

THIS IS APPENDIX 4 REFERRED TO IN THE FOREGOING ARTICLES OF GOVERNANCE**GLASGOW CLYDE COLLEGE****SCHEME OF DELEGATION****PART I****1 Introduction**

- 1.1 This Scheme of Delegation (“scheme”) specifies the functions, the performance of which is delegated by the Board in terms of clauses 2.3 and 11 of the Articles of Governance.
- 1.2 All delegations must be exercised in accordance with the law and having regard to any lawful direction and guidance by the Scottish Ministers, the Regional Board and the Scottish Funding Council.
- 1.3 Only the Committee or the persons or the holders of posts specifically named in this scheme may exercise the function delegated to them. They may not of their own volition delegate the exercise of a function to another, other than the Principal, who has an express power to delegate. It is open to any delegate, however, to decline to exercise a function in a particular instance.

2 Reservations to the Board

- 2.1 The following are reserved to the Board and therefore excluded from any delegation:-
- 2.2 determining the objectives of the Board;
- 2.3 ratification of new governance policies;
- 2.4 ratification of any variation of existing governance policies;
- 2.5 borrowing money and in connection with such borrowing granting securities or giving guarantees or indemnities;
- 2.6 any functions the exercise of which is clearly reserved to the Board in terms of any direction by the Scottish Ministers or in terms of any statute;
- 2.7 the final approval of the annual estimates of:
- (i) revenue and expenditure, and
 - (ii) capital expenditure for work authorised by the Board;
- 2.8 the final approval of the College Corporate Plan;
- 2.9 the disposal of heritable property;

- 2.10 the appointment (subject to the approval of the Regional Board) of and disciplinary action against the Principal subject to and in accordance with the College's Disciplinary Procedures;
- 2.11 delegation of functions of the Board;
- 2.12 the acceptance of endowments, gifts of money, land or other property and:
 - (i) determining their application to, or
 - (ii) setting up a trust to hold or administer them for the purpose of carrying on any of the activities which the Board have power to carry on; and
- 2.13 the making, amendment and revocation of these Articles of Governance of the Board including Standing Orders, Election Rules and this scheme;

Part II

3 Delegations to the Chair of the Board

- 3.1 The Chair of the Board is authorised:-
 - 3.1.1 in the absence of the Principal and Depute Principal to take such measures as may be required in emergencies or as a matter of urgency, 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;
 - 3.1.2 to deal with urgent items of business after consultation with the Chair of the Relevant Committee and with the Principal;
 - 3.1.3 to undertake visits in furtherance of the duties of the office of Chair of the Board;
 - 3.1.4 within any guidelines set by the Board, to incur expenditure to meet the expenses of the office of Chair of the Board of the provision of reasonable hospitality to representatives of other Colleges, organisations or others and to authorise the Principal to make visits as a representative of the College within and outwith the United Kingdom;
 - 3.1.5 after approval of the Board to sign and date the Report of the Board on the Annual Accounts in terms of the accounts direction given by the Scottish Ministers, under paragraph 18 of schedule 2 to the 1992 Act;
 - 3.1.6 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;
 - 3.1.7 to conduct staff development and performance review interviews with the Principal in accordance with Board policy;

- 3.1.8 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. In the event of this action being considered the Chair should also seek the counsel of the Vice Chair in their capacity as the Senior Independent Member of the Board
- 3.1.9 if he/she considers it would be in the interest 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 within the UK to make visits and to authorise members of staff of the College to make visits as representatives of the College.
- 3.1.10 to deputise for any member absent from any Committee with the exception of the Audit committee.

Part III

Delegations to Committees

4 General Delegations to Committees

- 4.1 There is delegated to each Committee of the Board all of the functions relative to:
- 4.2 the respective terms of reference of those Committees; and
- 4.3 any minute of the Board making a special delegation to a Committee.
- 5 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 functions so delegated.
- 6 The Chair of each Committee is authorised to act on behalf of the Board between cycles of meetings, so far as such acts relate to matters within the remit of the Committee of which he is Chair.

Part IV

Delegations to Members of Staff

7 The Principal

- 7.1 The Principal, as Chief Executive of the College, is responsible for the management of the College and the direction of its operations subject to policy direction by the Board and within the framework determined by the College Corporate Plan, Regional Outcome Agreement, the Financial Memoranda and the approved budget;
- 7.2 The functions listed at clause 8 are delegated to the Principal. The Principal may, in turn, delegate particular functions to other members of staff, whilst retaining responsibility to the Board for the exercise of these functions. In exercising any delegated function the authorised member of staff will take account of any appropriate departmental or section practice or procedure of any managerial instruction and of any other similar consideration.

