# 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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Clerk to the Corporation

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# Kirklees College Scheme of Delegation

## Introduction

* 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.
  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”).
  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.
  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.
  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.
  6. The Corporation expressly reserves the right to deal with any matter, whether generally or exceptionally, that it has previously delegated.
  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.
  8. The following are reserved non-delegable functions of the Corporation:

Function: **The discharge of the common law duties of charity trustees in respect of the Corporation and the College.**  
Source / Rationale: Common law, Charity Commission guidance.

Function: **With the approval of the Secretary of State, changing the name of the Corporation.**  
Source /Rationale: S8(a) F&HEA ‘92

Function: **Dissolution of the Corporation and transfer of its property, rights and liabilities; and publication of a draft resolution to dissolve the Corporation.**  
Source / Rationale: S27, 27A and 27B F&HEA ‘92

**Function: Modification or replacement of the Instrument and/or Articles of Government.**  
Source / Rationale: S29B(2) F&HEA ‘92

Function: **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.**  
Source / Rationale: Sch 4 para. 5(3)(b) Further and Higher Education Act 1992 (“F&HEA ‘92”); Para 3.1, Financial Regulations

Function: **Appointing new Governors.**  
Source / Rationale: Sch 4 para. 3(1)(d) F&HEA ‘92

Function: **Appointing an accounting/accountable officer.**  
Source / Rationale: Clause 2.3 Schedule 9 Conditions of Funding; Office for Students (“OfS”) General ongoing conditions of registration Condition E3.3

Function: **Appointing the Audit Committee in accordance with the Post 16 Audit Code of Practice.**  
Source / Rationale: Clause 5.1 Schedule 9 Conditions of Funding

Function: **Approving annually audited accounts and report, accounting policies and statement of internal control:**  
Source / Rationale: ACOP Part 2, 33; Para 3.1, Financial Regulations

Function: **Approving an evaluation of its corporate governance arrangements for each financial period within the statement of corporate governance and internal control.**  
Source / Rationale: Provision 6.8, Governance Code

**Function: ppointing an external auditor to audit the annual accounts and appointing the same person as reporting accountant.**  
Source / Rationale: Post 16 Audit Code of Practice S3, 31, 59; para 3.1 Financial Regulations

Function: **Approving the Students’ Union Constitution, s22(3) Code of Practice, and annual budget.**  
Source / Rationale: S22 Education Act 1994

Function: **Approval of this Scheme of Delegation.**  
Source / Rationale: Provision 6.5, Governance Code

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

Function: Appointing the Corporation Chair and Vice Chair.  
Source / Rationale: Clause 5.1, Instrument of Government (“Instrument”)

Function: Approving the annual estimates of income and expenditure.  
Source / Rationale: Article 3.1(d) Articles; Governance Code

Function: The designation of any post a “Senior Post” or the removal of such designation.  
Source / Rationale: Clause 1, Instrument of Government (“Instrument”)

Function: Appointing, grading, suspending, dismissing and determining the pay and conditions of service of the Clerk, the Principal/CEO, and the other Senior Post Holders.  
Source / Rationale: Article 3.1(e), Articles

Function: Appointing the Clerk in the capacity of a member of staff.  
Source / Rationale: Article 3.1(e), Articles

Function: 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).  
Source / Rationale: OfS General ongoing conditions of registration, Part IV, para 24

Function: Approving a framework for the pay and conditions of service of all other staff.  
Source / Rationale: Article 3.1(f), Articles

Function: Approval of certain policies and procedures:

* Collective Disputes Policy
* Disciplinary Procedure
* Fees Policy
* Freedom of Speech & External Speakers Policy
* GDPR Policy
* Grievance Procedure
* 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

Source / Rationale: Education (No 2) Act 1986, Statutory Policies for Schools and Academy Trusts

Function: Approval of environmental sustainability and carbon reduction strategy(ies).  
Source / Rationale: Governance Code

Function: Approval of Modern Slavery Statement.  
Source / Rationale: S54(1) Modern Slavery Act 2015

Function: Application to the OfS for a variation of the Access and Participation Plan.  
Source / Rationale: Regulation 4(1) The Higher Education (Access and Participation Plans) (England) Regulations 2018

