

**THIS DOCUMENT REQUIRES TO BE NEXT REVIEWED, ALL OTHER CIRCUMSTANCES
BEING EQUAL, IN JUNE 2010**

JOHN WHEATLEY COLLEGE

SCHEME OF DELEGATION

(last amended May 2009)

1 INTRODUCTION

This scheme specifies the functions which are delegated by the Board of Management in terms of Section 12 (4) of the Further and Higher Education (Scotland) Act 1992 and the Further and Higher Education (Scotland) Act 2005. Its delegations will also be exercised within the terms set out by the Financial Memorandum which currently applies to Scotland's Colleges.

All delegations must be exercised in accordance with the law and having regard to any lawful direction and or guidance subsequently issued by the Scottish Funding Council (SFC).

The delegations are dealt with in five main sections:

- i) delegation to the Chair of the Board of Management;
- ii) delegation to the Chair of the Remuneration Committee;
- iii) delegations to Committees of the Board of Management;
- iv) delegation to the Clerk to the Board; and
- v) delegations to members of College staff (including the Principal).

It is a rule of law that a delegate cannot further delegate without formal authorisation and so only the Committee or the person or the holders of the posts specifically named in this scheme may exercise the function delegated to them. They may not of their own volition delegate the exercise of a function to another. In consideration whether to exercise a particular delegation, a delegacy may seek advice from a more senior authority. However, he/she is ultimately responsible for exercising such delegation.

2 COMPLIANCE

Compliance with the Scheme of Delegation is mandatory. Breaches of the Scheme may lead to sanctions being imposed, including the suspension of delegations and possible disciplinary sanctions (for staff members) and reference of Board members to the Standards Commission..

All breaches must be reported to the Principal (via the Secretary to the Board) or the College's Internal Auditors (if the incident relates to the action of the Principal) who will bring such breaches to the attention of the Board of Management and, if appropriate, to that of the College's External Auditors.

3 REVIEW

The Scheme of Delegation shall be revised at least every two years, with the next scheduled review being June 2010. This shall not preclude a review being conducted before such time, should it be considered necessary by the Board of Management, or to bring the Scheme of Delegation into line with Financial Memoranda which may be issued from time to time by the SFC.

4 SCHEME OF DELEGATION

Authority reserved to the Board of Management

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

- 4.1 determining the objectives of the Board of Management;
- 4.2 matters of new policy or variation of existing policy;
- 4.3 borrowing money (other than overdraft facilities arranged within Financial Regulations) and, in connection with such borrowing, granting securities or giving guarantees or indemnities. Any such borrowing, granting securities or indemnities must comply with Section 12.7(a) of the Further and Higher Education (Scotland) Act 1992 and the Further and Higher Education (Scotland) Act 2005 (or subsequent legislation) and specific advice on these matters from SFC;
- 4.4 any functions the exercise of which is clearly reserved to the Board of Management in terms of any direction by the SFC;
- 4.5 the final approval of the Annual Estimates of:
 - 4.5.1 revenue and expenditure; and
 - 4.5.2 capital expenditure for work authorised by the Board;
- 4.6 the final approval of the College's Corporate Plan (which constitutes the Board's Development Plan with the terms of the 1992 Act);
- 4.7 the designation of the College's Chief Executive Officer (who shall normally be the Principal);
- 4.8 the approval of the Board's Annual Audit Report prior to its submission to the SFC;
- 4.9 the approval of the Board's Annual Quality Report prior to its submission to the SFC;
- 4.10 the disposal of heritable property within the Procedure Notes for the Disposal of Exchequer-funded Assets and the Retention of Proceeds by FE Colleges;
- 4.11 the appointment of Board members (including the appointment of co-opted members up to a total of six at any time) and the appointment of members and co-opted members to Standing Committees;
- 4.12 the removal of Board members from office prior to the termination of their period of appointment;

- 4.13 the ratification of the appointment of the Principal and of the Clerk to the Board;
- 4.14 delegation of functions of the Board of Management;
- 4.15 the annual review and approval of the College's Health and Safety Policy;
- 4.16 any of the activities which the Board of Management have power to carry on within the terms of both the primary and secondary legislation which applies to the College;
- 4.17 the recognition of Trades Unions, Professional Associations and other Staff Associations operating within the College for the purposes of both formal consultation and negotiation;
- 4.18 the making, amendment and revocation of Articles of Government (including standing orders, election rules and this delegation scheme).
- 4.19 the establishment of any subsidiary company of the College (set up within the Companies Acts). The Board shall also agree the winding-up of any such Company; and
- 4.20 the College's membership, with others, of any company (established under the terms of the Companies Acts).

The Principal, as Chief Executive and Accountable Officer of the College, shall be responsible for the operational management of the College subject to policy and strategic direction by the Board of Management.

