

WALTHAM FOREST COLLEGE 

**THE CORPORATION OF
WALTHAM FOREST COLLEGE**

**SCHEME
OF
DELEGATION**

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SCHEME OF DELEGATION

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<p>The Scheme of Delegation of the Corporation was first adopted by the Corporation on 11/07/04 and last updated 20.7.21</p>
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1. **INTRODUCTION**

- 1.1 At its meeting held on 17 December 2003 the Corporation of Waltham Forest College agreed to revise the way that it operated and adopt a Policy Governance model. Following this a review of the delegations in operation at that time was undertaken in preparation for the process of creating an appropriate Scheme of Delegation and formalising the various arrangements that had previously been in place.
- 1.2 In the many years of successful operation of the College's governance arrangements prior to the decision to move to a new model, it had not been considered necessary to implement a comprehensive formal Scheme of Delegation. The various delegations in place had been recorded in a variety of ways, each receiving authorisation as part of the overall approval or adoption of a particular policy, procedure or other form of report, statement or meeting minute.
- 1.3 This Scheme sits alongside and complements the Corporation's Standing Orders. Nothing in this document is meant to override the provisions of the Instrument and Articles of Government of Waltham Forest College which at all times are to be regarded as the primary sources of regulation.
- 1.4 In adopting this Scheme of Delegation the Corporation acknowledges that the powers and responsibilities of Further Education Corporations are as contained in the Instrument and Articles of Government. This Scheme is set within the Corporation's powers to delegate certain of its functions [Article 4(1)] and takes into account Articles 9 and 10 where functions that cannot be delegated by the Corporation are specified.
- 1.5 Appendix 1 sets out the delegation limitations placed upon Corporations and, in addition to those referred to in 1.4 above, also outlines the function of the Financial Memorandum with the College. Appendix 2 lists relevant extracts from the Articles of Government.
- 1.6 This Scheme of Delegation has direct and indirect relationships with a number of policies and procedures in day to day use within the College. In addition to the cross-references included in Section 2 below concerning such relationships, a list of these policies and procedures can be found in Appendix 3.

Governance structure

- Corporation
- Audit and Risk Committee – Terms of Reference approved by Corporation
- Finance and Resources Committee - Terms of Reference approved by Corporation
- Search, Governance and Remuneration Committee - Terms of Reference approved by Corporation
- Curriculum and Quality Committee –Terms of Reference approved by Corporation
- Estates, Property and Planning Working Group – this Group has no delegated powers. Terms of Reference approved by Corporation

2. DELEGATED MATTERS

2. Items Delegated by the Corporation to the Principal & Chief Executive

- 2.1 The Corporation delegates to the Principal, as Accounting Officer, the day to day responsibility for reviewing the adequacy of the system of internal financial control and making any appropriate amendments.
- 2.2 The Corporation delegates responsibility to the Principal to write-off bad debts for amounts of below £4,999.
- 2.3 The Corporation delegates authority to the Principal & Chief Executive of Waltham Forest College to set, on behalf of the Corporation, fees and charges.
- 2.4 The Corporation delegates to the Principal the power to determine an appeal in connection with the dismissal of a member of staff who is not a Senior Post Holder.

3. Items Delegated by the Corporation to the Search, Governance and Remuneration Committee

- 3.1 The Corporation delegates the determination of the remuneration of the Senior Post Holders, i.e. the Principal & Chief Executive, the Deputy Principal Curriculum & Quality, the Deputy Principal Finance and Corporate Resources and the Director of Governance (Clerk to the Corporation), to the Search, Governance and Remuneration Committee.
- 3.2 The Corporation delegates the determination of the conditions of service of (1) the Senior Post Holders, i.e. the Principal & Chief Executive and the Deputy Principal Curriculum and Quality, the Deputy Principal Finance and Corporate Resources and the Director of Governance (the Clerk to the Corporation), to the Search, Governance and Remuneration Committee.

4. Items Delegated by the Principal & Chief Executive

4.1 The College's system of internal financial control is based on a framework of regular management information, administrative procedures including the segregation of duties, and a system of delegation and accountability. In particular, it includes:

- comprehensive budgeting systems with an annual budget which is reviewed and agreed by the Corporation
- regular reviews by the Corporation of periodic and annual financial reports which indicate financial performance against forecasts
- setting targets to measure financial and other performance
- clearly defined capital investment control guidelines
- the adoption of formal project management disciplines where appropriate.

Underpinning the system of internal financial control are the College's Financial Regulations and Financial Procedures. These contain multiple 'implied delegations' where specific responsibilities of, or authorisation to named posts within the management structure are described. The majority of these are a consequence of the actual role of the Principal & Chief Executive or of a function delegated to the Principal & Chief Executive by the Corporation.

The College Financial Regulations are lodged on the dedicated Corporation Sharepoint site.

4.2 The Principal delegates to a designated representative their power under Article 3(2)(f) to suspend or expel students on disciplinary grounds and to implement decisions to expel students for academic reasons.

4.3 The Principal delegates to a Senior Post Holder their power to suspend or dismiss a member of staff who is not a Senior Post Holder.

