



Board of Management

Scheme of Delegation

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1. Introduction

- 1.1 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 (the Act).
- 1.2 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 Parliament, or Scottish Funding Council (SFC) .
- 1.3 The delegations are dealt with in four main sections:
 - delegations to the Chair of the Board of Management;
 - delegations to Committees of the Board of Management;
 - delegations to the Principal
 - delegations to the Clerk of the Board

2. Compliance

Where the Board has delegated responsibility, it reserves the power to deal with the responsibility delegated, or to withdraw or amend the delegation granted. Exercise by a delegate of a delegated responsibility is as if it had been done by the Board of Management itself.

3. Review

The Scheme of Delegation will be reviewed at least every three years. 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 the Financial Memorandum which may be issued from time to time by the SFC or any formal agreement between the Board of Management and UHI.

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:

- determining the objectives of the Board of Management;
- oversee matters of new policy or variation of existing policy;
- borrowing money (other than overdraft facilities within the Principal's delegated authority) 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;
- the final approval of the College Strategic and Operational Plans;

- approval of the year end financial statements;
- approval of the College's annual budget;
- the final consideration of the Annual Audit Report;
- the acquisition and disposal of heritable property;
- the appointment of Board members;
 - the appointment to standing committees of members and co-opted members;
- the removal from office of Board members;
- the appointment and dismissal of the Principal;
- delegation of functions of the Board of Management;
 - the making, amendment and revocation of the document entitled Standing Orders;
- the appointment and dismissal of the Clerk to the Board.

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

Delegation to the Chair of the Board

The Chair of the Board of Management is authorised:

- 1 In the absence of the Principal to take such measures as may be required in emergencies subject to reporting 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 short term absence of the Principal, the Deputy Principal and the Directors will each continue to be responsible for their lead areas of operational management of the College.)
- 2 In the case of a prolonged absence of the Principal of more than 4 weeks, the Chair is also required to nominate the Deputy Principal or another Accountable Officer to discharge this role for the duration of the Principal's absence.

In the event of a continuous absence of eight weeks or more of the Principal, the entire Board shall call a special meeting to confirm the above actions taken by the Chair until such time as the Principal is capable of discharging fully his/her functions as Principal/Chief Executive/Accountable Officer and academic leader of the College. (Such action should, at the earliest opportunity be brought to the attention of the SFC and the Board of Management).

- 3 to conduct staff development and performance review interviews with the Principal in accordance with Board policy;
- 4 to approve the Principal's absence, in accordance with the relevant College policies;

- 5 to sign the College's Annual Financial Report prior to its submission to the SFC and after it has been approved by the Board;
- 6 to sign the College's Health and Safety Policy;
- 7 to represent the College on the Chairs' Forum of the Association of Scottish Colleges (ASC);
- 8 to conduct staff development and performance review interviews with the Clerk to the Board;
- 9 to conduct annual performance review interviews with Board members.
- 10 working within the delegated authority provided within this scheme, represent the College on the UHI Regional Strategic Committee.

Delegation to Committees of the Board of Management

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

- 1 the respective terms of reference of those Committees as detailed in the Standing Orders of the Board of Management;
- 2 any Minutes of the Board making a special delegation to a Committee;
- 3 reviewing matters of Policy related to the work of the 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 Convenor of each Committee is authorised to act on behalf of the Board between cycles so far as such acts relate to matters within the remit of the Committee of which he or she is Convenor.

Committees of the Board of Management:

- Audit Committee
- Chair's Committee
- Finance and General Purposes Committee
- Nominations Committee
- Remuneration Committee
- Staff Governance Committee
- Learning, Teaching and Quality Committee

Delegation to the Principal

The functions listed here are delegated to the Principal. The Principal may, in turn, delegate particular functions to other members of staff while retaining responsibility to the Board of Management for the exercise of these functions.

The Principal is delegated, and is authorised to:

Qualification of delegations

The delegations to the Principal are always subject to:

- the Standing Orders of the Board of Management and all policies of the Board from time to time in force;
- appropriate provision for financial outlays having been made by the Board for the current year.