SECTION I

Delegation to the Chair of the Board

The Chair of the Board of Management is authorised:

- a) in the absence of the both Principal and the Depute Principal to take such measures as may be required **in emergencies** to enable the College to carry on its business subject to obtaining agreement from the Board's Vice Chair (and, if possible, consulting the Clerk to the Board). He/she shall also require to report such instances to the appropriate committees 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 (in the Principal's absence the Depute Principal is normally responsible for the operational management of the College);
- b) to undertake visits within the UK, within previously agreed budgetary limits, in the furtherance of the duties of the office of Chair of the Board of Management;
- c) to incur expenditure to meet the expenses of the office of Chair of the Board and the provision of reasonable hospitality to representatives of other colleges, organisations or agencies to a maximum of £750 per financial year;
- d) to initiate investigations within the College's disciplinary policies against the Principal or other members of the Strategic Management Team or to grant administrative leave to the Principal or other member of the Strategic Management Team (with pay) to enable investigations into the concerns to be conducted and which may subsequently result in disciplinary action being taken against the Principal or member of the Strategic Management Team (such actions will take place within the Board's policy in this respect);
- e) to attend all meetings of Committees of the Board of Management as an ex officio member (except those of the Audit Committee);
- f) to appraise, in conjunction with the Vice Chair, the performance of the College Principal and, in conjunction with the Principal, that of the Depute Principal against annual targets once during each academic year and within this context to agree, in conjunction with the Chair of the Remuneration Committee, the payment of any performance – related pay made as a consequence of that appraisal process.;
- g) to sign all approved Minutes of the Board of Management;
- h) to sign the College's Annual Report and Financial Statements on the College's behalf prior to their submission to the SFC;
- i) authorise the submission of the Board's Strategic Plan prior to the SFC.
- j) to represent the College on the Chairs' Forum of the ASC (the Association of Scotland's Colleges or other similar succession body);
- k) to authorise the Principal to make visits outwith the UK on College or College-related business (such authorisation should subsequently be reported, for information, to the Board's Executive Committee);

- l) to approve and authorise leave on compassionate grounds to the Principal and to agree to the payment of out-of-pocket expenses (other than those incurred in respect of travelling) to the Principal; and
- m) to consider, on the College's behalf, the Risk Management Strategy on an annual basis.

The Chair is also required to nominate, after a period of four weeks continuous absence, a deputy Accountable Officer (normally the Depute Principal) to discharge this role in the Principal's absence (such action should, be brought to the attention of the SFC by Recorded Delivery letter, and to the attention of the remainder of the Board of Management and the Clerk to the Board at the earliest practicable time).

In the event of further prolonged absence of the Principal the entire Board shall (in a special meeting called for this purpose) be required to invest the delegations ascribed to the Principal in this document to the Depute Principal and/or other members of the Strategic Management Team until such time as the Principal is capable of discharging fully his/her functions as , Chief Executive and Academic Leader of the College.

The Chair shall also initiate the search for the replacement of the Principal (and Accountable Officer) in the event of he/she demitting office for whatever reason. This shall normally be done within the Board's Appointment of Procedure related to the Post of Principal.

SECTION II

Delegation to Chair of Remuneration Committee

The Chair of the Remuneration Committee is authorised to:

- a) participate (with the Chair of the Board) in the appraisal of the Principal (within procedures laid down by the College in this respect);
- b) agree, in conjunction with the Chair of the Board, the payment of any performance-related pay made as a consequence of the appraisal of the Principal and the Depute Principal; and
- c) agree, in conjunction with the Chair of the Board, any retirement package which might be made to the Principal.

SECTION III

Delegations to Committees of the Board of Management

General delegations to Committees.

There is delegated to each committee of the Board of Management all the functions relative to:

- i) the respective terms of reference of those Committees;
- ii) any Minutes of the Board making a special delegation to a Committee; and
- iii) the establishment of an Ad Hoc Committee to discharge a specific function on the Board's behalf (within the terms which apply to that Committee).

Each Committee may exercise and perform on behalf of and in the name of the Board all of the authority, powers and duties of the Board in relation to the functions so delegated.

The Chair of each committee is authorised to sign approved minutes of their committees on behalf of the Board of Management.

Delegations to Particular Committees

Executive Committee

The Executive Committee is authorised to act on behalf of the Board and its Standing Committees (including Ad Hoc Committees) between cycles of both the Board and its Standing Committees. This will include the exercise of all delegations made to those Committees (the Chair must, however, first reasonably satisfy himself/herself that the exercise of this authority is legitimate and that the matter(s) under consideration are sufficiently urgent to be taken outwith normal scheduled cycles. He/she shall seek the advice of the Clerk to the Board if he/she has any doubt about the appropriateness of such a decision).

