

DUDLEY COLLEGE OF TECHNOLOGY
SCHEME OF DELEGATION

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1. Purpose of the Scheme of Delegation

This Scheme of Delegation distinguishes between matters reserved exclusively for the Corporation's approval or decision, and matters delegated to committees and individuals.

These powers are set out within:-

- The College's Instrument and Articles of Government.
- The Department for Education's Conditions of Funding Agreement and Accountability Agreement
- The College's Financial Regulations.

2. Delegation Framework

The Corporation has authority to delegate matters to its committees and to the Chief Executive and Principal (CEP) in accordance with the provisions of Article 4(1) of the Articles:

The Corporation may establish committees for any purpose or function, other than those assigned in these Articles to the Chief Executive or Clerk (Governance Professional) and may delegate powers to :

- (a) such committees;
- (b) the Chair, or in the Chair's absence, the Vice-Chair; or
- (c) the Chief Executive.

3. Financial freedoms and limits applying to colleges

- The College has autonomy over financial transactions arising in the normal course of business. However, some transactions have delegated authority limits beyond which colleges must obtain prior approval, regardless of the source of funds.
- In the case of any proposed financial transaction requiring specific approval from a third party with regulatory powers (for example DfE, HM Treasury or the Charity Commission), such approval must be sought in writing in advance by the College.
- Such approval requirements may apply in respect of:
 - Novel, contentious and repercussive transactions
 - Special payments
 - Write-offs and entering into liabilities
 - Borrowing
 - Senior pay above a threshold of £174k or a pay award above 9%.

A schedule of delegated authorities is included within the College Financial Handbook at [section 5.4.1](#). DfE may take action in accordance with the [College oversight: support and intervention](#) framework, where colleges do not obtain the required approval in advance.

4. Role of the Corporation

The Corporation sets the strategic and operational framework within which the CEP will manage the College, and the Corporation will monitor and hold the CEP and other members of the Senior Leadership Team to account to achieve the College's Strategic Plan objectives.

The responsibilities of the Corporation are set out in Article 3(1) of the Articles of Government, which state that the Corporation shall be **responsible** for the following functions:

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- a) The determination and periodic review of the educational character and mission of the institution and the oversight of its activities;
- b) Publishing arrangements for obtaining the views of staff and students on the determination and periodic review of the educational character and mission of the institution and the oversight of its activities;
- c) Approving the quality strategy of the institution;
- d) The effective and efficient use of resources, the solvency of the institution and the Corporation and safeguarding their assets;
- e) Approving annual estimates of income and expenditure; and
- f) The appointment, grading, suspension, dismissal and determination of the pay and conditions of service of the holders of senior posts and the Governance Professional, including, where the Governance Professional is, or is to be appointed as, a member of staff, the Governance Professional's appointment, grading, suspension, dismissal and determination of pay in the capacity of a member of staff.
- g) Setting a framework for the pay and conditions of service of all other staff.

Article 9 states that the Corporation **shall not** delegate the following functions:

- a) The determination of the educational character and mission of the institution;
- b) The approval of the annual estimates of income and expenditure;
- c) The responsibility for ensuring the solvency of the institution and the Corporation and for safeguarding their assets;
- d) The appointment of the Chief Executive or holder of a senior post;
- e) The appointment of the Governance Professional, (including, where the Governance Professional is, or is to be, appointed as a member of staff the Governance Professional's appointment in the capacity of a member of staff); and
- f) The modification or revocation of the Articles.