The Principal is authorised:

- 1 to take such measures as may be required in emergencies subject to advising the Chair of the Board, where possible, and subsequently reporting to the appropriate Committee or to the Board as soon as possible thereafter any items for which approval of the Committee or Board would normally be necessary;
- 2 to authorise the absence of any member of staff of the College in accordance with the relevant College policies;
- 3 if s/he 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;
4. to make visits and to authorise members of staff of the College to make visits as representatives of the College;
- 5 to give a direction, in special circumstances, 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 in the interests of the College to do so;
- 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;
- 8 to authorise the issue of press releases for publication and broadcasting on behalf of the College;
- 9 to authorise the commercial publication of any document on behalf of the College;

- 10 to authorise the appointment of staff to 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;
- 11 to determine an appropriate staff structure for the College consistent with the conditions of employment which currently apply after consultation and (where appropriate) negotiation with representatives of recognised trades unions and professional associations;
- 12 to consult and negotiate with representatives of recognised trades unions and professional associations on behalf of the Board of Management;
- 13 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;
- 14 to engage the services of outside persons, 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;
- 16 to deem an employee to be in breach of contract and to take appropriate action against such an individual within the College's policies;
- 17 to grant appropriate leave of absence with salary to enable staff to undertake work experience, approved courses or to attend approved meetings or conferences;
- 18 to grant leave of absence without salary for up to one year to enable staff to undertake voluntary service or for other appropriate purposes;
- 19 to arrange programmes of in-service training for both staff and members of the Board of Management;
- 20 to exercise any discretionary powers available in the implementation of conditions of service in relation to all staff;
- 21 to approve the secondment of staff of the College to external agencies where the total cost for the secondment is recoverable and to approve the appointment, where necessary, of a temporary replacement for the duration of the secondment;
- 22 to sanction the payment of overtime allowances where necessary;
- 23 to sanction the payment of temporary responsibility allowances in accordance with the conditions of service;
- 25 to approve initial salary placings for staff within Board-approved salary scales (up to and including Grade 11);

- 26 to administer in accordance with any policy determined by the Scottish Parliament, the Student Awards Agency for Scotland (SAAS), the SFC, or the Board the disbursement of monies to students attending the College;
- 27 to administer in accordance with any policy of the Board the provision of financial or other assistance to students of the College;
- 28 to set and amend as necessary the level of tuition fees, examination expenses, maintenance and contribution scales for all courses and services offered by the College taking cognisance of guidance issued on such matters by the Scottish Parliament, or the SFC. In addition the Principal shall have the authority to waive or grant remission of fees and expenses in special cases;
- 29 to authorise students and make financial contributions to students to attend courses and conferences and to undertake educational visits and excursions within the UK or abroad.
- 30 to authorise staff to accompany students of the College to such courses and conferences and on such visits and excursions as mentioned in paragraph 29;
- 31 to take appropriate disciplinary action, including temporary exclusion and permanent exclusion, against students in accordance with any policies of the Board;
- 32 to provide financial or other assistance to the Students' Union of the College within the terms of any scheme of establishment or policy of the Board;
- 33 to grant use of College accommodation to outside bodies or persons 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;
- 34 to allocate and apportion accommodation within the College;
- 35 to arrange for any necessary alterations to College property and to enter into contracts and to incur capital expenditure for any amounts which are consistent with the budget agreed by the Board and provided that the alteration or adaptation does not effect any material change in the character of the College, and subject to tender procedures laid down by the Board;
- 36 to apply to the appropriate authority for any necessary statutory consents;
- 37 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;
- 38 to determine and control the standard of furniture, furnishings and equipment within the College;
- 39 to grant any way leave or servitude over property of the College on such terms as may be appropriate;