The Executive Committee shall also discharge duties in respect of the establishment of the

Remuneration of the College's Strategic Management Team and other members of staff. It shall also authorise the payment of any other gratuities made to senior staff or Members of the Board (recalling that there may be personal conflicts of interest in such decisions). It shall, in this capacity, agree to annual offers in respect of the remuneration made to all staff. It shall also agree any changes to the remuneration made to staff and associated changes in conditions agreed as a consequence of local collective bargaining. When acting as the College's Remuneration Committee the Executive Committee shall be Chaired by the Vice Chair of the Board of management.

It shall also act as a Selection Panel to recommend full and co-opted individuals to be appointed to the Board as Members (the Principal shall not take part in the decision making processes linked to the selection of individuals to be recommended for membership of the Board. He/She may provide any information to candidates about their role and that of the College). It shall also recommend to the Board the individual who will act as Clerk to the Board (the Principal shall not normally take part in such a decision although he/she may act as an adviser).

The Executive Committee (acting as the Board's Selection Committee) shall appoint members of the College's Strategic/Senior Management Team (SMT) on behalf of the Board of Management.

For the purposes of the Scheme of Delegation the SMT shall comprise:

- Assistant Principal posts;
- the post of Chief Finance Officer;
- the Depute Principal; and
- the Principal.

The Principal is authorised (as a full member of the Executive Committee) to participate in all appointments to be made to the college's SMT. However, he (she) shall not be involved in the selection of a successor to his (her) own post (other than to meet the limited and defined requirements laid out in the College's selection procedures). Furthermore no other member of the College's staff shall participate in the selecting of the College's Principal.

The Depute Principal shall normally be invited by the Chair to attend the selection of staff in the SMT for whom he (she) will have a direct line management responsibility.

The Executive Committee shall have delegated authority to make appointments of all grades of staff involved in the College's SMT (including that of the Principal).

This delegation shall be conducted within the provision of the College's selection procedures and, in the case of the Principal, within the procedures specifically established for this purpose at the Board of Management meeting held on 23 May, 2006

Academic and General Purposes Committee

The Academic and General Purposes Committee shall offer the College guidance on issues related to its development of its Academic Programmes.

It shall review, on behalf of the Board, the work of the College's Academic Board (it will, in this case, receive routinely the minutes of the Academic Board for information and for comment).

It shall offer guidance to the College about the use of funds allocated to promote student welfare (this shall include advice to the Board about the annual allocation made to the Students' Association to allow it to carry out its functions).

It shall monitor the College's use of funds specifically provided for student financial support and to address issues of financial hardship.

It shall review the provision made by the College's student support services (including guidance, library and marketing).

The Academic and General Purposes Committee shall be responsible for the following:

- a) receive and consider the minutes of the Academic Board on behalf of the Board of Management;
- b) review the self-evaluation reports and future operational plans of key student support services (such as guidance, library and marketing);
- c) to consider the College's quality statements and associated quality enhancement processes (prior to their reference to the Board of Management) within the SFC/HMIE Quality Framework (which applies to colleges);
- d) the provision of guidance to the Board on the Students' Association's annual budget;
- e) the strategic policies related to the College's Access and other welfare-related Funds and trusts which promote student welfare;
- f) the provision of student services provided by the College (including induction, guidance and learning support);
- g) the review, on behalf of the Board of Management, of School Academic Plans and to receive regular reports on the progress made against the targets contained in these plans; and
- h) any other matter related to the welfare of the College's student body which may be referred to it by the Board of Management.

Personnel and Staffing Committee

The Personnel and Staffing Committee shall review, on the Board's behalf, the activities of the College's Health and Safety Committee and its Joint Consultative Committee (JCC).

It shall offer guidance to the College on its recruitment and staff selection policies and related procedures.

It shall normally review all Personnel related policies (or revision of such policies) prior to their consideration at the Board of Management.

It shall offer advice to the Board on issues related to trades union recognition.

It shall monitor the College's absence management on behalf of the Board. In addition it will receive periodic reports on the College's compliance with Equality Legislation.

Its members may be required to assist in the appointment of members of the College's Operational Management Team. In addition they may also be required to serve on ad hoc appeals committees related to the College's disciplinary code and procedures.

The Personnel and Staffing Committee shall be responsible for the following:

- a) the establishment of recruitment policies and selection procedures for both academic and non-academic staff;
- b) to recommend to the Board the recognition of Trades Unions and professional associations operating within the College;

- c) strategic matters associated with the discharge of the College's personnel function not specifically delegated to the College Management Team;
- d) consider the deliberations of the College's Joint Consultative and Negotiating Committees;
- e) the receipt of periodic progress reports in respect of the College's personnel policies and strategic priorities;
- f) monitoring adherence to the College's Health and Safety Policy and receiving minutes of the College's Health and Safety Committee and of its Risk Management Group;
- g) monitoring the College's progress in the implementation of its Race equality Policy and its Race Equality action plan and similar provision made for those with disabilities;
- h) the consideration of reports on training and staff development as appropriate;
- i) appoint members of the College's Operational Management Team; and
- j) any other appropriate matters referred to it by the Board of Management.

