



## **ADD NATIONAL COLLEGE FOR DIGITAL SKILLS**

### **SCHEME OF DELEGATION**

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<b>Reviewed &amp; Approved</b>	<b>Board Membership Committee</b>	<b>Minute Ref</b>	<b>Board</b>	<b>Minute Ref</b>
	6 May 2021	3.5	5 July 2021	5.12
	14 March 2024	2.7	21 March 2024	3.11

# SCHEME OF DELEGATION

## 1. PURPOSE OF THE SCHEME OF DELEGATION

This Scheme of Delegation distinguishes between matters reserved exclusively for the Corporation's approval or decision, and matters delegated to committees and individuals.

## 2. ROLE OF THE CORPORATION

The Corporation sets the strategic and operational framework within which the CEO will manage the College, and the Corporation will monitor and hold the Senior Management Team to account to achieve the College's Strategic Plan objectives.

The responsibilities of the Corporation are set out in the Articles of Government. Article 3(1) states that the Corporation shall be **responsible** for the following functions:

- (a) the determination and periodic review of the educational character and mission of the institution and the oversight of its activities;
- (b) 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;
- (c) approving the quality strategy of the institution;
- (d) the effective and efficient use of resources, the solvency of the institution and the Corporation and safeguarding their assets;
- (e) approving annual estimates of income and expenditure;
- (f) the appointment, grading, suspension, dismissal and determination of the pay and conditions of service of the holders of senior posts and the Clerk, including, where the Clerk is, or is to be appointed as, a member of staff;
- (g) the appointment, grading, suspension, dismissal and determination of the pay and conditions of service of the CEO, Senior Post Holders and the Clerk who is not a member of staff;
- (h) setting a framework for the pay and conditions of service of all other staff; and
- (i) reviewing the appetite for risk of the institution including reviewing and approving the risk register of the institution from time to time.

Article 9 states that the Corporation **shall not** delegate the following functions:

- (a) the determination of the educational character and mission of the institution;
- (b) the approval of the annual estimates of income and expenditure;
- (c) the responsibility for ensuring the solvency of the institution and the Corporation and for safeguarding their assets;
- (d) the appointment of the Chief Executive;
- (e) the appointment of the Clerk, (including, where the Clerk is, or is to be, appointed as a member of staff the Clerk's appointment in the capacity of a member of staff); and
- (f) the modification or revocation of the Instrument of Government or these Articles.

### 3. ROLE OF THE CHIEF EXECUTIVE

The statutory powers and duties of the Chief Executive are set out in Article 3(2). The Chief Executive shall be the chief executive and Principal of the institution, and shall be responsible for:

- (a) making proposals to the Corporation about the educational character and mission of the institution and implementing the decisions of the Corporation;
- (b) the determination of the institution's academic and other activities including all curriculum matters;
- (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;
- (f) maintaining student discipline and, within the rules and procedures provided for within these Articles, suspending or expelling students on disciplinary grounds or expelling students for academic reasons.

Additionally under Article 3(4) the Chief Executive shall also be responsible for the following functions unless otherwise delegated by the Corporation to a member of the Senior Leadership Team from time to time:

- (a) advising the Corporation with regard to curriculum matters;
- (b) advising the Corporation with regard to student recruitment matters;
- (c) advising the Corporation with regard to the recruitment and management of staff except for those set out in article 3(1)(g);
- (d) advising the Corporation with regard to capital and estate matters; and
- (e) such other functions as the Corporation agrees from time to time.

### 4. ROLE OF THE CLERK

The Clerk shall be responsible for the following functions set out in Article 3(3): -

- (a) advising the Corporation with regard to the operation of its powers;
- (b) advising the Corporation with regard to procedural matters;
- (c) advising the Corporation with regard to the conduct of its business; and
- (d) advising the Corporation with regard to matters of governance practice.

The remaining five core responsibilities of the Clerk are also laid out in the **Instrument** of Government, see clauses below as follows: -

- (a) 5(5) - receiving written notice of the Chair/Vice Chair's resignation
- (b) 7(7) - receiving notice of a Member's disqualification from office
- (c) 9(1) - receiving written notice of a Member's resignation
- (d) 10(5) - the maintenance of a Register of Members' Interests
- (e) 11 - calling meetings and send out agendas

### 5. ROLE OF THE CHAIR AND TAKING CHAIR'S ACTION

The Chair has the same legal authority as other Corporation members and acts as "First among

Equals”. The Chair is responsible for the leadership of the Corporation and is ultimately responsible to the College’s stakeholders for the effectiveness of the Corporation.