- 7.3 The delegations to members of staff are subject always to:
- (i) these Articles of Governance of the Board and of all policies of the Board from time-to-time in force;
 - (ii) appropriate provision for financial outlays having been made by the Board for the current year;
 - (iii) the right of a member of staff to consult with the Principal on any matter or to refer the matter to the Chair of the Board or to any Committee, even though it has been specifically delegated to him or her;
 - (iv) the exclusion from delegations to members of staff of power to deal with transactions (other than provision of a service to students of the College or customers of the College generally or approved by the Board under a Scheme or otherwise) which directly involve a member of the Board or a member of staff of the College or a person known to be connected with such member. In any such case a report on the proposed transaction shall be submitted to the appropriate Committee or to the Board for consideration and determination. A person is connected with a member of the Board or a member of staff of the College in the circumstances set out in Standing Order 15.3.

8 The Principal is authorised:

- 8.1 to take such measures as may be required in 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;
- 8.2 to absent himself/herself or permit any member of staff of the College to absent themselves occasionally and temporarily during business hours to attend to duties or services of a civic, honorary, charitable or social nature provided that these do not interfere with the efficient discharge of their duties to the Board;
- 8.3 if he/she 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, within any guidelines set by the Board, to authorise members of staff of the College to make visits as representatives of the College;
- 8.4 to give a direction in special circumstances that any member of staff shall not exercise a delegated function;
- 8.5 to take out membership and to attend meetings of outside bodies and professional associations where it is compatible with the duties of Principal and in the interests of the College to do so;
- 8.6 to sign all deeds and other documents binding the Board for all purposes to which clause 13 of these Articles of Governance applies;

- 8.7 to issue press releases for publication and broadcasting on behalf of the College;
- 8.8 to arrange for publication of any document on behalf of the College;
- 8.9 when requested to do so by the Authority, to provide to the Authority as soon as is reasonably practicable such information or advice as the Authority may reasonably request from the Board to facilitate the carrying out by the Authority of their duty under section 65(b) of the Education (Scotland) Act 1980 (provision for recorded children over school age) to consider in relation to any recorded child what provision would benefit them after he ceases to be of school age and to make a report thereon;
- 8.10 with the exception of matters reserved under the national recognition and procedure agreement to consult and negotiate with representatives of recognised trades unions and professional associations on behalf of the Board;
- 8.11 to appoint staff of 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;
- 8.12 to determine an appropriate staff structure for the College, consistent with the conditions of employment which currently apply;
- 8.13 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;
- 8.14 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 power to engage such services is not delegated to a Committee or is not reserved to the Board;
- 8.15 to grant leave of absence with salary to enable staff to undertake approved courses, or to attend approved meetings or conferences;
- 8.16 to grant unpaid leave of absence;
- 8.17 to arrange programmes of in-service training for staff;
- 8.18 to exercise any discretionary powers available in the implementation of conditions of service in relation to all staff;
- 8.19 to approve the secondment of staff of the College to external agencies where the total cost for the secondment is recoverable from the external agency and to approve the appointment where necessary of a temporary replacement for the duration of the secondment;
- 8.20 to sanction the payment of overtime in exceptional circumstances above the salary level at which the Board have determined the normal entitlement to overtime will cease;
- 8.21 to approve initial salary placings;

- 8.22 to administer in accordance with any policy determined by the Board disbursement of monies to students of the College;
- 8.23 to administer in accordance with any policy of the Board the provision to students of the College of financial or other assistance;
- 8.24 to set and amend as necessary the level of tuition fees, examination expenses, maintenance and contribution scales for all courses offered by the College and to waive or grant remission of such fees or expenses in special cases within guidelines set by the Board;
- 8.25 to authorise students to and to make grants to students to enable them to attend courses and conferences and to undertake educational visits and excursions at home or abroad within the approved estimates and policies of the Board;
- 8.26 to authorise leave of absence with salary for staff to accompany students of the College to such courses and conferences and on such visits and excursions as are mentioned in clause 8.15 above;
- 8.27 to take appropriate disciplinary action including expulsion against students in accordance with any policies of the Board;
- 8.28 to provide financial and other assistance to the Students' Association of the College within the terms of the policy of the Board;
- 8.29 to grant the use of College accommodation to outside bodies or persons for the purpose of holding meetings and functions on such terms and conditions as are reasonable in the circumstances;
- 8.30 to allocate and apportion accommodation within the College among the various departments of the College;
- 8.31 to arrange for any necessary alterations or adaptations to College property at a cost of up to a maximum set from time to time by the Board in respect of one project, provided the alteration or adaptation does not affect any material change in the character of the College;
- 8.32 to apply to the appropriate authority for any necessary statutory consents;
- 8.33 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;
- 8.34 to determine and control the standard of furniture, furnishing and equipment within the College;
- 8.35 to grant any wayleave or servitude over the property of the College on such terms as may be appropriate;
- 8.36 to seek and, when competitive tenders are sought, to open tenders for contracts with the Board in accordance with any guidelines set by the Board;