Capital and ICT Committee (Information and Communication Technology)

The Committee shall consider and agree priorities within the College's Estates Development Plan.

It shall offer advice to the Board of Management on the College's ICT Strategy and policies related to the security of its operation of management information and related systems.

It shall also provide guidance to the College on its planned maintenance programmes and advice to the Board on its future capital investment priorities (including detailed scrutiny, before consideration at the Board, of the College's Estates Strategy). This might include advice needed to frame future budget planning exercises.

The remit of the Committee shall be the:

- a) provision of advice to the Board of Management on the future priorities of its Estates Strategy;
- b) monitoring of the implementation of the Board's Estates Strategy and related Operational Plans;
- c) management of major capital projects (in excess of £1m) on behalf of the Board within SFC guidance in this respect (if the Board does not establish, for this purpose, an Ad Hoc Project Management Group);
- d) monitoring of the implementation of ICT Strategy and for its periodic review;
- e) monitoring of facilities management, estates and security functions (within the College's overall value-for-money priorities); and

- f) review general developments within the ICT / Educational Technologies fields to maintain the College's innovative approaches in both teaching and learning.

Financial Control Committee

The Committee can approve, on the Board's behalf, the submission of regular monitory data on financial management to the SFC and other funding bodies.

The Committee can approve virement proposed by the College's Management which is outwith their delegated authority.

The Committee is empowered to appoint banks to act on behalf of the College and initiate value-for-money studies on behalf of the Board.

The Committee may review the College's financial Regulations and Accounting Policies prior to their consideration at the Board.

It may also write-off bad debts which exceed the delegation made to the Principal. In addition it may also authorise the College to obtain overdraft facilities to meet temporary exigencies which the College may face.

The remit of the Financial Control Committee is to:

- a) make recommendations to the Board of Management about financial and other resource allocations within the College's budget;
- b) approve virement proposed by the College's Management Team which lie outwith its delegated authority;
- c) monitor the College's cash flow, expenditure and income against the budget determined and approved by the Board of Management;
- d) comment on the efficiency, effectiveness and value for money of College expenditure;
- e) monitor capital expenditure approved by the Board of Management;
- f) prioritise the allocation of any capital project or of any capital budget received from the SFEFC in line with key objectives of the College's estates development plan taking cognisance of advice received from Capital and ICT Committee; and
- g) refer any matters of concern to the College's Audit Committee or External Auditors.

Audit Committee

The Committee shall recommend to the Board of Management the appointment of Internal Auditors (normally after competitive tendering exercises which should be held every three years). It shall also have the authority to terminate such an appointment if Members are not satisfied with the quality or the value-for-money of the services provided.

The Committee shall also determine the priorities in the Board's Annual Audit Plan and establish longer-term strategic audit objectives (within the terms of the SFC's Code of Audit Practice).

The Committee shall work with the Audit Guidance which is from time-to-time published by the

SFC.

The Chair shall also draft the Board's Annual Audit Report for the consideration of Members of the Committee and the Board.

The main duties of the Audit Committee are as follows:

a) Internal Control

The Committee shall in this respect be responsible for:

- reviewing and advising the Board of Management of the Internal Audit Service's (IAS's) and the External Auditor's assessment of the effectiveness of the College's financial and other internal control systems, including controls specifically to prevent or to detect fraud or other irregularities as well as those for securing economy, efficiency and effectiveness; and
- reviewing and advising the Board of Management on its compliance with corporate governance requirements and good practice guidance.

b) Internal Audit

The Committee shall in this respect be responsible for:

- advising the Board of Management on the selection, appointment or reappointment and remuneration, or removal of the IAS provider where the service is contracted-out. The responsibility regarding the appointment of a contracted-out provider shall be reserved to the Board;
- advising the Board of Management on the Terms of Reference for the IAS;
- reviewing the scope, efficiency and effectiveness of the work of Internal Audit, considering the adequacy of the resourcing of Internal Audit and advising the Board of Management on these matters;
- advising the Board of Management of the Audit Committee's approval of the basis for the results of the Internal Audit Needs Assessment and the strategic and operational planning processes;
- approving the criteria for grading recommendations in assignment reports as proposed by the Head of IAS;
- reviewing the IAS's monitoring of management action on the implementation of agreed recommendations reported in Internal Audit assignment reports and internal audit reports;
- considering salient issues arising from Internal Audit assignment reports, progress reports, annual reports and management's response thereto and informing the Board of Management thereof;
- informing the Board of Management of the Audit Committee's approval of the Internal Audit Service's annual report;

- ensuring establishment of appropriate performance measures and indicators to monitor the effectiveness of the IAS;
- securing and monitoring appropriate liaison and coordination between Internal and External Audit;
- ensuring good communication between the Committee and the Head of IAS; and
- responding appropriately to notification of fraud or other improprieties received from the Head of IAS or other persons.

