



SCHEME OF DELEGATION

Any officer who is authorised to exercise a delegated power must do so in accordance with:

1. all statutory and other legal requirements, including the Human Rights Act 1998, statutory guidance and statutory codes of practice;
2. the Constitution of the Corporation;
3. the Financial Regulations, the budget and policy framework and approved policies, plans and strategies;
4. any other policies, requirements or procedures of the Corporation, including any requirement of this Scheme.

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KIRKLEES COLLEGE SCHEME OF DELEGATION

1. INTRODUCTION

- 1.1. The Further Education Corporation which conducts Kirklees College (“the Corporation”) is a legal personality, meaning it is recognised in law as an entity having the capacity to sue and be sued in its own name and to enter into legal transactions such as holding property or entering into debt. Established by statutory instrument, it derives its powers from the Further and Higher Education Act 1992 and has obligations under its funding agreements and other contracts.
- 1.2. The Corporation has certain functions expressly reserved to it in law but delegates the operational management of its business to the Principal/CEO/Chief Executive, along with Senior Post Holders and a Senior Leadership team. In addition to the powers and responsibilities delegated by the Corporation, the Chief Executive and other members of the College staff have functions and responsibilities deriving from, for example, the Education & Skills Funding Agency (“ESFA”) Conditions of Funding (Grant) agreement with colleges (the “Conditions of Funding”).
- 1.3. Except as otherwise provided, individuals and bodies to whom the Corporation has delegated authority may further delegate to other individuals or bodies, provided that he, she or it reasonably considers that the individual or body in question is appropriately skilled and accountable and provided that such delegation is consistent with the Corporation’s Instrument and Articles of Government; its Standing Orders; any restrictions contained within the Conditions of Funding; the terms and conditions of other sources of funding; and the Post 16 Audit Code of Practice.
- 1.4. Notwithstanding any delegations it makes, the Corporation remains accountable for the discharge of all its functions and meeting all its obligations. In order to gain assurance in this regard, it receives information for monitoring purposes from those to whom it delegates.
- 1.5. The purpose of this document is to record where authority resides within the College for particular types of decisions, albeit no such schedule can ever be absolutely comprehensive or up-to-date. It also explicitly locates the locus of authority for specific categories of decision and forms a frame of reference through which questions about other types of decision may be resolved.
- 1.6. The Corporation expressly reserves the right to deal with any matter, whether generally or exceptionally, that it has previously delegated.

1.7. This document is subordinate to the Corporation's Instrument and Articles of Government, its Standing Orders and any restrictions contained within the Conditions of Funding and/or the Post 16 Audit Code of Practice ("ACOP"). Note that it purports only to identify responsibility for the final ('ratification') stage of decision-making, and not, for example, responsibility for formulating strategic, policy and business proposals.

1.8. The following are reserved non-delegable functions of the Corporation:

Function	Source/Rationale
The discharge of the common law duties of charity trustees in respect of the Corporation and the College.	Common law, Charity Commission guidance
With the approval of the Secretary of State, changing the name of the Corporation.	S8(a) F&HEA '92
Dissolution of the Corporation and transfer of its property, rights and liabilities; and publication of a draft resolution to dissolve the Corporation.	S27, 27A and 27B F&HEA '92
Modification or replacement of the Instrument and/or Articles of Government.	S29B(2) F&HEA '92
Determining all material aspects of the educational character and mission of Kirklees College (and any other institution the Corporation conducts), including by setting the strategic goals and objectives; determining the tuition fees and tuition fee policy; determining the corporate values; approving key strategies; and restricting management discretion by corporate policy-making.	Sch 4 para. 5(3)(b) Further and Higher Education Act 1992 ("F&HEA '92"); Para 3.1, Financial Regulations
Appointing new Governors.	Sch 4 para. 3(1)(d) F&HEA '92
Appointing an accounting/accountable officer.	Clause 2.3 Schedule 9 Conditions of Funding; Office for Students ("OfS") General ongoing conditions of registration Condition E3.3
Appointing the Audit Committee in accordance with the Post 16 Audit Code of Practice.	Clause 5.1 Schedule 9 Conditions of Funding
Approving annually audited accounts and report, accounting policies and statement of internal control.	ACOP Part 2, 33; Para 3.1, Financial Regulations

