance issued by the SFC.

7. Delegations to the College Board Secretary

The Board Secretary has delegated authority to:

- keep proper records and minutes of all College Board and Committee proceedings and to prepare agendas, draft minutes and agreed minutes of all meetings of the Board and Committees;
- undertake appropriate actions to ensure that the Board is sufficiently informed of its obligations as defined in its terms and conditions of grant, the Code of Good Governance the Standing Orders and Articles of Association;
- administer staff elections to the Board and act as returning officer;
- maintain the Register of Interests of Board members.