The following responsibilities are defined in the **Instrument** of Government, see clauses below:

- (a) 11(3) - issue the agenda item and relevant papers relating to any proposal regarding the remuneration, conditions of service, conduct, suspension, dismissal, or retirement of the Clerk
- (b) 11(4) - call special and non-scheduled meetings
- (c) 13(2) - where at a meeting of the Corporation, there is an equal division of votes on a question to be decided, the Chair shall have a second or casting vote
- (d) 14(3) - where minutes of a meeting are taken as an agenda item and agreed to be accurate, those minutes shall be signed by the Chair as a true record

The following responsibilities are defined in the Articles of Government:

- The Chair may also deal with those matters specifically delegated to him/her by the Corporation. However, the Chair **shall not** have delegated authority in relation to any matters listed in Article 3(1), see 2 above or those responsibilities specifically delegated to the Chief Executive under Article 3(2), see 3 above.
- The Corporation Chair is empowered to take Chair’s Action as follows under the Standing Orders for the Corporation and its Committees.

## 6. DELEGATION

Article 4 explicitly allows for the delegation of Corporation powers to its committees and the Chief Executive:

‘the Corporation may establish committees for any purpose or function other than those assigned in these Articles to the Chief Executive or Clerk’.

The primary purpose of committees is to provide detailed scrutiny of College systems and performance and of proposed strategic and policy initiatives and to advise the Governing Body. No executive powers are currently delegated to committees.

The Board of Governors has established five committees:

- Audit (required under Article 6(1))
- Board Membership (formally Search) required under Article 5(1))
- Education
- Finance and Resources
- Remuneration (required under Article 7(1))

To enable the Governing Body to discharge its duties it should be supplied with timely, relevant and accurate information. To that end, an annual cycle of business and calendar of Governing Body and committee meetings will be drawn up by the Clerk, in liaison with the Chair, committee chairs, the Principal and other members of the Senior Leadership Team. The calendar will identify the key standing reports and business items that will enable the Governing Body to fulfil its strategic decision-making and monitoring roles and to meet its statutory responsibilities.

In the preparation of reports for the Governing Body or any of its committees, authors should be mindful of the Governing Body’s strategic role and responsibilities. Reports should state clearly the outcome that is sought after the report has been considered. This should normally be either:

- a strategic, policy or governance decision (in the case of a report to a committee, normally a recommendation to the Governing Body to take such a decision, with or without amendments proposed by the committee); or

- an agreement as to the level of assurance that can be taken from the information provided.

## **7. COLLEGE POLICIES & PROCEDURES**

A policy is a formal statement of a principle or rule that all members of the College community must follow. Policies relate to issues important to the College mission and operation. A procedure informs governors, staff and students how the policy will be implemented.

The Governing Body is required to approve and keep under review the policies and procedures set out in Part 2. These Policies should be reviewed on a continuing triennial cyclical basis or updated as required by changes in legislation or to reflect good practice.

Part 2 is not intended to be a complete list of all the College Policies that the College should have.

## PART 1 - SCHEME OF DELEGATION

## RECURRING DOCUMENT SCHEDULE – CORPORATION APPROVAL REQUIRED

The Corporation is responsible for approving the following documents. These documents will be reviewed initially by the responsible individual, with appropriate consultation, and will be considered for approval by the Corporation at appropriate meetings as laid out in the Cycle of Business.

Policy	Responsibility	Reason for Corporation Approval
Annual Budget	CEO	Instrument and Articles of Government: Article 3 and Article 9
Audit Committee Annual Report	Chair of Audit	Post 16 Audit Code of Practice Requirement
Board Self-Assessment Report	Clerk	Code of Good Governance for English Colleges/EIF
Borrowing Approval	CEO	Instrument and Articles of Government: Article 3 and Article 9
College Key Performance Indicators Review	CEO	Monitoring tool
College Estates Strategy	CEO	Instrument and Articles of Government: Article 3 and Article 9
Corporation Continuous Improvement Plan	Clerk	Charities Code
Financial Statements	CEO	ESFA Annual Finance Circular
Financial Statements Audit Management Letter	CEO	Post 16 Audit Code of Practice Requirement
Financial Statements Auditors Engagement Letter	CEO	Post 16 Audit Code of Practice Requirement
Financial Statements Subsidiary Companies	CEO	ESFA Annual Finance Circular
Franchise/Partner Contracts – Future Contracts/Additional partner/Extensions	CEO	ESFA Funding Rules and supply chain advice
Internal Audit Service Audit Needs Assessment and Plans	CEO	Post 16 Audit Code of Practice Requirement
Internal Audit Service Engagement Letter	CEO	Post 16 Audit Code of Practice Requirement
Internal Auditors Annual Report	CEO	Post 16 Audit Code of Practice Requirement
Letter of Representation - Financial Statements Audit and Regularity Audit	CEO	Financial Statements Auditors Requirement
Risk Management Policy Review	Finance Director / CEO	LSC “ A Guide to Risk Management in Further Education”
Self-Assessment Report (SAR)	CEO	Education Inspection Framework