Approving an evaluation of its corporate governance arrangements for each financial period within the statement of corporate governance and internal control.	Provision 6.8, Governance Code
Appointing an external auditor to audit the annual accounts and appointing the same person as reporting accountant.	Post 16 Audit Code of Practice S3, 31, 59; para 3.1 Financial Regulations
Approving the Students' Union Constitution, s22(3) Code of Practice, and annual budget.	S22 Education Act 1994
Approval of this Scheme of Delegation.	Provision 6.5, Governance Code

1.9. The following are functions which could potentially be delegated but which the Corporation has expressly reserved to itself:

Function	Source/Rationale (if not this Scheme)
Appointing the Corporation Chair and Vice Chair.	Clause 5.1, Instrument of Government ("Instrument")
Approving the annual estimates of income and expenditure.	Article 3.1(d) Articles; Governance Code
The designation of any post a "Senior Post" or the removal of such designation.	Clause 1, Instrument of Government ("Instrument")
Appointing, grading, suspending, dismissing and determining the pay and conditions of service of the Clerk, the Principal/CEO and the other Senior Post Holders.	Article 3.1(e), Articles
Appointing the Clerk in the capacity of a member of staff.	Article 3.1(e), Articles
Delegating the reporting of a reportable event to the OfS where it is not appropriate for the accountable officer to make or delegate reporting (or electing to report directly).	OfS General ongoing conditions of registration, Part IV, para 24
Approving a framework for the pay and conditions of service of all other staff.	Article 3.1(f), Articles
Approval of certain policies and procedures, being: Collective Disputes Policy; Disciplinary Procedure; Fees Policy; Freedom of Speech & External Speakers Policy; GDPR Policy; Grievance Procedure;	Provision 3.2, Governance Code; Statutory Policies for Schools and Academy Trusts

Health & Safety Policy; Major Incident and Business Continuity Plan; Risk Management Policy; Safeguarding & Child Protection Policy (including procedures for dealing with allegations of abuse against staff); Staff Code of Conduct; Subcontracting Supply Chain Policy; Whistleblowing/Public Disclosures	
Approval of environmental sustainability and carbon reduction strategy(ies)	Governance Code
Approval of Modern Slavery Statement	S54(1) Modern Slavery Act 2015
Application to the OfS for a variation of the Access and Participation Plan	Regulation 4(1) The Higher Education (Access and Participation Plans) (England) Regulations 2018
Approving the Equality and Diversity Strategy	Provision 8.2, Governance Code
Approving the Single Equality, Diversity, Inclusiveness and Belonging Scheme and Action Plan, including EDI performance measures.	Provision 8.2, Governance Code, The Equality Act 2010 (Specific Duties) Regulations 2011
Determining the Key Performance Indicators for measuring performance against the strategic objectives.	Provision 1.6, Governance Code
Appointing the internal audit service and approving their fees.	Para 3.1, Financial Regulations
Approval of annual audit plan, linked to the risk register.	Provision 6.9, Governance Code
Approval of Financial Regulations and detailed financial procedures.	Pursuant to Sch 4 para 5(3)(c) F&HEA 92
Material amendments to any memorandum of understanding with any subsidiary or other related party, or equivalent shareholders' agreement, and other issues of policy and principle concerning related parties.	Provision 7.6, Governance Code
Approval of the establishment of any company, the shareholding arrangements and appointment of directors.	Para 24.2, Financial Regulations
Approval of contracts for significant changes in franchising activity and scrutiny of franchising arrangements.	Para 18.2, Financial Regulations

Approval of proposed significant departures from the strategic plan.	Para 18.2, Financial Regulations
Approval of any EU funding applications in excess of £100k	Para 18.3, Financial Regulations
Approval of staff severance schemes	Para 21.8, Financial Regulations
Approval of the purchase, buildings or fixed plant, regardless of value	Para 22.1, Financial Regulations
Approval of disposal of land and buildings regardless of value	Para 22.7, Financial Regulations