Function: Approving the Equality and Diversity Strategy.  
Source / Rationale: Provision 8.2, Governance Code

Function: Approving the Single Equality, Diversity, Inclusiveness and Belonging Scheme and Action Plan, including EDI performance measures.  
Source / Rationale: Provision 8.2, Governance Code, The Equality Act 2010 (Specific Duties) Regulations 2011

Function: Determining the Key Performance Indicators for measuring performance against the strategic objectives.  
Source / Rationale: Provision 1.6, Governance Code

Function: Appointing the internal audit service and approving their fees.  
Source / Rationale: Para 3.1, Financial Regulations

Function: Approval of annual audit plan, linked to the risk register.  
Source / Rationale: Provision 6.9, Governance Code

Function: Approval of Financial Regulations and detailed financial procedures.  
Source / Rationale: Pursuant to Sch 4 para 5(3)(c) F&HEA 92

Function: 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.  
Source / Rationale: Provision 7.6, Governance Code

Function: Approval of the establishment of any company, the shareholding arrangements, and appointment of directors.  
Source / Rationale: Para 24.2, Financial Regulations

Function: Approval of contracts for significant changes in franchising activity and scrutiny of franchising arrangements.  
Source / Rationale: Para 18.2, Financial Regulations

Function: Approval of proposed significant departures from the strategic plan.  
Source / Rationale: Para 18.2, Financial Regulations

Function: Approval of any EU funding applications in excess of £100k.  
Source / Rationale: Para 18.3, Financial Regulations

Function: Approval of staff severance schemes.  
Source / Rationale: Para 21.8, Financial Regulations

Function: Approval of the purchase, buildings or fixed plant, regardless of value.  
Source / Rationale: Para 22.1, Financial Regulations

Function: Approval of disposal of land and buildings regardless of value.  
Source / Rationale: Para 22.7, Financial Regulations

* 1. 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:

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

## Treasury Management

* Function: Preparation (but not approval) of three-year financial plan
* Delegated to: Executive Finance Director
* Source/Rationale: Para 10.1, Financial Regulations
* Function: Bad debt write off up to £5k
* Delegated to: Executive Finance Director
* Source/Rationale: Para 15.5 and Appendix J, Financial Regulations
* Function: Bad debt write off £5k+
* Delegated to: Principal/CEO with notification to Finance Committee
* Source/Rationale: Para 15.5 and Appendix J, Financial Regulations
* Function: Borrowing
* Delegated to: Principal/CEO
* Source/Rationale: Treasury Management Policy Statement, para 14.1

## Financial Administration and Procedures

* Function: Authorising payments for maintenance and other items to students on behalf of sponsoring organisations
* Delegated to: Executive Finance Director
* Source/Rationale: Para 20.13, Financial Regulations
* Function: Approval of issue of College ePay cards to staff members
* Delegated to: Finance Team
* Source/Rationale: Para 20.11, Financial Regulations
* Function: Approving cash advances for projects carried out away from the College where cash expenditure may be unavoidable
* Delegated to: Executive Finance Director and relevant budget holder
* Source/Rationale: Para 20.15, Financial Regulations
* Function: Preparing annual capital and revenue budgets and financial plans
* Delegated to: Executive Finance Director
* Source/Rationale: Para 6.1, Financial Regulations
* Function: Preparing accounts, management information, monitoring and control of expenditure against budgets and all financial operations
* Delegated to: Executive Finance Director
* Source/Rationale: Para 6.1, Financial Regulations
* Function: Preparing the College’s annual accounts and other financial statements, forecasts and accounts, which the College is required to submit to other authorities
* Delegated to: Executive Finance Director
* Source/Rationale: Para 6.1, Financial Regulations
* Function: Ensuring that the College maintains satisfactory financial systems
* Delegated to: Executive Finance Director
* Source/Rationale: Para 6.1, Financial Regulations
* Function: Advising on the Detailed Financial Procedures
* Delegated to: Executive Finance Director
* Source/Rationale: Para 6.1, Financial Regulations
* Function: Day to day liaison with internal and external auditors
* Delegated to: Executive Finance Director
* Source/Rationale: Para 6.1, Financial Regulations
* Function: Day to day liaison with the College’s bankers in relation to the College’s bank accounts and the issue of cheques
* Delegated to: Executive Finance Director
* Source/Rationale: Para 14.3, Financial Regulations
* Function: Open/close a bank account for dealing with the College’s funds
* Delegated to: Principal/CEO
* Source/Rationale: Para 14.3, Financial Regulations
* Function: Ensuring that all bank accounts are subject to regular reconciliation and any large or unusual items are investigated.
* Delegated to: Executive Finance Director
* Source/Rationale: Para 14.3, Financial Regulations
* Function: Supervision and approval of finance systems operating within departments, including the form in which accounts and records are kept.
* Delegated to: Executive Finance Director
* Source/Rationale: Para 6.3, Financial Regulations
* Function: Approving procedures for the receipt of payments by debit or credit card
* Delegated to: Executive Finance Director
* Source/Rationale: Para 15.3, Financial Regulations
* Function: Making all tax payments, receiving tax credits and submitting tax returns
* Delegated to: Executive Finance Director (VAT and Corporation Tax); Executive Director of HR (employment related taxation)
* Source/Rationale: Para 12.7, Financial Regulations
* Function: Determining the College’s insurance arrangements
* Delegated to: Executive Finance Director
* Source/Rationale: Para 24.1, Financial Regulations