5. **OTHER MATTERS**

5. **Action Taken by the Chair of the Corporation**

- 5.1 The Corporation has decided not to delegate specific functions to the Chair of the Corporation as this may prove to be too restrictive for the arrangements to work effectively as and when appropriate.
- 5.2 The Corporation's Standing Orders acknowledge that there are occasions when issues arise requiring time dependent approval which should be placed before the Corporation although the next scheduled meeting is too distant and it is not thought appropriate to call a special meeting. In such circumstances the Corporation has agreed that the Chair may take action on behalf of the Corporation on the condition that such a course of action is not contrary to the Articles of Government or other regulations.
- 5.3 Requests for action by the Chair will only be made through the office of the Clerk to the Corporation unless other exceptional arrangements have been made and the Clerk to the Corporation is kept informed. Requests should normally be made in writing although if an issue requires immediate attention it will be acceptable for a letter confirming a telephone conversation to be forwarded to the Chair.
- 5.4 The decision of the Chair, which must be in writing, will be reported to the next scheduled meeting of the Corporation by the Clerk.
- 5.5 The Clerk to the Corporation, in consultation with the Chair of the Corporation and the Principal & Chief Executive, will judge if it is thought appropriate to seek the views of the Chair of the committee (if any) associated with the issue.

6. Amendments to the Scheme of Delegation

- 6.1 The Clerk, on behalf of the Corporation, will be required to keep under continuous review the provisions of this document with the intention of suggesting to the Corporation improvements/amendments to meet changed circumstances.
- 6.2 Individual members of the Corporation may wish to suggest to the Clerk improvements/amendments to this document. Points raised will be the subject of a report to the next convenient meeting of the Corporation so that a decision may be made.
- 6.3 Any amendments to the text of this document will require the approval of the Corporation unless they are covered directly or indirectly by statute in which case such changes will be acted on without delay.
- 6.4 The Clerk may be contacted as follows: -

The Clerk to the Corporation
Forest Road Building
Waltham Forest College
Forest Road
Walthamstow
E17 4JB

Tel: 020 8501 8144 (or 020 8501 8154/56)
Fax: 020 8501 8317

7.

The Articles require the Governing Body to approve and keep under review the following policies and procedures^[1]:

- a) Recruitment, Probationary, Performance Management and Development, Reward, Disciplinary, Grievance and Capability Policies and Procedures for Senior Post-holders;
- b) Pay and Conditions of Service Policy for staff other than Senior Post-holders;
- c) Disciplinary and Grievance Policies and Procedures for staff other than Senior Post-holders;
- d) Risk Management Policy;
- e) Financial Regulations and Treasury Management Policy;

[1] A policy is a formal statement of a principle or rule that all members of the College community must follow. Policies relate to issues important to the College mission and operation. A procedure informs governors, staff and students how the policy will be implemented.

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Powers and Responsibilities of Further Education Corporations

The matters specifically reserved to the Corporation for decision are set out in the Instrument and Articles of Government of the College, and under the Financial Memorandum. The Articles of Government also specify which functions cannot be delegated. The table below sets out the **responsibilities** alongside the **delegation limitations** placed upon Corporations.

Under the College's Articles of Government [Articles 3(1) and 19] the Corporation shall be responsible: -		The Articles of Government [Article 9] prohibit the Corporation from delegating the following:-	
(a)	for the determination and periodic review of the educational character and mission of the institution and for oversight of its activities;	(a)	the determination of the educational character and mission of the institution;
(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;	(b)	the approval of the annual estimates of income and expenditure;
(c)	Approving the quality strategy of the institution;	(c)	ensuring the solvency of the institution and the Corporation and the safeguarding of their assets;
(d)	for the effective and efficient use of resources, the solvency of the institution and the Corporation and for safeguarding their assets;	(d)	the appointment or, subject to Article 16, dismissal of the Principal or holder of a senior post;
(e)	for approving annual estimates of income and expenditure;	(e)	the appointment or dismissal of the Clerk (including, where the clerk is, or is to be, appointed as a member of staff his appointment or, subject to Article 17, dismissal in his capacity as member of staff); and
(f)	for the appointment, grading, suspension, dismissal and determination of the pay and conditions of service of the holders of senior posts and the Clerk (including, where the Clerk is, or is to be, appointed as a member of staff, his appointment, grading, suspension, dismissal and determination of pay in his capacity as member of staff);	(f)	the modifying or revoking of the Articles of Government.

(g)	for setting a framework for the pay and conditions of service of all other staff; and		
19	for setting the policy by which the tuition and other fees payable to the College are determined (subject to any terms and conditions attached to grants, loans or other payments paid or made by the Council).		

In addition to the above, the Corporation cannot delegate powers that have been assigned by the Articles to the Principal [see Article 3(2)]. Following on from Article 9 (see right hand column of table above), Article 10(1)(b) specifies that the Corporation may not delegate to the Principal the power to determine an appeal in connection with the dismissal of a member of staff unless the Principal has previously delegated their power to dismiss such a member of staff to a senior postholder. This latter point is necessary to maintain natural justice by preserving the independence of the person or body hearing an appeal and would also apply to student disciplinary appeals.

