

West Lothian College Board of Governors Scheme of Delegation

1. Introduction

- 1.1. Section 12(4) of the Further and Higher Education (Scotland) Act 1992 Act gives a Board powers to delegate the performance of any of its functions to its Chair, to any Board Committee or to any member of the college staff. This scheme sets out those delegations.
- 1.2. All delegations must be exercised in accordance with the law, and having regard to any lawful direction and guidance by Scottish Ministers, the Scottish Funding Council, or other bodies with relevant delegatory authority.
- 1.3. The Scheme of Delegation is approved by the full Board and may not be altered without the consent of the Board.
- 1.4. The Scheme of Delegation sits alongside the other elements of the Board's governance framework, namely:
 - a) The Financial Regulations, which set out the delegation of financial authority, in compliance with the Financial Memorandum
 - b) The Terms of Reference for the Board's Committees
 - c) Standing Orders, setting out rules of procedure
 - d) The Code of Good Governance
- 1.5. The delegations are dealt with in four main sections, namely delegations to:
 - a) The Chair of the Board
 - b) Committees
 - c) The Principal and Chief Executive
 - d) The Secretary to the Board of Governors

2. Exclusions from Delegations

2.1. The following items are reserved to the Board and excluded from this scheme of delegation:

- a) any functions the exercise of which is clearly reserved to the Board in terms of any direction by the Scottish Funding Council;
- b) appointment of and disciplinary action against the Principal;
- c) the appointment and removal of the Board Secretary;
- d) removal of Board members from office;
- e) the acceptance of endowments, gift and money, land and other property, and
 - i. determining their application to; or
 - i. setting up a trust to hold or administer them for the purposes of carrying onand other activities which the Board has the power to carry on and which have not been delegated; and
- f) the making, and amendment and revocation of the Standing Orders, Financial Memorandum, Election Rules and this Scheme of Delegation.

3. Delegations to the Chair of the Board

3.1. The Chair of the Board is authorised:

- a) in the absence of the Principal, to take such measures as may be required in emergencies subject to reporting to the appropriate Committee 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;
- b) to deal with urgent items of business after consultation with the Chair of the relevant Committee and with the Principal;

- c) to undertake visits in furtherance of the duties of the office of Chair of the Board;
- d) to incur expenditure to meet expenses of the office of the Chair of the Board on the provision of reasonable hospitality to representatives of other colleges, organisations or others, in accordance with guidelines set by the Scottish Funding Council;
- e) to sign and date the report of the Board on the Annual Accounts in terms of the accounts direction given by Scottish Ministers, under paragraph 18 of schedule 2 to the Further and Higher Education (Scotland) Act 1992.
- f) to sign all deeds and other documents binding the Board for all purposes to which paragraph 20 of schedule 2 to the Further and Higher Education (Scotland) Act 1992 applies;
- g) to initiate disciplinary action against the Principal or to suspend the Principal with pay, in circumstances which may result in disciplinary action being taken against the Principal;
- h) to appraise the Principal within the framework agreed by the Board;

and any such other matters deemed reasonable to be conducted by the Chair.

4. General Delegations to Committees

4.1. There is delegated to each Committee of the Board all of the functions relative to:

- a) the respective terms of reference of those Committees; and
- b) any minute of the Board making a special delegation to a Committee;

and subject to reporting such activities to the Board of Governors.

4.2. Each Committee may exercise and perform on behalf of and in the name of the Board, all the powers and duties of the Board in relation to the function so delegated.

5. General Delegations to the Principal and Chief Executive

5.1 The functions listed here are delegated to the Principal and may be exercised by a nominee.

5.2 The Principal is authorised:-

- a) to take such measures as may be required in an emergencies subject to advising the Chair where possible, and reporting to the appropriate Committee 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;
- b) to absent him/herself or permit any member of staff of the College to absent himself occasionally and temporarily during business hours to attend to duties and services of a civic, honorary, charitable or social nature provided that these do not interfere with the efficient discharge of his/her duties to the Board;
- c) if s/he considers it would be in the interests of the 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, and also to make visits and to authorise members of the staff of the College to make visits as representatives of the College;
- d) to give a direction in special circumstances that any member of staff shall not exercise the delegated function;
- e) to sign all deeds and other documents binding the Board for all purposes to which paragraph 20 of Schedule 2 to the Further and Higher Education (Scotland) Act 1992 applies;
- f) to issue press releases for publication and broadcasting on behalf of the College;
- g) to arrange for publication of any document on behalf of the College;

- h) to appoint staff of the College;
- i) to take disciplinary action against staff of the College up to and including dismissal subject to complying with the disciplinary procedures;
- j) to take appropriate disciplinary action including exclusion against students in accordance with any policies of the Board;
- k) to engage the services of outside persons, firms and organisations when it is necessary to carry out the functions of the Board in cases where the power to engage such services is not delegated to a Committee or is not reserved to the Board;
- l) to exercise any discretionary powers available in the implementation of conditions of service in relation to all staff;
- m) to administer in accordance with any policy determined by the Board disbursement of monies to students of the College;
- n) to administer in accordance with any policy of the Board the provision to students of the College of financial and other assistance;
- o) to raise funds for or to apply them to any of the activities which the Board have power to carry on;
- p) to sign cheques on behalf of the Board;
- q) to take out any necessary insurances to protect the interests of the Board;

and any such other matters delegated by the Chair of the Board, the Board or its Committees.

6. General Delegations to the Secretary to the Board of Governors

6.1 The Secretary is authorised:-

- a) to keep proper Minutes of Boards and Committees proceedings;
- b) to make available for inspection at the College copies of the Agenda, Minutes and agreed Minutes of any meeting of the Board or any Committee and also of any report or other document considered by such meeting; and
- c) to administer staff elections to the Board and act as returning officer.

Approved by the Board
June 2016