## Governance, management and control

* Function: Determining management structure
* Delegated to: Principal/CEO
* Source/Rationale: (If not this Scheme)
* Function: Implement the Major Incident Plan
* Delegated to: Any Executive Team member:
  + Principal/CEO
  + VP Corporate Operations
  + VP Curriculum
  + Exec Finance Dir
  + Exec Dir HR
  + Exec Dir College Info Systems
* Source/Rationale: Para 1.1, Major Incident and Business Continuity Plan
* Function: Operational responsibility for disaster recovery implementation
* Delegated to: VP Corporate Operations (Head of Estates, Facilities, and Security = deputy)
* Source/Rationale: Para 2.1, Major Incident and Business Continuity Plan

## European Union and other Matched Funding

* Function: Approval of applications for EU or other matched funding
* Delegated to: Executive Team (as above)
* Source/Rationale: Para 18.3, Financial Regulations
* Function: Responsibility to ensure compliance with legal obligations concerning EU procurement legislation
* Delegated to: Executive Finance Director
* Source/Rationale: Para 20.8, Financial Regulations
* Function: Responsibility to report to the Executive Finance Director any proposed purchase that is likely to exceed the thresholds and supply documentation
* Delegated to: Relevant Budget Holder
* Source/Rationale: Para 20.8, Financial Regulations

## Staffing

* Function: Approval of proposed additional payments to staff members
* Delegated to: Principal/CEO
* Source/Rationale: Para 18.5, Financial Regulations
* Function: Suspension of member of staff pending a disciplinary investigation
* Delegated to: Principal/CEO (or Executive Team member with delegated authority)
* Source/Rationale: Clause 8.1, Disciplinary Policy
* Function: Imposition of formal verbal disciplinary warning
* Delegated to: Line Manager
* Source/Rationale: Clause 6.3, Disciplinary Policy
* Function: Imposition of formal written disciplinary warning
* Delegated to: Line manager or other designated manager per policy
* Source/Rationale: Clause 6, Disciplinary Policy
* Function: Imposition of formal final written disciplinary warning
* Delegated to: SLT member
* Source/Rationale: Clause 6.5, Disciplinary Policy
* Function: Dismissal (except Senior Post Holder or Clerk)
* Delegated to: Executive Team Member (as above)
* Source/Rationale: Clause 6.6, Disciplinary Policy
* Function: Authority for member of staff to undertake other paid work including private consultancies
* Delegated to: Vice Principal (Principal/CEO if a Vice Principal)
* Source/Rationale: Para 18.1, Financial Regulations
* Function: Giving staff references where the member of staff has been disciplined or prosecuted for fraud
* Delegated to: Executive Director HR and Org Dev
* Source/Rationale: Para 7, Fraud Response Plan
* Function: Giving student references where the student has been disciplined for fraud
* Delegated to: VP Curriculum
* Source/Rationale: Para 7, Fraud Response Plan