

## **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) acceptance by the Council of the designated principal office holder of the institution (paragraph 12);
  - b) exceptional or ad hoc payments to institutions outside the normal monthly payment profile but within their agreed allocation (paragraph 20)
  - c) conditions on the making of deficits and the clearing of those deficits (paragraphs 24-26)
  - d) consultation with the Council about property transactions if maintenance of the property is likely to be a call on Council funds (paragraph 32)
  - e) transactions significantly affecting the value or ownership of property acquired or developed with Council funds (paragraph 33.1)
  - f) borrowing on the security of Exchequer and local authority funded assets (paragraphs 41 and 42)
  - g) borrowing on the security of any assets if the actual annual cost of all capital finance would exceed the limits set out in paragraph 37
  - h) unsecured borrowing if that borrowing exceeds the lower of eight per cent of total income or £2 million (paragraph 43);
  - i) 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 in financial health category D 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 of the categorisation 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**

- 1 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.

### **Management Board**

- 1 HEFCW's Management Board shall have responsibilities for oversight of policy development, organisational issues, and setting and monitoring of budgets, as described in its terms of reference (attached as Appendix 1 to this Scheme).

DECEMBER 2007

**HEFCW Management Board  
- Terms of Reference -**

**Purpose**

A) Policy Issues

To identify key issues for future policy development and establish processes for taking forward.

To serve as a 'think tank' on key policy issues.

B) Organisational Issues

To determine or recommend to the appropriate authority (Council, Council committees, or the Chief Executive) the Council's organisational policies and processes and to ensure their efficient and effective operation

To monitor and challenge the Management Accounts of financial performance and also the running costs budget, and to propose the latter each year to Council

To receive quarterly reports from Budget Group on performance against the programmes budget

To monitor the Council's key internal systems and procedures, including:

- Financial control (nature and adequacy of);
- Staffing
- Health and Safety;
- Facilities/office services;
- Business continuity management and information security;
- Risk management
- Processes which underpin delivery of, and compliance with, Welsh Assembly Government requirements

To monitor progress against HEFCW's equal opportunities policies (including the Race Equality Scheme, Welsh Language Scheme, and Welsh Language Mainstreaming Strategy)

To monitor regularly progress against the actions included in the Council's current Corporate Strategy and Corporate & Operational Plan.

To develop and monitor regularly Team risk registers and the corporate risk register.

To monitor progress against management implementation plans from internal audit reports.

## C) Forward Look

To review and monitor a forward plan of forthcoming key issues based on the three-years covered by the current Corporate Plan

To consider future public relations and communications issue

To note agendas for forthcoming Council meetings

### **Standard Agenda**

#### 1. Policy and/or Organisational Issues

Papers present issues for discussion; for approval without discussion; or for information.

#### 2. Forward Look:

- review forward plan of forthcoming key issues (to include issues from the latest Corporate Plan and regular reviews of Team risk registers and the corporate risk register)
- agree agenda items for the next Management Board meeting
- review potential media issues, planned press releases and the message calendar

#### 3. Action points from last Management Board meeting and matters arising

#### 4. Issues raised by Teams on Management Board matters

#### 5. Any other business

#### 6. Reflection on the meeting

#### 7. Date of next meeting

#### 8. Items for information

### **Frequency of meetings**

Meetings normally will take place every three weeks and last up to three hours.

### **Communicating outcomes**

Members of Management Board will brief their teams regularly, normally within a few days of meetings, including scope for feedback. They will also debrief their teams as necessary after Council meetings.

A brief bulletin listing key action points/conclusions will be produced and issued by the Secretary shortly after each Management Board meeting.

## **Other Groups**

The follow sub-groups have been established with delegated authority to address specific issues on behalf of Management Board within the scope of their remits:

### **Budget Group**

Considers overall budget agreed by WAG and proposes steers to Management Board and to Council to guide the distribution of grant for programmes and capital. Minutes of each meeting presented to Management Board for information.

### **Funding Group**

Develops and implements funding policy proposals, and manages the annual funding round project. Minutes of each meeting presented to Management Board for information.

### **Business Continuity Operational Group**

Responsible for planning and co-ordinating HEFCW management response to business continuity issues.

Provides advice to Management Board on business continuity matters at least annually.

### **Information Security Team**

Responsible for overall development and monitoring of HEFCW's Information Security Management System.

Reports to Management Board any major or contentious issues that arise for direction and/or approval.

### **Health and Safety / Environmental Management Committee**

Responsible for developing and reviewing health and safety and environmental policy and procedures.

Submits to Management Board for approval proposals for major changes to health and safety/environmental policy and procedures. Also submits a plan of intended work on at least a quarterly basis.

### **Equal Opportunities Sub-Group**

### **ITT Tripartite Group**

### **Membership**

Chief Executive (Chair)

Director of Finance and Corporate Services

Director of Strategic Development (also continuing currently the duties of Head of Funding and Reconfiguration)

Head of Economic Development

Head of Estates

Head of Finance  
Head of Human Resources and Organisational Development  
Head of Learning and Teaching  
Head of Planning and Corporate Governance  
Head of Risk Assurance<sup>1</sup>  
Head of Statistics and Information Systems

The Secretary to the Management Board will be the Communications Manager.

Other members of staff will be invited to attend Management Board as business dictates.

Members of the Management Team unable to attend Management Board meetings must identify a substitute and notify the Secretary. However, only members of the Management Team may be present for discussion of items concerned with:

- pay and conditions
- the functioning of the Management Team itself
- organisational structures

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<sup>1</sup> The Head of Risk Assurance is also the Head of the HEFCW internal audit service (HIA). In accordance with the independence requirements of the Government Internal Audit Standards the HIA in that role is independent of the operational activities of HEFCW and has no executive responsibilities. Any advice and recommendations provided by the HIA at the Management Board are without prejudice to the right of the HEFCW internal audit service to review the relevant policies, procedures and operations at a later date.