These responsibilities are further supplemented by reference to schedule 7 of the Accountability Agreement between the DfE and the College, as follows:

- *The Governing Body of the College has responsibilities for ensuring that the College's funds are used only in accordance with the corporation's powers as set out in the Further and Higher Education Act 1992 and the College's own statutory duties and other obligations.*
- *The Governing Body will appoint an accounting officer with an appropriate separation of duties between executive and non-executive roles and responsibilities. The expectation is that the accounting officer will be the Principal or most senior executive leader of the College. The Governing Body will inform the Department in writing of the name and position of the accounting officer, and if the accounting officer is absent from the College for an extended period, as determined by the corporation, the name of the person who will discharge the accounting officer's responsibilities during the absence.*
- *The College will inform the Department in writing, as soon as is reasonably practicable, of the vacating or filling of the positions of the Chair of the Governing Body, the Principal, the accounting officer, and the governance professional.*

Further specific responsibilities are reserved to the Corporation within the College's Financial Regulations as follows:

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- Disposal of land and buildings. Colleges can dispose of fixed assets without DfE’s approval subject to the proposed disposal not being novel, contentious or repercussive. Funding body consent may be required if exchequer funds were involved in the acquisition of the asset.
- The purchase, lease or rent of land, buildings or fixed plant (and with reference to funding body requirements where exchequer-funded assets or exchequer funds are involved.)
- Ensuring that all the college’s trust funds are operated within any relevant legislation and the specific requirements for each trust, and being responsible for investment of fund balances.
- Establishing the shareholding arrangements and appointing directors of companies wholly or partly owned by the college.
- Appointment of external auditors for the main financial statements of the college.
- Appointment of internal auditors on the recommendation of the Audit Committee.
- Appointment of the college’s bankers and other professional financial advisers (such as investment managers).
- Partnership contracts which represent a significant change to agreed activity or represent a departure from the College’s strategic plan.
- Applications for external funds in excess of £50,000.
- The determination of what other benefits are to be available, the basis of their provision (contributory or not) and the staff to whom they are to be available. (Private medical insurance and salary sacrifice arrangements are not permitted unless approved by HM Treasury.)
- Subject to any constraints imposed by the funding body, the governing body shall determine the level of grant to be paid annually to the Students’ Union.

5. Role of the Chief Executive and Principal

The statutory powers and duties of the Chief Executive and Principal (CEP) are set out in the Articles of Government at Article 3(2) as follows:

- (a) Making proposals to the Corporation about the educational character and mission of the institution and implementing the decisions of the Corporation;
- (b) The determination of the institution’s academic and other activities;
- (c) Preparing annual estimates of income and expenditure for consideration and approval by the Corporation, and the management of budget and resources within the estimates approved by the Corporation;
- (d) The organisation, direction and management of the institution and leadership of the staff;
- (e) The appointment, assignment, grading, appraisal, suspension, dismissal and determination, within the framework set by the Corporation, of the pay and conditions of service of staff, other than the holders of senior posts or the Governance Professional, where the Governance Professional is also a member of the staff;
- (f) Maintaining student discipline and, within the rules and procedures provided for within these Articles, suspending or expelling students on disciplinary grounds or expelling students for academic reasons.

Article 11 states that the CEP may delegate functions to any Senior Manager **other than**:

- a) The management of budget and resources; and
- b) Any functions that have been delegated specifically to the CEP by the Corporation

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The CEP is delegated to manage finance within the limits set within the Board's approved Financial Regulations, and listed below:

- Changes to the approved budget up to £50,000.
- Purchases up to the value of £100,000 are undertaken in accordance with the approval limits and tendering processes set within the Financial Regulations.
- The award of contracts over £100,000 shall be reported to Corporation. Where practical to do so, Corporation will be provided with details of contracts that are likely to exceed £100,000 prior to the financial year in which the contract will be procured.
- Where contracts may exceed £1 million, the Corporation may wish to monitor these through the Finance and Estates Committee, or through a special project committee set up specifically for this purpose.