The relationship between the College and its Internal Auditors shall be regulated by the protocol attached as an annex to this document.

c) External Audit

The College's External Auditors shall be appointed by Audit Scotland.

The Committee shall in this respect be responsible for:

- considering the College's annual financial statements and the External Auditor's report prior to submission to the Board of Management by the Financial Control Committee;
- reviewing the External Auditor's annual Management Letter and monitoring management action on the implementation of the agreed recommendations contained therein;
- advising the Board of Management of salient issues arising from the External Auditor's Management Letter and any other external audit reports and of management's response thereto;
- reviewing the statement of corporate governance;
- establishing appropriate performance measures and indicators to monitor the effectiveness of the External Audit provision;
- reviewing the External Audit Strategy and Plan;
- holding discussions with External Auditors and ensuring their attendance at Audit Committee and Board of Management meetings as required;
- considering the objectives and scope of any non-statutory audit work undertaken or to be undertaken, by the External Auditor's firm and advising the Board of Management of any potential conflict of interest; and
- securing appropriate liaison and coordination between External and Internal Audit.

d) Value-for-Money

The Committee shall in this respect be responsible for:

- establishing and overseeing a review process for evaluating the effectiveness of the College's arrangements for securing the economical, efficient and effective management of the college's resources and the promotion of best practice and protocols and reporting to the Board of Management thereon;
- advising the Board of Management on potential topics for inclusion in a programme of value for money reviews and providing a view on the party most appropriate to undertake individual assignments considering the required expertise and experience; and
- advising the Board of Management of action that it may wish to consider in the light of national value for money studies in the further education sector.

e) Advice to the Board of Management

The Committee shall in this respect be responsible for:

- reviewing the College's compliance with the Code of Audit Practice and advising the Board of Management on this;
- producing an annual report for the Board of Management;
- advising the Board of Management of significant, relevant reports from the Council and NAO and successor bodies and, where appropriate, management's response thereto;
- reviewing reported cases of impropriety to establish whether they have been appropriately handled; and
- referring aspects of the Internal Auditor's reports to appropriate standing committees of the Board for their information.

f) Public Interest Disclosure Issues

The Committee in this respect shall be responsible for:

- receiving and considering any reports by auditors within the Board's Public Interest Disclosure Policy initiated by the Clerk to the Board; and
- referring Public Interest Disclosure Reports, if appropriate, to the Board.

Project Management Group

The Group is authorised to manage, monitor and evaluate the progress of any New Build Project within the agreed resource allocations made for this purpose. Normally such projects would exceed a gross value of £5 million.

SECTION IV

Delegation to the Clerk to the Board

The Clerk to the Board shall discharge the functions outlined and defined in the College's Public Interest Disclosure Policy, Discipline and Appeals Procedure and Commendations and Complaints Procedure.

He/she shall also be able proactively to provide advice to Members including the Chair, Chairs of Standing Committees and the Principal.

SECTION V

Delegations to Members of Staff

The functions listed here are delegated to the Principal (unless otherwise clearly stated) and may also be exercised by the member of staff listed in brackets. In exercising any delegated function the authorised member of staff will take account of any appropriate practice or procedure, and of any managerial instruction and of any similar consideration.

Qualifications of delegations

The delegation to members of staff are subject always to: -

- a) the legislative framework within which the college operates;
- b) compliance with guidance (in particular the Financial Memorandum and the Annual Letter of Grant Award) from the Scottish Funding Council (SFC) and from the Scottish Government;
- c) the Constitution and other Articles of Government of the Board of Management (at present Schedule 2 of the Further and Higher Education [Scotland] Act 1992) and of all policies of the Board from time-to-time in force;
- d) the College's current Financial Regulations and its Accounting Policies;
- e) guidance provided by the Office of the Scottish Charities Regulator (OSCR) in respect of the College's role as a Scottish Charity;
- f) appropriate financial provision for the outlays having been made by the Board for the current year;
- g) the availability of funding and other resources and there being a demonstrable need for expenditure to be incurred to enable the College to comply with guidance given by the Board in the Strategic Plan and specific targets outlined in related current Operational Plan;
- h) the right of a member of staff to whom authority has been delegated to consult with the Principal or other appropriate members of the Strategic Management Team (SMT) on any matter even though it has been specially delegated to him or her; and
- i) the exclusion from delegations to members of staff of authority to deal with transactions (other than provision of a service to students of the College or other customers of the College generally approved by the Board under a scheme or otherwise) which directly involve a member of the Board or a member of staff of the College or a person known to be connected to such a member. In any such case a report on the proposed transaction shall be submitted to the appropriate Committee or to the Board for consideration and determination. A person who is connected with a member of the Board or a member of staff in the circumstances set out in Standing Order 34 for the regulation of meetings and proceedings of the Board is required to withdraw from a meeting of members with a material interest.