Senior Postholder Objectives	Remuneration Committee	Remuneration Committee Terms of Reference
Strategic Plan	CEO	Instrument and Articles of Government: Article 3 and Article 9
Three Year Financial Plan	CEO	Instrument and Articles of Government: Article 3 and Article 9

## PART 2 - SCHEME OF DELEGATION

### POLICY SCHEDULE FOR CORPORATION APPROVAL

The Corporation is responsible for approving the following policies. This is NOT intended to be a complete list of all the College Policies that the College should have.

Policy	Responsibility	Reason for Corporation Approval
Access to Corporation Information (Scheme of Publication)	Clerk	Instrument & Articles of Government: Instrument 16 and Instrument 17, Article 8
Anti-Bribery Policy and Procedures	CEO/ Finance Director	Bribery Act 2010
Staff and Learner Surveys / Feedback policy	Clerk	Instrument & Articles of Government: Article 3(1)(b)
Complaints Policy	CEO	ESFA; Consumer Protection Law
Conflict of Interest Policy	Clerk	Instrument & Articles of Government: Instrument 10(5). Charities Act
Corporation Attendance Policy	Clerk	Governance Framework
Corporation Framework for the Approval, Payment and Reporting of Redundancies	CEO	Financial Memorandum
Climate and Sustainability Roadmap	CEO	Guide to Sustainability in Further Education
Corporation Training and Development Policy	Clerk	Governance Policy
Cycle of Business	Clerk	Governance framework
Data Protection Policy	CEO	Data Protection Act 2018 - GDPR
Business Continuity Plan (BCP)	CEO	LSC "A Guide to Risk Management in Further Education"



Disciplinary & Grievance Procedures for all staff	CEO	Article 3(2) Article 10
Diversity, Equality & Inclusion (EDI) Policy	CEO	Equality Act 2010
Estates Strategy	CEO	Instrument & Articles of Government: Instrument 3(4)(d)
Eversheds Code of Conduct for Governors	Clerk	Instrument & Articles of Government: Instrument 7(6)(f)
Expenses Policy (Governors)	Clerk	Instrument & Articles of Government: Instrument 10(5)(a)
Financial Regulations (Corp)	CEO	Instrument & Articles of Government: Article 3(2) and Article 12
Framework for setting pay & conditions of all staff	CEO	Instrument & Articles of Government: Article 3(2)
Fraud Policy and Fraud Response Plan	CEO	Financial Regulations and Procedures
Freedom of Information Act Publication Scheme	CEO	Freedom of Information Act 2000
Freedom of Speech Code of Practice	CEO	Education (No 2) Act 1986
GDPR – Privacy statements	CEO	Data Protection Act 2018 - GDPR
Governor Appointment Policy	Clerk	Governance Policy
Health and Safety Policy	CEO	Health and Safety at Work Act 1974; Management of Health & Safety at Work Regulations 1999 etc; Health & Safety Executive guidance gives annual basis
HR Strategy	CEO	Education Inspection Framework
Managing Allegations Policy	CEO	Education Act 2002 s.175
Partnership Management Fees Policy	CEO/Finance Director	ESFA Funding Guidance
Policy to address Complaints against the Corporation	Clerk	Governance Framework

Continuous Improvement Plan (CIP)	CEO	Instrument & Articles of Government: Article 3
Risk Management Policy	CEO/Finance Director	LSC "A Guide to Risk Management in Further Education"
Safeguarding Policy for Children and Vulnerable Adults & Prevent	CEO	Education Act 2002 s.175, Safeguarding vulnerable groups Act; Prevention of Terrorism Act 2005
Senior Postholder Appointment Procedure	Remuneration Committee	Instrument & Articles of Government: Article 3(1)(f)
Senior Postholder Disciplinary Policy - after consultation	Clerk	Instrument & Articles of Government: Article 3(1)(f)
Senior Postholder Grievance Procedure - after consultation	Clerk	Instrument & Articles of Government: Article 3(1)(f)
Standing Orders	Clerk	Instrument & Articles of Government: Article 16
Terms of Reference for committees	Clerk	Instrument & Articles of Government: Article 9(3)
Treasury Management Policy	CEO/Finance Director	Financial Regulations and Procedures
Use of the Corporation Seal	Clerk	Instrument & Articles of Government: Instrument 21
Whistleblowing Procedure	Clerk	Public Interest Disclosure Act 1998 Financial Regulations and Procedures