These responsibilities of the CEP are supplemented by reference within the Accountability Agreement between the DfE and the College as follows:

- The Governing Body will require the accounting officer to take personal responsibility, which will not be delegated, to assure them that there is compliance with the Department's Conditions of Funding. The accounting officer may be required to appear before the Parliamentary Committee of Public Accounts on matters relating to the College's use of funds.
- The accounting officer will be responsible for advising the Governing Body in writing if at any time, in their opinion, any action or policy under consideration by the Governing Body is incompatible with the Department's Conditions of Funding. If the accounting officer has evidence that the Governing Body is acting, or intending to act, in breach of the Department's Conditions of Funding, the accounting officer must inform the Department's Chief Executive in writing as soon as is reasonably practicable.
- The College must receive approval from the Secretary of State before making a change to its legal entity name.
- The College must obtain the written consent of the Secretary of State before entering into any new arrangements for Borrowing Money and for any amendment to such arrangements from 29 November 2022 and before entering into any amendment to arrangements for Borrowing Money that existed before 29 November 2022. Failure to do so will amount to a breach of this Agreement and the provisions of Section 7 (Clauses 31 to 34) will apply.

6. Role of the Governance Professional (Clerk)

The Governance Professional shall be responsible for the following functions as set out in the Articles of Government, Article 3(3): -

- a) Advising the Corporation with regard to the operation of its powers;
- b) Advising the Corporation with regard to procedural matters;
- c) Advising the Corporation with regard to the conduct of its business; and
- d) Advising the Corporation with regard to matters of governance practice.

The remaining five core responsibilities of the Governance Professional are also laid out in the Instrument of Government, as follows: -

- a) Receiving written notice of the Chair/Vice Chair's resignation;
- b) Receiving notice of a Member's disqualification from office;
- c) Receiving written notice of a Member's resignation;

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- d) The maintenance of a Register of Members' Interests and
- e) Calling meetings and publishing agendas.

7. Role of the Chair

The Chair has the same legal authority as other Corporation members and acts as “first among equals”. The Chair is responsible for the leadership of the Corporation and is ultimately responsible to the College’s stakeholders for the effectiveness of the Corporation. The following responsibilities are defined in the Instrument of Government:

- a) Issuing the agenda item and relevant papers relating to any proposal regarding the remuneration, conditions of service, conduct, suspension, dismissal, or retirement of the Governance Professional;
- b) Calling special and non-scheduled meetings;
- c) Second or casting vote in situations where there is an equal division of votes;
- d) 14 (3) where minutes of a meeting are taken as an agenda item and agreed to be accurate, those minutes shall be signed by the Chair as a true record.

The following responsibilities are defined in the Articles of Government:

- The Chair or Vice Chair shall form part of the selection panel for the Chief Executive and Principal.
- The Chair may also deal with those matters specifically delegated to him/her by the Corporation. However, the Chair shall not have delegated authority in relation to any matters listed in Article 3(1), or those responsibilities specifically delegated to the CEP under Article 3(2).

The Corporation Chair is empowered to take urgent decisions under the Standing Orders for the Corporation as follows:-

- The Chair of the Corporation (or in his/her absence the Vice-Chair) shall be authorised to take decisions on matters requiring urgent action where it is not practical to convene a meeting of the Corporation but subject to any limitations imposed by the Articles of Government. Such decisions shall be notified to the Governance Professional and reported to the Members of the Corporation within five days and also be recorded at the next meeting of the Corporation.
- The Corporation may delegate to the Chair (or in his/her absence the Vice-Chair) the finalisation of matters on which it has made a determination in principle and within the parameters agreed in such delegation.

8. Role of Committees

Under Article 4, the Corporation may establish committees for any purpose or function other than those assigned elsewhere in the Articles to the CEP and may delegate powers to such committees, the Chair or the CEP. The number of members of a committee and the terms on which they are to hold and to vacate office, shall be decided by the Corporation.

The Corporation may also establish other committees. These will have clear terms of reference, setting out their responsibilities to the Governing Body. If they are given delegated powers, these will be explicitly stated.

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The Corporation has retained the requirement under the Articles to have:

- A Search Committee to advise on the appointment of Members (other than as staff or student Members) and such other matters relating to membership and appointments as the Corporation may ask it to.