All delegations are made within the terms laid down in Paragraph 1, 'Introduction' and Paragraph 2, 'Compliance'.

THE PRINCIPAL AND OTHER MEMBERS OF STAFF

The Principal is authorised:

- 1 to take such measures as may be required in emergencies subject to advising the Chair of the Board and the Clerk to the Board, where possible, and subsequently reporting to the appropriate Committee or to the Board as soon as possible thereafter on any items for which approval of the Committee or Board would normally be necessary [Depute Principal when Principal is absent];
- 2 to absent him or herself or to permit any member of staff of the College to absent him or herself occasionally and temporarily during business hours to attend to duties or services of a civic, honorary, charitable or social nature provided that they do not interfere with the efficient or effective discharge of his or her duties to the Board. Similarly he or she may permit a member of the College's staff to absent themselves for compassionate reasons. This shall be either with or without salary (on the Principal's discretion) [Depute Principal in Principal's absence];
- 3 if he or she considers it would be in the interests of the College or Board to do so, to approve the provision of reasonable hospitality to representatives of other colleges, organisations, members of staff of the College or others [Depute Principal and Assistant Principal];
- 4 within the United Kingdom, to make visits (his/her visits outwith the UK shall require the agreement of the Chair or the Executive Committee) and to authorise members of staff of the College to make visits as representatives of the College (visits outwith the UK shall require the agreement of the Chair, at short notice, or more normally the Executive Committee) [Depute Principal in the Principal's absence];
- 5 to give direction, in special circumstances which he/she shall determine, that any member of staff shall not exercise a delegated function;
- 6 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 also in the interests of the College to do so. He may also terminate membership of such bodies if membership is no longer deemed to be, in his/her opinion, in the best interests of the College;;
- 7 to sign all deeds and other documents binding the Board for all purposes to which paragraph 20 of Schedule 2 to the 1992 Act applies [Depute Principal in Principal's absence];
- 8 to keep proper records and Minutes of the Board's proceedings [Secretary to the Board];
- 9 to make available, for inspection at the College, copies of the Agenda, draft Minutes and agreed Minutes of any meeting of the Board or any Committee and also of any report or other document considered by such a meeting [Secretary to the Board];
- 10 to issue press releases for publication and broadcasting on behalf of the College [Depute Principal in the Principal's absence];
- 11 to authorise the commercial publication of any document on behalf of the College;
- 12 to authorise the appointment of staff of the College, within the agreed budget approved by the Board, in circumstances where the power to appoint has not been delegated to a Committee or is not reserved to the Board [Depute Principal in Principal's absence];

- 13 to determine an appropriate academic and support staff structure for the College consistent with the conditions of employment which currently apply after consultation and (if appropriate) negotiation with representatives of recognised trades unions and professional associations and budgetary provision made by the Board [Depute Principal in the Principal's long-term absence or as a response to his/her formal direction];
- 14 to consult and to negotiate with representatives of recognised trades union and professional associations on behalf of the Board of Management [Depute Principal in the Principal's long-term absence or as a response to his/her formal direction];
- 15 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 Board and to make staff redundant (or to terminate their contracts) [other nominated members of staff in accordance with the College's Disciplinary Procedures and its Redundancy and Dismissal Policy];
- 16 to engage the services of outside persons, consultants, firms or organisations when it is necessary to carry out the functions of the Board in cases where the authority to engage such services is not delegated to a Committee or is not reserved to the Board;
- 17 to deem an employee to be in breach of contract and to take appropriate action against such an individual within the College's policies;
- 18 to consider and to grant appropriate leave of absence with (or without) salary to enable staff to undertake work experience, approved courses or to attend approved meetings or conferences (if such a period of absence is deemed to be in the College's interests);
- 19 to grant leave of absence without salary for up to one year to enable staff to undertake lifelong learning, voluntary service or for other appropriate purposes which assist the College's interests in his or her view;
- 20 to approve requests for leave of absence of up to three weeks for College staff (with or without pay) when he or she considers such action would be in the general interests of the College;
- 21 to arrange programmes of in-service training and professional development for both staff and members of the Board of Management [Assistant Principal];
- 22 to exercise any discretionary powers available in the implementation of contractual conditions of service in relation to all staff [Depute Principal and Assistant Principal];
- 23 to approve the secondment of staff of the College to external agencies where the marginal cost for the secondment is recoverable and to approve the appointment, where necessary, of a temporary replacement for the duration of the secondment. He/she shall also be able to second staff if their remuneration is not recoverable if he/she considers it to be in the interests of the College or learners;
- 24 to sanction the payment of overtime allowances in exceptional circumstances above the salary level at which the Board have determined the normal entitlement to overtime will cease [Depute Principal];
- 25 to sanction the payment of temporary responsibility allowances (for a period of up to a year) in accordance with the conditions of service;
- 26 to approve initial salary placing for staff within approved salary scales [Depute Principal and Human Resources Manager];

