

Scheme of Delegation of The Lanarkshire Board

Preamble

In accordance with paragraph 12(4) of the Further and Higher Education (Scotland) Act 1992 a Board may delegate the performance of any of their functions to their chair, to any Committee appointed by them or to any member of their staff.

In accordance with paragraph C.5 of the Code of Good Governance for Scotland's Colleges, delegation of responsibilities from, and matters reserved to, the Board and its Committee must be clarified through a Scheme of Delegation including the functions delegated by the Board to the Chair, Committees, the Principal and the Board Secretary.

This Scheme of Delegation must be approved by the Board before it comes into effect, and any subsequent amendments must also be approved by the Board. The Board shall review this document at least every 3 years.

1 Authority Reserved to the Board

- 1.1 determining the objectives of the Board
- 1.2 borrowing money (other than overdraft facilities within the Principal's delegated authority) and, in connection with such borrowing, granting securities 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
- 1.2.1 approval in principle of the College's Strategic Plan and Regional Outcome Agreement though the signing of the final document may be delegated to the Chair and Principal
- 1.3 approval of the year-end annual report and accounts
- 1.4 approval of the annual budget
- 1.5 approval of financial forecasts prior to submission to the Scottish Funding Council
- 1.6 final consideration of the Annual Audit Report
- 1.7 approval of the strategic risk register
- 1.8 acquisition and disposal of heritable property, subject to approval of the Scottish Funding Council
- 1.9 appointment of Board members will be in accordance with the Further and Higher Education (Scotland) Act 1992 and the ministerial guidance on the appointment of Board Members.
- 1.10 appointment and removal of the Principal
- 1.11 appointment and removal of the Board Secretary (in accordance with paragraph D.16 of the Code of Good Governance for Scotland's Colleges)
- 1.12 delegation of functions of the Board including remits of Committees and this Scheme of Delegation
- 1.13 the making, amendment and revocation of the Standing Orders of the Board

2 Delegation to Committees

- 2.1 In accordance with paragraph 13 of the Further and Higher Education (Scotland) Act 1992, the Board may establish Committees for any purpose and any such Committee may appoint Sub Committees.

- 2.2 In accordance with paragraph C.4 of the Code of Good Governance for Scotland's Colleges, the minimum Committees required are Audit, Remuneration and as appropriate Nominations/Appointments.
- 2.3 Each Committee and Sub Committee shall have a clearly defined remit which shall clearly set out the duties and responsibilities delegated. The remit must be approved by the Board. The Committee may suggest amendments to the remit, but any amendments must be approved by the Board before they are implemented.
- 2.4 The Board may delegate tasks or pieces of work to a specific Committee, and this shall be clearly detailed within the minutes of the appropriate meeting.
- 2.5 The Board reserves the right to review the Committees required and the authority delegated to them as and when it deems it appropriate to do so.
- 2.6 The minutes of each Committee meeting will be submitted to the Board for information at its next meeting. In addition, the Committee Chair shall give an update to the Board on key issues where requested to do so.

3 Delegation to Chair of the Board

The Chair must abide by the terms and conditions of their appointment by Scottish Ministers in leading the Board and ensuring its effectiveness, and in exercising any delegated authority. The Chair is authorised to:

- 3.1 exercise judgement in the event of a need for an urgent decision during the period between Board meetings, such that:
 - 3.1.1 an extraordinary Board meeting is called in the case of material decisions;
 - 3.1.2 a proposal is circulated by email (in accordance with the Standing Orders) and the decision is homologated at the next Board meeting
 - 3.1.2 to make the required decision, subject to homologation at the next Board meeting.
- 3.2 in the absence of the Principal, act in the Principal's stead in fulfilling as required any essential function that may not be delegated to the Vice Principal or another member of the Executive Team, with due regard to any relevant provisions of the Financial Memorandum with Fundable Bodies in the College Sector.
- 3.3 after a period of four weeks' unplanned continuous absence of the Principal, designate the Vice Principal as the accountable officer for the duration of the Principal's absence, ensuring that the Board and the Scottish Funding Council are advised of such absence at the earliest opportunity.
- 3.4 on behalf of the Board, sign and date the College's Annual Report and Accounts, after Board approval, and other documents as may be required.
- 3.5 represent the Board within the College and externally.
- 3.6 monitor, review and record the Principal's performance at least annually against performance measures agreed by the Board.

- 3.7 monitor, review and record the Board Secretary's performance at least annually against performance measures agreed by the Board.
- 3.8 ensure each Board member participates in an annual development meeting, facilitated either by the Chair or Vice Chair.
- 3.9 initiate action further to a decision of the Board to take disciplinary action against, or suspend, the Principal or Board Secretary.
- 3.10 initiate action further to a decision of the Board to appoint a new Principal or Board Secretary.

4 Delegation to the Vice Chair

The Vice Chair is authorised to:

- 4.1 act on behalf of the Chair if the Chair is absent for any reason.
- 4.2 lead the annual process to evaluate the performance of the Chair.
- 4.3 facilitate any annual development meetings with Board members as requested by the Chair.

5 Delegation to the Senior Independent Member

In accordance with the Code of Good Governance for Scotland's Colleges, the Board is required to appoint a Senior Independent Member (**NOTE:** often this role is undertaken by the Vice Chair). The Senior Independent Member is authorised to:

- 5.1 serve as an alternative channel where the normal channels of Chair, Principal or Board Secretary have failed to resolve an issue or would be inappropriate.

6 Delegation to the Principal

The Principal is directly accountable to the Scottish Funding Council as Chief Executive for the proper use of public funds and the compliance of the College's operations and reporting arrangements within the Financial Memorandum. The Principal is authorised to:

- 6.1 ensure the effective academic, corporate, financial, estate and human resource management of the College, including the maintenance of good order and discipline.
- 6.2 authorise any expenditure in the pursuance of legitimate College responsibilities, in accordance with the College's financial regulations.
- 6.3 take such measures as may be required in emergencies, where possible in consultation with the Chair of the Board, subject to homologation at the next meeting of the Board.
- 6.4 delegate responsibilities to members of staff for the exercise of particular functions, whilst retaining ultimate responsibility to the Board for reporting on, and for performance against, the College's strategic objectives and targets.

7 Delegation to the Board Secretary

The Board Secretary is authorised to:

- 7.1 administer and retain the appropriate records of all Board and Committee business.
- 7.2 undertake appropriate actions to ensure that the Board is sufficiently informed of its legal and regulatory obligations.
- 7.3 administer staff elections to the Board and act as returning officer.
- 7.4 serve as a conduit for communication as appropriate between Board Members the Chair, Vice Chair, Principal and Senior Management Team of the College.
- 7.5 act as Standards Officer in accordance with Advice on the Role of a Standards Officer (issued by the Standards Commission for Scotland).

Approved by the Board 21st March Month 2016