

BORDERS COLLEGE
REGIONAL BOARD
SCHEME OF DELEGATION

1 Introduction

This scheme specifies the functions that are delegated by the Regional Board in terms of Section 12(4) of the 1992 Act, as amended by the 2005 Act and the 2013 Act.

All delegations must be exercised in accordance with the law and having regard to any lawful direction and/or guidance subsequently issued by the UK or Scottish Parliament or the Scottish Further and Higher Education Funding Council (SFC).

The delegations are dealt with in three sections:

- authority reserved to the Board;
- delegation to the Chair of the Regional Board;
- delegation to the Principal.

2 Compliance

Where a responsibility has been delegated, there is nothing to prevent the delegator from dealing with the responsibility delegated, or from withdrawing or amending the delegation granted. Exercise by a delegate of a delegated responsibility is as if it had been done by the Board itself.

3 Review

The Scheme of Delegation will be reviewed at least every three years and normally alongside a review of the Standing Orders. This shall not preclude a review being conducted before such time, should it be considered necessary by the Board, or to bring the Scheme of Delegation into line with Financial Memoranda which may be issued from time to time by the SFC.

4 Scheme of Delegation

Authority Reserved to the Board

The following are reserved to the Board and are, in such circumstances, excluded from any Scheme of Delegation:

- 4.1 determining the objectives of the Board;
- 4.2 matters of new policy or variation of existing policy which is core to the business of the College;
- 4.3 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 1992 Act as amended by the 2005 Act and the 2013 Act;

- 4.4 final approval of the College's Strategic Plan;
- 4.5 final approval of the audited annual accounts;
- 4.6 approval of the annual budget;
- 4.7 approval of financial forecasts prior to submission to the Scottish Funding Council;
- 4.8 final approval of the Outcome Agreement;
- 4.9 final consideration of the Annual Audit Report;
- 4.10 acquisition and disposal of heritable property;
- 4.11 appointment and dismissal of the Principal;
- 4.12 determining the processes and procedures for appointment and removal of the Board Secretary;
- 4.13 delegation of functions of the Board of Governors; and
- 4.14 the making, amendment and revocation of the document entitled 'Constitution and Standing Orders for the Board of Governors'.

Whilst the process of monitoring risk management has been delegated to the Audit and Risk Committee, the full Regional Board retains responsibility for risk within the College.

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.

SECTION 1: DELEGATION TO THE CHAIR OF THE BOARD

The Chair of the Board is authorised:

1. in the absence of both the Principal and the deputising Principal (the mechanism for appointing the deputising Principal is outlined in paragraph 2 below), in conjunction with a designated member of senior staff, 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 Principal's absence the deputising Principal is responsible for the operational management of the College).
2. the Chair is also required to nominate, after a period of four weeks' continuous absence of the Principal, a deputy Accounting Officer (normally the deputising Principal) to discharge this role in the Principal's absence (such action should, at the earliest opportunity be brought to the attention of the Scottish Funding Council and the Board).
 - a. In the event of continuous absence of eight weeks (including the four week absence referred to above) of the Principal (except in the case of serious illness when the period of continuous absence will be four weeks), the entire Board shall (in a special meeting called for this purpose) be required to invest the delegations ascribed to the Principal in this document to the deputising Principal and other members of the Executive Team as the Board considers appropriate until such time as the Principal is capable of discharging fully their functions as Principal/Chief Executive/Accounting Officer and academic leader of the College.
3. to exercise judgment in the event of a need for an urgent decision during the period between Board meetings, such that:

- a. either an emergency Board meeting is called in the case of material decisions; or
 - b. to make the required decision and then report said decision to the next Board meeting.
4. to conduct annual staff development and performance review interviews with the Principal, including setting of performance standards for the Principal;
 5. to initiate disciplinary action against the Principal or to suspend the Principal, with or without pay, which may later result in disciplinary action against the Principal;
 6. to sign the College's Annual Financial Report prior to its submission to the Scottish Funding Council and after it has been approved by the Board;
 7. to undertake external representation of the College as appropriate;
 8. to approve Board papers for public consultation;
 9. to lead the recruitment process and determine the terms and conditions for the Secretary in conjunction with the Chair's Committee when a vacancy arises with matters of remuneration agreed by the Chair's Committee;
 10. appointment of members and co-opted members to standing committees with the Chair's Committee making recommendations to the Board;
 11. removal from office of Board Members with the Chair's Committee making recommendations to the Board;
 12. to conduct annual development and performance review interviews with the Board Secretary, including setting performance standards for the Board Secretary; and
 13. to conduct Annual Review meetings with Board Members.

SECTION 2 : DELEGATION BY THE REGIONAL BOARD TO THE PRINCIPAL, BORDERS COLLEGE

The following list of functions may be exercised by the Principal of Borders College.

The Principal is authorised:-

1. to manage and delegate as appropriate all College activities on a day to day basis subject to regular reporting to the Regional Board;
2. to carry out all functions necessary to enable them to fulfil the responsibilities of Principal and Accounting Officer and to implement through their management of the College the policy and decisions of the Board and Committees;
3. in emergency situations, to take such measures as may be required, subject to advising the Chair where possible and reporting to the appropriate Committee and to the Board as soon as possible thereafter on any items for which approval of the Committee or the Board would normally be necessary;

4. to represent the College in furtherance of the duties of the position of Principal and the interests of the College;
5. to sign all deeds and other documents binding the Board for all purposes to which Schedule 2, paragraph 20 of the 1992 Act as amended by the 2005 Act and the 2013 Act applies, when approved by minute;
6. approval of items of expenditure up to the limits as set out in the College's Financial Regulations; and
7. writing off of debts up to a value of £5,000 subject to the reporting requests specified in the current Financial Memorandum as issued to Colleges by the Scottish Funding Council.