- 27 to administer, in accordance with any policy determined by the Scottish Government or the SFC or the Board, the disbursement of monies to students attending the College [Depute Principal and Assistant Principal];
- 28 to administer, in accordance with any policy of the Board and other regulating body, the provision of financial or other assistance to students of the College [Depute Principal and Assistant Principal];
- 29 *to authorise the payment of bursaries (and other financial support) to students during periods in which the College might be closed for a medical or other emergency [Principal];*
- 30 to set and amend as necessary the level of the tuition fees, examination expenses, maintenance and contribution scales for all courses and services offered by the College taking cognisance of periodic guidance issued on such matters by the Scottish Government, the Scottish Funding Council or the Association of Scottish Colleges (or its successor body). In addition the Principal shall have the authority to waive or grant remission of fees and expenses in special cases within guidelines set by the Board or which contribute to the achievement of the College's strategic priorities;
- 31 to authorise students and make financial contributions to enable students to attend courses and conferences and to undertake educational visits and excursions within the United Kingdom and the European Union within the approved estimates or policies of the Board (subject to parental agreement where necessary by statute) [Depute Principal];
- 32 to authorise leave of absence (of up to 30 days)with salary for staff to accompany students of the College to such courses and conferences and on such visits and excursions as mentioned in paragraph 30 [Depute Principal];
- 33 to take appropriate disciplinary action, including temporary exclusion and permanent exclusion, against students in accordance with any policies of the Board [nominated members of staff in accordance with the Code of Student / Learner Behaviour];
- 34 to grant use of College accommodation to outside bodies or person 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 [Chief Finance Officer];
- 35 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 [Assistant Principal and Chief Finance Officer];
- 36 to allocate and apportion accommodation within the College [Depute Principal and Assistant Principal];
- 37 to draw up specification of the tenders for goods and services [Depute Principal and Chief Finance Officer];
- 38 to seek and, in the company of two other members of the College's staff (including either the Depute Principal or the Chief Finance Officer) when competitive tenders are sought, to open such tenders for contracts with the Board likely to be under £20,000;
- 39 to seek and, in the company of two other members of the College's Strategic Management Team (including either the Depute Principal or Chief Finance Officer) and one Board Member when competitive tenders are sought, to open such tenders for

contracts with the Board likely to be at least £20,000 and not over £60,000;

- 40 to seek and, in the company of two other members of the College's Strategic Management Team (including either the Depute Principal or the Chief Finance Officer) and two Board Members, when competitive tenders are sought, to open such tenders for contracts with the Board likely to be at least £60,000. One Board member should be a member of the Executive Committee;
- 41 to arrange for any necessary alterations or adaptations to College property at a cost of up to £200,000 (excluding VAT) in respect of one project provided that the alteration or adaptation does not effect any material change in the character of the College and subject to tender procedures prescribed in paragraph 37;
- 42 to apply to the appropriate authority for any necessary statutory consent [Depute Principal];
- 43 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;
- 44 to determine and control the standard of furniture, furnishings and equipment within the College [Depute Principal];
- 45 to grant any way leave or servitude over heritable property of the Board on such terms as may be appropriate;
- 46 after all necessary approvals have been obtained, to enter into contracts for the supply of goods and services to the College on behalf of the Board or to authorise another to enter such contracts except in cases where the contracts have been specifically approved either by the Board or an authorised Committee;
- 47 when it is judged to be in the interests of the Board 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 Board or an authorised Committee (this shall not apply to the College's Internal Auditors);
- 48 to check the financial standing of potential suppliers and clients [Chief Finance Officer];
- 49 to authorise the purchase of necessary equipment at a cost of up to £20,000 (exclusive of VAT) for single orders and the Principal to purchase equipment up to £60,000 (exclusive of VAT) for single orders subject to endorsement of order by appropriate budget holder [Depute Principal];
- 50 to dispose of and write off equipment which is judged to be surplus to requirements, unserviceable or unrepairable up to an estimated resale value in any one financial year of £10,000, subject to a report being submitted as a matter of routine to the Financial Control Committee;
- 51 to enter into agreements for rental, hire or leasing of items of equipment or property when the rental or hire charge does not exceed £20,000 (exclusive of VAT) per annum for items of equipment or £15,000 (exclusive of VAT) per annum for property and to sign agreement forms for such rental, hires or leases and for rentals, hires or leases approved by a Committee or the Board;
- 52 to enter into maintenance contracts at a cost of up to £30,000 (exclusive of VAT) per contract in any one year and to sign such maintenance contracts and other maintenance contracts as may be approved by a Committee or the Board;