- An Audit Committee to advise on matters relating to audit arrangements and systems of internal control.

The Corporation has also approved Terms of Reference for:

- Remuneration Committee
- Finance & Estates Committee
- Standards Committee

The Corporation may not delegate to committees any matters listed in Article 9 (as listed in section 3 of this document above).

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9. Document approval

9.1 Recurring Document Schedule

The Corporation is responsible for approving the following documents (this list is non-exhaustive). These documents will be reviewed initially by the responsible individual, with appropriate consultation, and will be considered for approval by the Corporation at appropriate meetings as laid out in the Cycle of Business.

| Document | Reason for Corporation Approval |
|--|---|
| Annual Accountability Statement | College Accountability Framework – Conditions of Funding |
| Annual Budget | Instrument and Articles of Government: Article 3 and Article 9 |
| Audit Committee Annual Report | Framework for auditors and reporting accountants of colleges and College Financial Handbook |
| Borrowing Approval | Instrument and Articles of Government: Article 3 and Article 9 |
| College Key Performance Indicators Review | Monitoring tool |
| College Estates Strategy | Instrument and Articles of Government: Article 3 and Article 9 |
| Corporation Improvement Action Plan | Code of Good Governance for English Colleges |
| Corporation Self-Assessment Report | Code of Good Governance for English Colleges |
| Financial Statements | Framework for auditors and reporting accountants of colleges |
| Financial Statements Audit Management Letter | Framework for auditors and reporting accountants of colleges |
| Financial Statements Auditors Engagement Letter | Framework for auditors and reporting accountants of colleges |
| Financial Statements Subsidiary Companies | DfE Annual Finance Circular |
| Franchise/Sub-contracting Contracts – Annual Report | DfE Funding Rules |
| Franchise/Partner Contracts – Future Contracts/Additional partner/Extensions | DfE Funding Rules |
| Internal Audit Service Audit Needs Assessment and Plans | Framework for auditors and reporting accountants of colleges |
| Internal Audit Service Engagement Letter | Framework for auditors and reporting accountants of colleges |

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| Document | Reason for Corporation Approval |
|--|---|
| Internal Auditors Annual Report | Framework for auditors and reporting accountants of colleges |
| Letter of Representation - Financial Statements Audit and Regularity Audit | Financial Statements - Auditors Requirement |
| Quality Strategy and Quality Improvement Plan (Operational Development Plan) | Instrument and Articles of Government |
| Risk Management Policy Review | Framework for auditors and reporting accountants of colleges |
| Annual Strategic Impact Assessment (Self Assessment Report) | Education Inspection Framework |
| Senior Postholder Performance and Remuneration | AoC senior post holder remuneration code |
| Strategic Plan | Instrument and Articles of Government: Article 3 and Article 9 |
| Three Year Financial Plan | Instrument and Articles of Government: Article 3 and Article 9 |
| Gender Pay Gap Report | Equality Act 2010, Gender Pay Gap Regulations 2017. |
| Environmental Report | Streamlined Energy and Carbon Reporting requirements (SECR) 2018 |
| Safeguarding Annual Report | Keeping Children Safe in Education |
| Careers Strategy | DfE Statutory Guidance - Careers guidance and access for education and training providers |
| Equality Diversity and Inclusion annual report | Public Sector Equality Duty 2023 |

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7.2 Schedule of policies reserved for Corporation approval

The Corporation is responsible for approving the following policies, which are considered at the relevant sub-committee where stated prior to a recommendation for approval by the full Corporation.