1.10. The following are functions which the Corporation has delegated to its subsidiary Committees or to its Chair, Vice Chair, the Clerk, or any Committee Chair(s) which cannot be further delegated:

Function	Delegated to	Source/Rationale (if not this Scheme)
Appointing Committee Members, including Co-opted Members, until the next Corporation meeting	Chair or Vice Chair and relevant Committee Chair	Clause 14.7 Instrument
Appointing Committee Chairs	Relevant Committee	SO 16.1
Advising the Corporation on the appointment and reappointment of Independent Governors and such other matters relating to membership of the Corporation as the Corporation may ask	People, Governance and Culture Committee	Article 5.1; Committee Terms of Reference
Dismissal of a Senior Post holder or the Clerk or determining an appeal against such dismissal	People, Governance and Culture Committee	Article 9.2
Approval of the Compliments and Complaints Policy and Procedure	Quality, Performance & Standards Committee	Policy
Interpretation of this Scheme of Delegation	Corporation Chair, with Clerk's advice	Scheme of Delegation
Approving the Treasury Management Policy Statement and any amendments	Finance Committee	Para 14.1, Financial Regulations
Approval of bank mandates	Finance Committee	Para 14.3, Financial Regulations
Establishing procedures to deal with any patents accruing to the College from inventions and discoveries made by staff in the course of research	Finance Committee	Para 19.2, Financial Regulations
Determining the insurance cover required by the business	Finance Committee	Para 24.1 Financial Regulations

Approval of any changes to the Fraud Response Plan	Audit Committee	Para 8 Fraud Response Plan
Authority to depart from the Financial Regulations in exceptional circumstances	Audit Committee	Para 2.6, Financial Regulations
Commissioning an investigation in respect of any suspected financial irregularity	Audit Committee	Audit Committee Terms of Reference
Approval of form of contract for off-site collaborative provision (franchising)	Audit Committee and Corporation	Para 18.2, Financial Regulations
Approval of claims for travel for the Principal/CEO and Clerk	Chair or Vice Chair of Corporation	Para 21.5 Financial Regulations
Authorising Governors' Expenses	Clerk	Para 21.5, Financial Regulations

1.11. Subject to the above, the Corporation delegates full authority in terms of administration, staffing, contracts and financial matters, as follows:

Policy and Strategy Formulation and Approval

Function	Delegated to	Source/Rationale (if not this Scheme)
Approval of key resource strategies, including in particular finance, HR, marketing, estates and IT&S strategies.	Executive	
Approval of key delivery strategies, for example, international, community engagement, employer engagement and recruitment.	Executive	
Preparation (but not approval) of treasury management policy statement and subsequent amendment	Executive Finance Director	Para 10, Treasury Management Policy Statement
Deciding the most appropriate method of payment for categories of invoice	Executive Finance Director	Para 20.9, Financial Regulations
Prescribing or approving the format of all timesheet and other pay documents.	Executive Finance Director	Para 21.3, Financial Regulations
Prescribing the format for recording the use of student welfare funds	Executive Finance Director	Para 23.2, Financial Regulations

Treasury Management

Function	Delegated to	Source/Rationale (If not this Scheme)
Preparation (but not approval) of three-year financial plan	Executive Finance Director	Para 10.1, Financial Regulations

Bad debt write off up to £5k	Executive Finance Director	Para 15.5 and Appendix J, Financial Regulations
Bad debt write off £5k+	Principal/CEO with notification to Finance Committee	Para 15.5 and Appendix J, Financial Regulations
Borrowing	Principal/CEO	Treasury Management Policy Statement, para 14.1