- 53 to enter into contracts for the supply of goods and services to the College where the value of the contract does not exceed £30,000 (exclusive of VAT) or £30,000 (exclusive of VAT) in any one year and to sign such other contracts for the supply of goods and services as may be approved by an authorised Committee or the Board;
- 54 to provide courses requested by outside agencies and to negotiate in accordance with the approved fees policy appropriate charges thereafter which cover (as a minimum) the marginal costs of the specific/particular provision requested and to agree to specific provision for which fee income covers marginal costs [Depute Principal and Assistant Principal];
- 55 to agree not to pursue student debt subject to the normal procedures if on the advice of the Chief Finance Officer pursuit of such debt is not value for money.
- 56 to administer any educational endowment which transferred to and vested in the Board in terms of Section 19 (1) of the 1992 Act [Assistant Principal];
- 57 to raise funds (excluding loans) for and apply them to any of the activities which the Board have power to undertake;
- 58 to sign cheques in accordance with the provisions for cheque signatories [Nominated Officers approved, from time to time, by the Board of Management or the Financial Control Committee];
- 59 to monitor and manage any budgets for which he/she is designated budget holder [Budget Holders];
- 60 to undertake periodic risk assessments and to take out any necessary insurance to protect the interests of the College and the Board [Depute Principal and Chief Finance Officer];
- 61 to settle up to a maximum of £2000 and without approval of 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 (such arrangements should routinely be reported, for information, to the Board's Executive Committee);
- 62 to make arrangements with insurance companies concerning the settlement of claims [Depute Principal];
- 63 on receipt of valid claims, to authorise the payment to Members of the Board or co-opted members of the Board's Committees (whether or not they are also Members of the Board) such allowances and expenses as the Board may have determined after taking cognisance of guidance issued on this subject by the SFC [Chief Finance Officer];
- 64 to respond on behalf of the Board to consultative documents which may from time-to-time be sent to the College by the Scottish Government, SFC or any other external agencies;
- 65 to consult on behalf of the Board with representatives of the Local Education Authority (for the time being Glasgow City Council and North Lanarkshire Council) about the priorities contained within the College's Strategic Plan prior to its final approval by the Board as part of Strategic and Operational Plans;
- 66 when requested to do so by the local education authority (for the time being Glasgow City Council), to provide to the authority as soon as is reasonable and practicable such

information or advice as the authority might reasonably request from the Board to permit the authority to discharge its duty under section 65(4) of the Education (Scotland) Act 1980 (provision for recorded children over school age) and by subsequent related

legislative framework of a similar nature to consider in relation to any recorded child what provision would benefit him or her after he or she ceases to be of school age and to make a report thereon [Assistant Principal];

- 67 to determine the dates of the College holidays and other details of the College's academic calendar;
- 68 to review the performance of members of the College's Strategic Management Team against predetermined targets on an annual basis (in association with the Chair of the Board in the case of the Depute Principal);
- 69 to prepare the initial job description and specifications of staff employed in the College and review and modify these to meet the perceived needs of the College [Human Resources Manager];
- 70 to supervise, manage, deploy and support staff within the College [Line Managers];
- 71 to determine his/her own pattern of annual leave within the conditions of service which apply, for the time being to his/her post subject to details being provided for information to the Chair of the Board;
- 72 to facilitate the management of the College within the framework determined by the College Corporate Plan, the approved budget and any other policies determined by the Board;
- 73 to vire monies from expenditure heads within agreed budgets taking account of and complying with the College's current financial regulations;
- 74 to authorise criminal record checks from Disclosure Scotland on all staff who may or might expect to be working with students who are enrolled at the College or who might have special educational needs or who are of school age [Associate Principals, Assistant Principal and Human Resources Manager];
- 75 to sign and date the report of the Board of Management of the Annual Accounts in terms of the account direction given by the SFC under the provisions of paragraph 18 of Schedule 2 to the Further and Higher Education (Scotland) Act 1992;
- 76 to sign all deeds and other documents binding the Board of Management for all purposes which relate to Schedule 2 to the 1992 Act;
- 77 to accept gifts of money, other property and services on behalf of the College and (in accordance with the Board's policy on the receipt of gifts): and
 - 77.1 determine their application; or
 - 77.2 set up a trust hold or administer them for the purpose for which they have been established;
- 78 to sign on behalf of the Board of Management applications for grant assistance from European Structural Funds and other funding bodies [Depute Principal];

- 79 to authorise minor revisions to the College's Information and Communication Technology (ICT) Security Policy and Acceptable ICT Use Policy in response to imminent threats to the operation of the College's ICT systems [Depute Principal and Associate Principal (ICT)];
- 80 to authorise minor revisions to the ICT Contingency Policy to take account of modifications to the College's ICT systems [Depute Principal and Associate Principal (ICT)]; and
- 81 to rescind, in his role of Chief Executive, any delegation to any nominated officer.

IG/AS/AMcK/LMcE
May 2009
JWC