- 8.37 after all necessary approvals have been obtained, to enter into contracts on behalf of the Board or to authorise another to enter into contracts on behalf of the Board;
- 8.38 when it is in the interests of the Board to do so, to terminate contracts or to authorise the termination of contracts;
- 8.39 to check the financial standing of potential contractors;
- 8.40 to purchase necessary equipment at a cost of up to a maximum set from time to time by the Board;
- 8.41 to dispose of equipment which is surplus to requirements;
- 8.42 to enter into agreements for rental, hire or leasing of items of equipment when the rental or hire charge does not exceed a maximum set from time to time by the Board and to sign agreement forms for such rentals, hires or leases and for rentals, hires or leases approved by a Committee or the Board;
- 8.43 to enter into maintenance contracts at a cost of up to a maximum set from time to time by the Board and to sign such maintenance contracts and other maintenance contracts as may be approved by a Committee or the Board;
- 8.44 to enter into contract for the college to supply goods and/or services where the value of the contract does not exceed a maximum set from time to time by the Board and to sign such other contracts for the supply of goods and services as may be approved by a Committee or the Board;
- 8.45 to provide courses as requested by outside agencies and to negotiate appropriate charges therefor;
- 8.46 to administer any educational endowment which transferred to and vested in the Board in terms of section 19(1) of the 1992 Act;
- 8.47 to raise funds for and to apply them to any of the activities which the Board have power to carry on;
- 8.48 to make payments on behalf of the Board;
- 8.49 to take out any necessary insurances to protect the interests of the Board;
- 8.50 to settle up to a maximum set from time to time by the Board and without reference to the Board claims made against the Board where there is no insurance and whether or not a court action has been raised, subject to any necessary approvals being obtained when Treasury Indemnity applies;
- 8.51 to make arrangements with insurance companies concerning the settlement of claims;
- 8.52 on receipt of valid claims to pay to members of the Board such allowances and expenses as the Board have determined; and
- 8.53 on receipt of valid claims to pay to members of the Board's Committees (whether or not they are also members of the Board) such allowances and expenses as the Board have determined.

9 **The Secretary to the Board**

- 9.1 The Secretary to the Board is authorised:-
- 9.2 to act as Returning Officer for elections of teaching and support staff members of the Board in terms of the Elections Rules and Procedures for Appointment of Board Members;
- 9.3 to carry out the other duties imposed on the Secretary to the Board by said Election Rules and Procedures in respect of the nomination and appointment of other members of the Board.
- 9.4 to keep proper records and minutes of the Board and Committee proceedings and prepare agendas, draft minutes and approved minutes of all meetings of the Board or any Committee;
- 9.5 subject to clause 5 (inspection of documents) of the Articles of Governance, to make available for inspection at the main office of the College copies of the agenda and approved minutes (or draft minutes approved by the Chair) of any meeting of the Board or any Committee and also of any report or other document (other than those marked confidential) considered by such a meeting;
- 9.6 to maintain the Register of Interests of the members of the Board;
- 9.7 to receive resignations from the Board and to inform the Board of vacancies and impending vacancies; and
- 9.8 to enter into correspondence in any matter as directed by the Board.

10 **The Depute Principal**

- 10.1 The Depute Principal shall during any period in which the Principal is absent from the College through illness, holiday or any other reason such that the Principal cannot be contacted or is unable to provide instruction in such a way as may impede the good governance of the College or in the event it is reasonably necessary for good governance of the College and expediency assume the powers of the Principal under this Constitution mutatis mutandis provided always:-
- 10.2 The Depute Principal shall notify the Chair forthwith of the intention to invoke the powers in terms of this clause 10.
- 10.3 The operation by the Depute Principal of the powers authorised in terms of clause 10 shall cease on the Principal being able to provide instructions and direction in the governance of the College.