- 40 to enter into and negotiate contracts and other binding arrangements for the supply of goods and services (whether bought, leased, hired or otherwise acquired) to the College on behalf of the Board or to authorise another to enter into such contracts for any amounts, provided that such amounts are consistent with the budget agreed by the Board and are within the limit of the relevant EU Procurement threshold per item or group of related items if lower and all in accordance with the College's Contract Procurement Procedures;
- 41 to enter into contracts and to incur capital expenditure for any amounts, which are consistent with the budget agreed by the Board;
- 42 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 a Committee;
- 43 to provide courses requested by outside agencies and to negotiate in accordance with the approved fees policy appropriate charges which cover (as a minimum) the marginal costs of the specific/particular provision requested;
- 44 to administer any educational endowment which is transferred to and vested in the Board in terms of section 19(1) of the 1992 Act;
- 45 to raise funds for and apply them to any of the activities which the Board have power to undertake and have approved;
- 46 to sign cheques in accordance with the provisions for cheque signatories;
- 47 to monitor and manage any budgets for which s/he is the designated budget holder;
- 48 to take out any necessary insurances to protect the interests of the College and the Board;
- 49 to settle up to a maximum of £5,000 and without reference to 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;
- 50 to make arrangements with insurance companies concerning the settlement of claims up to a value of £15,000;
- 51 on receipt of valid claims, to pay to members of the Board or co-opted members of the Board's Committees such allowances and expenses as the Board may have determined after taking cognisance of any guidance issued by the SFC;
- 52 to respond on behalf of the Board to consultative documents which may from time to time be sent to the College by the Scottish Parliament, the SFC, UHI Millennium Institute, or other external agencies;

- 53 to consult on behalf of the Board with representatives of the Local Enterprise Company and the Local Education Authority about the priorities contained within the College's Strategic Plan prior to its final approval by the Board;
- 54 to determine the dates of the College holidays and other details of the College's academic calendar;
- 55 to review the performance of members of the College senior management against predetermined targets in accordance with the policy of the Board;
- 56 to prepare the job descriptions and specifications of staff employed in the College and review and modify these as necessary to meet the perceived needs of the College;
- 57 to supervise, manage and deploy staff within the College;
- 58 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 approved by the Chair of the Board;
- 59 to facilitate the management of the college within the framework determined by the College Strategic and Operational Plans, the approved budget and any other policies determined by the Board;
- 60 to vire monies from expenditure heads within agreed budgets taking account of and complying with the College's financial regulations;
- 61 to authorise standard disclosure reports from Disclosure Scotland on relevant staff;
- 62 to sign and date the report of the Board of Management of the Annual Accounts in terms of the Financial Memorandum issued by the Funding Council and in accordance with paragraph 18 of Schedule 2 to the 1992 Act;
- 63 to sign all deeds and other documents binding the Board of Management for all purposes to which Schedule 2 to the 1992 Act applies;
- 64 to accept gifts of money, other property and services on behalf of the College and (in accordance with the College's policy on the receipt of gifts) and to determine their application, or to set up a trust to hold or administer them for the purpose for which they have been established.
- 65 to sign on behalf of the Board of Management, Shared Prosperity Fund and other Public Authority Support Certificates;
- 66 to rescind, in his/her role of Accounting Officer, any delegation to any nominated officer;
- 67 to write off bad debts due to the College up to the value of £5,000 for any individual debt;

- 68 to commit the College to exceptional expenditure up to the value of £10,000 to ensure the smooth running of the College business. Any use of this delegated authority to be reported to and ratified by the Board of Management at its next scheduled meeting;
- 69 working within the delegated authority provided within this scheme, represent the College on the Executive Board of UHI Millennium Institute and the Board of the Moray Community Planning Partnership.

Delegation to the Clerk to the Board

- 1 to keep proper records and Minutes of the Board's and Committees' proceedings;
- 2 to make available for inspection at the College copies of the Agenda, draft Minutes and approved Minutes of any meeting of the Board or any Committee and also of any report or other document considered by such a meeting, other than documents dealing with reserved items;
- 3 ensure returns to SFC and Audit Scotland are made timeously;
- 4 ensure the Board of Management acts within its Standing Orders.