The Financial Memorandum sets out the above responsibilities and some additional points for the purpose of regulating its relationship with colleges in financial and related matters and specifies the **terms and conditions** on which public funds will be paid by the Funding Agencies to the College. The general elements in Part 1 of the Financial Memorandum, which are in addition to those listed above, or are an expansion of them, are outlined below. Part 2 of the Financial Memorandum contains specific conditions that might apply to a college and is the subject of individual notification each year.

The Financial Memorandum states that: -

- the Corporation must require the Principal to take personal responsibility, which may not be delegated, for ensuring the proper and effective operation of the financial, planning and management controls of the College, and for giving effect to the Corporation's policies for securing the efficient, economical and effective management of all the College's income, assets and expenditure.
- with regard to the Clerk, the Corporation should specify the procedures which the Clerk and the Corporation should follow if the Corporation acts inappropriately or beyond its powers.
- with regard to Accounts and financial management, the College is required to notify the ESFA in writing if at any time there is a significant deterioration in its financial position. The College may be required to put in place a recovery plan or a risk reduction plan where the ESFA has concluded that there is a risk to the College's liquidity, service delivery or asset base.

In addition, the Financial Memorandum contains a number of detailed requirements relating to the allocation of funds, audit, contingent liabilities, the provision of information and the imposition by the ESFA of penalties where a Corporation fails to comply with any of the conditions of funding.

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Extracts from the Articles of Government

Responsibilities of the Corporation, the Principal and the Clerk

3.—(1) The Corporation shall be responsible for the following functions—

- (a) the determination and periodic review of the educational character and mission of the institution and the oversight of its activities;
- (b) (aa) 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;
- (f) the appointment, grading, suspension, dismissal and determination of the pay and conditions of service of the holders of senior posts and the Clerk, including, where the Clerk is, or is to be appointed as, a member of staff, the Clerk's appointment, grading, suspension, dismissal and determination of pay in the capacity of a member of staff; and
- (g) setting a framework for the pay and conditions of service of all other staff.

(2) Subject to the responsibilities of the Corporation, the Principal shall be the Chief Executive of the institution, and shall be responsible for the following functions-

- (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 Clerk, where the Clerk is also a member of the staff; and
- (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.

(3) The Clerk shall be responsible for the following functions: -

- (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 establishment of committees and delegation of functions generally

4— (1) The Corporation may establish committees for any purpose or function, other than those assigned in these Articles to the Principal or Clerk and may delegate powers to-

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

(2) 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.

(3) The Corporation may also establish committees under collaboration arrangements made with other further education institutions or maintained schools (or with both), and such joint committees shall be subject to any regulations made under section 166 of the Education and Inspections Act 2006(1) governing such arrangements.

Delegable and non-delegable functions

9. 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 Principal or holder of a senior post;
- (e) the appointment of the Clerk, (including, where the Clerk is, or is to be, appointed as a member of staff the Clerk's appointment in the capacity of a member of staff); and
- (f) the modification or revocation of these Articles.

10.— (1) The Corporation may not delegate -

- (a) the consideration of the case for dismissal, and
- (b) the power to determine an appeal in connection with the dismissal

of the Principal, the Clerk or the holder of a senior post, other than to a committee of members of the Corporation.

(2) The Corporation shall make rules specifying the way in which a committee having functions under paragraph (1) shall be established and conducted.

11. The Principal may delegate functions to the holder of any other senior post other than-

- (g) the management of budget and resources; and
- (h) any functions that have been delegated to the Principal by the Corporation.

Financial Matters

19. The Corporation shall set the policy by which the tuition and other fees payable to the Corporation are determined (subject to any terms and conditions attached to grants, loans or other payments paid or made by the Council).

(1) 2006 c. 40.

College Policies and Procedures that Relate to Delegated Items

The Governing Body has approved and will keep under review the College's Strategic Plan 2019-2022, which includes statements of the College's mission, vision and values, its strategic goals and objectives and the KPIs that will be used to monitor progress. The Governing Body also reserves to itself the right to approve and keep under review the following supporting strategies:

- a) Curriculum Strategy;
 - b) Finance Strategy;
 - c) HR Strategy;
 - d) IT Strategy;
 - e) Marketing and Communications Strategy;
 - f) Partnerships Strategy; and
 - g) Property Strategy.
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- f) Fees Policy;
 - g) Student Admission, Engagement, Complaints and Disciplinary Policies; and
 - h) The constitution of the student representative bodies.

The Governing Body also reserves to itself the right to approve and keep under review the following policies, procedures and plans:

- Annual Audit Plan;
- Capability Policies and Procedures for staff other than Senior Post-holders;
- Complaints Policy;
- Equality and Diversity Policy and Action Plan;
- Governors' Expenses Policy;
- Redundancy Policy;
- Health and Safety Policy;
- Environmental Sustainability Policy,
- Anti-bribery Policy;
- Safeguarding and Prevent Policies;
- Public Interest Disclosure ('Whistleblowing') Policy;
- Freedom of Information Policy; and
- Data Protection Policy.