

PRINCIPLES OF DELEGATED AUTHORITY

- 1 Delegation should reduce the amount of detailed decision-making required of the Council, enabling the Council to focus on strategic policy issues, major matters of substance and significance and on maintaining oversight of the Council's activities while devolving the burden of detailed day-to-day decision taking to the Executive.
- 2 Delegation should be within a policy and budgetary framework agreed by the Council.
- 3 Delegation of financial matters should be subject to appropriate financial limits governed by the materiality of the sums in relation to the Council's overall budget.
- 4 The uses of delegated authority should be reported to the first available meeting of the Council

The following matters may not be delegated but are reserved for the Council alone:

- 1 Allocating the funding budget
- 2 Approving the appointment and dismissal of the Chief Executive and Clerk to the Council
- 3 Approving and monitoring the Council's strategic objectives
- 4 Ultimate responsibility for the effectiveness of internal controls
- 5 Setting the terms of reference of a Council committee
- 6 Agreeing any revisions/amendments to Council procedures and to the *Code of Practice for Members of the Higher Education Funding Council for Wales*
- 7 Agreeing any revisions/amendments to the *Standing Orders for the Conduct of Council Business*
- 8 Agreeing any revisions/amendments to the *Financial Regulations*
- 9 Such other matters as the Council may determine from time to time

CHAIRMAN

The Chairman shall have delegated authority:-

- 1 To act as the main point of contact between the Ministers of the Welsh Assembly Government and the Council.
- 2 To act as the chief spokesperson for the Council and will normally:
 - (a) represent the Council in its relationships with the Ministers of the Welsh Assembly Government, National Assembly Committees and Members generally, Ministers of the UK Government and Members of Parliament, and in relationships with the chairs and members of other bodies and in the conduct of other significant relationships and occasions;
 - (b) make on behalf of the Council all major policy announcements and position statements.
- 3 To authorise payments or advancement of grants to institutions outside approved allocations up to £500,000

CHIEF EXECUTIVE

General Provisions

- 1 The Chief Executive shall represent the Council in relations with officials of the Welsh Assembly Government.
- 2 The Chief Executive and Directors shall discharge the functions and powers of the Council as specified herein and within the following scheme of delegation, subject to:
 - (a) Expenditure or income being within the approved budget or with the prior approval of the Council;
 - (b) Compliance with the Council's Standing Orders and Financial Regulations;
 - (c) Compliance with the Council's Corporate Strategy and Corporate Plan & Operational Plan, as approved by the Council and Welsh Assembly Government, and the overall policy framework approved by Council;
 - (d) Compliance with the Management Statement and Financial Memorandum.
- 3 All powers specified within the scheme are delegated to the Chief Executive who then authorises the Director of Finance and Corporate Services, the Director of Strategic Development, Heads of Teams and senior staff who serve the Council in accordance with the scheme.
- 4 The Chief Executive is authorised to delegate powers to the Director of Finance and Corporate Services, the Director of Strategic Development, Heads of Teams and senior staff who serve the Council within the limits of his/her own delegated authority, to exercise concurrently all powers delegated and to generally supervise the exercise of delegated powers.
- 5 The Chief Executive is authorised to take or authorise jointly with the Chairman (or in the absence of the Chairman, his/her appointed deputy or other member nominated by the Chairman) any action on any matter within the remit of the Council (but excluding those matters explicitly reserved for decision by the Council alone, as specified under the 'Principles of Delegated Authority' within this scheme) which they consider to be of such urgency that it cannot await a meeting of the Council, provided that such action shall be reported for information to the next meeting of the Council.
- 6 The Director of Finance and Corporate Services, the Director of Strategic Development and the Heads of Teams are responsible for ensuring compliance with all relevant statutory requirements in their areas.
- 7 The Chief Executive, the Director of Finance and Corporate Services, the Director of Strategic Development and the Heads of Teams shall have the power to:
 - (a) recruit and appoint staff in their respective Departments in accordance with the procedures adopted by the Human Resources Committee;

- (b) deal with all staff matters including taking disciplinary action or dismissal in accordance with the policies and procedures approved by the Human Resources Committee or the Council.
- 8 The Chief Executive, the Director of Finance and Corporate Services, the Director of Strategic Development, Heads of Teams and senior staff shall have the power to exercise such functions, powers and duties as may be specified in Standing Orders or Financial Regulations.
- 9 This scheme of delegation does not in any way diminish the responsibilities of the Chief Executive as Accounting Officer.

The Chief Executive shall have delegated authority:-

- 10 To exercise all Council functions not expressly reserved or otherwise delegated to another Committee.
- 11 To act as spokesperson for the Council within the framework agreed by the Chairman.
- 12 To authorise payments or advances of grant to institutions outside approved allocations up to £250,000
- 13 To approve expenditure from the Council's programme budget outside approved allocations of up to £40,000 per individual item, within an aggregate total for each financial year of £400,000
- 14 To profile funding payments to institutions on the basis of institutional need and in accordance with Treasury controls
- 15 To execute the following in relation to the Council's Financial Memorandum with institutions (references are to paragraph numbers in the Memorandum):
 - a) conditions on the making of deficits by institutions and the clearing of those deficits (paragraph 20)
 - b) exceptional or ad hoc payments to institutions outside the normal monthly payment profile but within their agreed overall allocation (paragraph 36)
 - c) provide written consent for transactions by institutions significantly affecting the value or ownership of property acquired or developed with Council funds (paragraph 44.1)
 - d) provide written consent to institutions before they undertake long term financial commitments such that the annualised servicing costs of all the institution's long-term financial commitments would exceed the "threshold percentage" of 4 per cent of total income (paragraph 48), unless the threshold percentage exceeds 7 per cent, whereby Council's consent will be required.
 - e) Provide written consent to institutions borrowing on the security of Exchequer and local authority funded assets (paragraph 52)
 - f) provide written consent to institutions for short term financial commitments where the institution's negative net cash exceeds the lower of five per cent of total income or £2 million for more than 30 consecutive calendar days (paragraph 54);
 - g) retention of rental income and proceeds of sale of land or buildings (Appendix).
- 16 To request a formal Recovery Plan from the Chairman of Governors of institutions that are in serious financial difficulty, or facing serious financial difficulty in the next two years, outlining the action the institution plans to take to remedy the financial position (these letters to be sent following Council approval or under delegated authority to the Chief Executive if considered urgent).

- 17 To consult with the sector without recourse to the Council in situations where the consultation is a joint consultation with another body, or is small in scope and scale, or where it is a matter of urgency.
- 18 To authenticate documents for legal proceedings
- 19 To execute documents to give effect to Council decisions whether or not expressly authorised by such decision

Special Provision

- 20 In the event of the sudden loss or long-term debility of the Chief Executive, all general provisions and specific delegations in relation to the Chief Executive under this Scheme shall transfer to the Director of Finance and Corporate Services, or in his/her absence to the Director of Strategic Development. In the event that neither the Director of Finance and Corporate Services nor the Director of Strategic Development are able to take on this responsibility, the Chairman shall determine which other senior officer should assume it instead.

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