| Name of Policy/Procedure | SLG lead | Drafting responsibility | Committee recommendation/approval | Source of requirement |
|--|-----------------|--------------------------------|--|------------------------------------|
| Access & Participation statement or plan (Higher Education) | Susanne Davies | Susanne Davies | Standards Committee | OFS 2018.1 |
| Admissions Policy | Debbie Goode | Sarah Cooper | Standards Committee | DfE, OfS, Equality Act |
| Anti-Fraud, Bribery & Corruption Policy | Louise Jones | Louise Jones | Audit Committee | Bribery Act 2010 |
| Governor Recruitment, Appointment & Succession Planning Policy | Gill Darwood | Gill Darwood | Search Committee | I&A: Article 5 |
| Assessment Malpractice & Maladministration (inc HE Programmes) Procedure | Adrian Walker | Horace Dennis | Standards Committee | DfE/OfS |
| Business Continuity & Disaster Recovery Plan | Louise Jones | Louise Jones | Audit Committee | DfE Risk Management Guidance |
| Complaints, Compliments & Suggestions Procedure | Adrian Walker | Dean Price | Standards Committee | DfE |
| Conflicts of Interest Policy | Gill Darwood | Gill Darwood | Corporation | I&A: Instrument 11. Charities Act |
| Digital and Electronic Signatures | Louise Jones | Louise Jones | Corporation | |
| Conduct – Student Policy & Procedure | Lynn Glazzard | Lynn Glazzard | Standards Committee | Instrument and Articles: Article 3 |
| Discipline Staff Procedure | Kathryn Jones | Kathryn Jones | Corporation | I&A Article 3(2) Article 16 |
| Equality and Diversity Policy | Kathryn Jones | Kathryn Jones | Standards Committee | Equality Act 2010 |

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| Name of Policy/Procedure | SLG lead | Drafting responsibility | Committee recommendation/approval | Source of requirement |
|--|----------------|-------------------------|--|---|
| Fees Policy | Louise Jones | Louise Jones | Finance & Estates Committee | I&A: Article 19 |
| Financial Regulations | Louise Jones | Louise Jones | Finance & Estates Committee | I&A: Article 3 and Article 9 |
| Financial Support and Guidelines Policy | Debbie Goode | Debbie Goode | Finance & Estates Committee | DfE funding guidance |
| Freedom of Information Policy | Stacey Malone | Stacey Malone | Corporation | Freedom of Information Act 2000 |
| Gifts and Hospitality Policy | Kathryn Jones | Kathryn Jones | Corporation | Financial Regulations Framework for auditors and reporting accountants of colleges |
| Governor Code of Conduct | Gill Darwood | Gill Darwood | Chair (Corporation for material changes) | I&A: Instrument 9.3© |
| Governor Induction Policy | Gill Darwood | Gill Darwood | Search Committee | I&A Article 5 |
| Governor Recruitment, Appointment and Succession Planning Policy | Gill Darwood | Gill Darwood | Search Committee | I&A Article 5 |
| Grievance Staff Procedure | Kathryn Jones | Kathryn Jones | Corporation | I&A Article 3(2) Article 16 |
| Harassment for Employees Procedure | Kathryn Jones | Kathryn Jones | Corporation | I&A Article 3(2) Article 16 |
| HE Admissions Policy | Susanne Davies | ? Susanne Davies | Standards Committee | Office for Students |
| Health and Safety Policy | Steve Johnson | Kelly Stretton | Finance & Estates Committee | Health and Safety at Work Act 1974; Management of Health and Safety at Work Regulations 1999; Health and Safety Executive |
| Data Protection & Information Security Policy | Stacey Malone | Stacey Malone | Corporation | GDPR 2018 |