Financial Administration and Procedures

Function	Delegated to	Source/Rationale (If not this Scheme)
Authorising payments for maintenance and other items to students on behalf of sponsoring organisations	Executive Finance Director	Para 20.13, Financial Regulations
Approval of issue of College ePay cards to staff members	Finance Team	Para 20.11, Financial Regulations
Approving cash advances for projects carried out away from the College where cash expenditure may be unavoidable	Executive Finance Director and relevant budget holder	Para 20.15, Financial Regulations
Preparing annual capital and revenue budgets and financial plans	Executive Finance Director	Para 6.1, Financial Regulations
Preparing accounts, management information, monitoring and control of expenditure against budgets and all financial operations	Executive Finance Director	Para 6.1, Financial Regulations
Preparing the College's annual accounts and other financial statements, forecasts and accounts, which the College is required to submit to other authorities	Executive Finance Director	Para 6.1, Financial Regulations
Ensuring that the College maintains satisfactory financial systems	Executive Finance Director	Para 6.1, Financial Regulations
Advising on the Detailed Financial Procedures	Executive Finance Director	Para 6.1, Financial Regulations
Day to day liaison with internal and external auditors	Executive Finance Director	Para 6.1, Financial Regulations
Day to day liaison with the College's bankers in relation to the College's bank accounts and the issue of cheques	Executive Finance Director	Para 14.3, Financial Regulations

Open/close a bank account for dealing with the College's funds	Principal/CEO	Para 14.3, Financial Regulations
Ensuring that all bank accounts are subject to regular reconciliation and any large or unusual items are investigated.	Executive Finance Director	Para 14.3, Financial Regulations
Supervision and approval of finance systems operating within departments, including the form in which accounts and records are kept.	Executive Finance Director	Para 6.3, Financial Regulations
Approving procedures for the receipt of payments by debit or credit card,	Executive Finance Director	Para 15.3, Financial Regulations
Making all tax payments, receiving tax credits and submitting tax returns	Executive Finance Director (VAT and Corporation Tax); Executive Director of HR (employment related taxation)	Para 12.7, Financial Regulations
Determining the College's insurance arrangements	Executive Finance Director	Para 24.1, Financial Regulations

Governance, management and control

Function	Delegated to	Source/Rationale (If not this Scheme)
Determining management structure	Principal/CEO	
Implement the Major Incident Plan	Any Executive Team member: <ul style="list-style-type: none"> • Principal/CEO • VP Corporate Operations • VP Curriculum • Exec Finance Dir • Exec Dir HR • Exec Dir College Info Systems 	Para 1.1, Major Incident and Business Continuity Plan
Operational responsibility for disaster recovery implementation	VP Corporate Operations (Head of Estates, Facilities and Security = deputy)	Para 2.1 Major Incident and Business Continuity Plan

European Union and other Matched Funding

Function	Delegated to	Source/Rationale (If not this Scheme)
Approval of applications for EU or other matched funding.	Executive Team (as above)	Para 18.3, Financial Regulations

Responsibility to ensure compliance with legal obligations concerning EU procurement legislation.	Executive Finance Director	Para 20.8, Financial Regulations
Responsibility to report to the Executive Finance Director any proposed purchase that is likely to exceed the thresholds and supply documentation.	Relevant Budget Holder	Para 20.8, Financial Regulations

Staffing

Function	Delegated to	Source/Rationale (If not this Scheme)
Approval of proposed additional payments to staff members	Principal/CEO	Para 18.5, Financial Regulations
Suspension of member of staff pending a disciplinary investigation	Principal/CEO (or Executive Team member with delegated authority)	Clause 8.1, Disciplinary Policy
Imposition of formal verbal disciplinary warning	Line Manager	Clause 6.3, Disciplinary Policy
Imposition of formal written disciplinary warning	Line manager or other designated manager per policy	Clause 6, Disciplinary Policy
Imposition of formal final written disciplinary warning	SLT member	Clause 6.5, Disciplinary Policy
Dismissal (except Senior Post Holder or Clerk)	Executive Team Member (as above)	Clause 6.6, Disciplinary Policy
Authority for member of staff to undertake other paid work including private consultancies	Vice Principal (Principal/CEO if a Vice Principal)	Para 18.1, financial Regulations
Giving staff references where the member of staff has been disciplined or prosecuted for fraud	Executive Director HR and Org Dev	Para 7 Fraud Response Plan
Giving student references where the student has been disciplined for fraud	VP Curriculum	Para 7 Fraud Response Plan