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| Name of Policy/Procedure | SLG lead | Drafting responsibility | Committee recommendation/approval | Source of requirement |
|--|----------------|-------------------------|-----------------------------------|---|
| Pay Policy | Kathryn Jones | Kathryn Jones | Corporation | I&A: Article 3(2) |
| Performance Management Policy | Kathryn Jones | Kathryn Jones | Corporation | I&A: Article 3(2) |
| Privacy Notice | Rachel Corns | Stacey Malone | Corporation | GDPR |
| Risk Management Policy & Procedure | Louise Jones | Louise Jones | Audit Committee | DfE guidance |
| Safeguarding Policy | Lynn Glazzard | Lynn Glazzard | Standards Committee | Education Act 2002 s.175, Safeguarding vulnerable groups Act Keeping Children Safe in Education |
| Security Policy | Steve Johnson | Steve Johnson | Finance & Estates Committee | Keeping Children Safe in Education |
| Senior Post Holder Policies (pay, grievance, discipline) | Gill Darwood | Gill Darwood | Remuneration Committee | AoC Senior Pay Remuneration Code |
| Modern Slavery & Human Trafficking Statement | Kathryn Jones | Kathryn Jones | Corporation | Section 54 Modern Slavery Act 2015 |
| Scheme of Delegation | Gill Darwood | Gill Darwood | Corporation | I&A Article 23 |
| Standing Orders | Gill Darwood | Gill Darwood | Corporation | I&A: Article 23 |
| Student Search Procedure | Steve Johnson | Steve Johnson | Finance & Estates Committee | Keeping Children Safe in Education |
| Supply Chain (Fees and Charges) Policy | Susanne Davies | Ashley Wood | Finance & Estates Committee | DfE funding guidance |
| Terms of Reference for committees | Gill Darwood | Gill Darwood | Committee/Corporation | I&A: Article 4 |
| Treasury Management Policy | Louise Jones | Louise Jones | Finance & Estates Committee | I&A: Article 21 Financial regulations |
| Value for Money/Public Benefit Statement | Louise Jones | Louise Jones | Finance & Estates Committee | Financial regulations |

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| Name of Policy/Procedure | SLG lead | Drafting responsibility | Committee recommendation/approval | Source of requirement |
|--------------------------|---------------|-------------------------|-----------------------------------|--|
| | | | | Framework for auditors and reporting accountants of colleges |
| Whistleblowing Procedure | Kathryn Jones | Kathryn Jones | Corporation | Public Interest Disclosure Act 1998 (updated 2020) |

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7.3 Delegated policy schedule

The Corporation has delegated approval of the following policies to the senior leadership group (SLG). These policies are reviewed on a continuing triennial cyclical basis or updated as required by changes in legislation or to reflect good practice. This is not intended to be a complete list of College Policies and Procedures

| Name of Policy/Procedure | Lead Responsibility | Manager |
|---|----------------------------|----------------|
| Acceptable Use of IT – Student Policy | Louise Jones | Jonathon Wiley |
| Absence Management Policy | Kathryn Jones | Kathryn Jones |
| Acceptable Use of Internet/Intranet for Staff and Contract Personnel Procedure | Louise Jones | Jonathon Wiley |
| Assessment Malpractice and Maladministration Assessment Malpractice and Maladministration in Relation to Higher Education Programmes Procedure | Susanne Davies | Sussane Davies |
| CCTV Policy | Steve Johnson | Judy Johnson |
| English and Mathematics Policy | Claire Millard | Claire Millard |
| Fitness to Study Procedure | Lynn Glazzard | Lynn Glazzard |
| Human Resources | Diana Martin | Kathryn Jones |
| Learner Involvement Policy | Lynn Glazzard | Lynn Glazzard |
| Multi-Faith Prayer and Quiet Contemplation Room Policy | Lynn Glazzard | Lynn Glazzard |
| Retirement Policy | Kathryn Jones | Kathryn Jones |
| Smoke Free Policy | Steve Johnson | Judy Johnson |
| Social Media Policy | Diana Martin | Kathryn Jones |
| Standards and Performance Policy | Adrian Walker | Dean Price |
| Succession Planning and Talent Recognition Management | Diana Martin | Kathryn Jones |

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| Name of Policy/Procedure | Lead Responsibility | Manager |
|--|----------------------------|-----------------|
| Sustainability and Environment – Net Zero Commitment Statement | Steve Johnson | Samantha Hunter |
| Working Time Policy | Kathryn Jones | Kathryn Jones |