

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.
- 5 The uses of delegated authority as defined in this Scheme must be consistent with the requirements of the Framework Document between HEFCW and the Welsh Government, including the specific delegations set out within it (*see Appendix*).

The Council

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

- 1 Approving the allocations of grant funding to each funded institution in each academic year.
- 2 Approving the appointment and dismissal of the Council Secretary.
- 3 Establishing and taking forward the strategic aims and objectives of HEFCW, including approving HEFCW's corporate strategy and operational plan for submission to the Welsh Government and monitoring performance against the Council's strategic objectives.
- 4 Ensuring that effective arrangements are in place to provide assurance on risk management, governance and internal control.
- 5 Setting the terms of reference of a Council committee.
- 6 Agreeing any revisions/amendments to Council's governance processes and procedures, including any changes to the following:

- *Code of Conduct for Members of the Higher Education Funding Council for Wales;*
 - *Standing Orders for the Conduct of Council Business;*
 - *Committee Standing Orders;*
 - *Financial Regulations;*
 - *Scheme of Delegation.*
- 7 Agreeing to proceed to the injunction stage of the Compliance and Reimbursement Intervention Process, the Intervention Process in Respect of Failure to Comply with General Requirements of an Approved Fee and Access Plan, the Intervention Process in Respect of Inadequate Quality, or the Intervention Process in Respect to Failure to Comply with the Financial Management Code, of HEFCW's Statement of Intervention.
 - 8 Approving or rejecting fee and access plans, including variations to plans that significantly alter the material basis on which a plan was initially approved.
 - 9 Approving application guidance documents for institutions wishing to either have a fee and access plan or be specifically designated for student support.
 - 10 Approving HEFCW's annual report to Welsh Ministers on how HEFCW has exercised its functions set out in the HE (Wales) Act 2015.
 - 11 Approving the outcomes of HEFCW's monitoring and evaluation of fee and access plans.
 - 12 Such other matters as the Council may determine from time to time.

Chair

- 1 Communications between the Council and the Minister will normally be conducted through the Chair, who will ensure that other Council members are kept informed of all such communications. The Chair also has a particular responsibility regarding representing the views of the Council to the public.
- 2 The Chair shall have delegated authority to authorise:
 - (a) advancement of grants from subsequent academic years' allocations up to £5m per allocation;
 - (b) payments of additional, non-repayable grants up to £5m per allocation.

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, Deputy Chief Executive and Directors shall discharge the functions and powers of the Council as specified in this Scheme, subject to:
 - (a) Expenditure and 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 *Framework Document*.
- 3 All powers specified within the Scheme are delegated to the Chief Executive. The Chief Executive is authorised to delegate powers to the Deputy Chief Executive, Directors, Heads of Team and senior staff who serve the Council, within the limits of the Chief Executive's own delegated authority, to exercise concurrently all powers delegated and to generally supervise the exercise of delegated powers.
- 4 The Chief Executive is authorised to take or authorise jointly with the Chair (or in the absence of the Chair, his/her appointed deputy or other member nominated by the Chair) 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, or is small in scope and scale, provided that such action shall be reported for information to the next meeting of the Council.
- 5 The Deputy Chief Executive, Directors and Heads of Team are responsible for ensuring compliance with all relevant statutory requirements in their areas.
- 6 The Chief Executive, Deputy Chief Executive, Directors and Heads of Team shall have the power to:
 - (a) recruit and appoint staff in their respective Departments in accordance with the procedures approved by the Human Resources Committee or the Council;
 - (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.

- 7 The Chief Executive, Deputy Chief Executive, Directors, Heads of Team and senior staff shall have the power to exercise such functions, powers and duties as may be specified in Standing Orders or Financial Regulations.
- 8 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:

- 9 To exercise all Council functions not expressly reserved or otherwise delegated to another Committee.
- 10 To act as spokesperson for the Council within the framework agreed by the Chair.
- 11 To re-profile agreed allocations to institutions in the current academic year.
- 12 To authorise advancement of grants from subsequent academic years' allocations up to £1m per allocation.
- 13 To authorise payments of additional, non-repayable grants up to £1m per allocation.
- 14 Where appropriate, to accept ring-fenced offers of grant from government and establish the appropriate budgets.
- 15 To approve updates to the monthly profile of drawdown of grant-in-aid from the Welsh Government, as and when required, in order to accommodate changes to the profile of budget expenditure.
- 16 To profile funding payments to institutions on the basis of institutional need and in accordance with Treasury controls.
- 17 To approve decisions at each stage in: the Compliance and Reimbursement Intervention Process; the Intervention Process in Respect of Failure to Comply with General Requirements of an Approved Fee and Access Plan; the Intervention Process in Respect of Inadequate Quality; the Intervention Process in Respect to Failure to Comply with the Financial Management Code; the Intervention Process in respect of Refusal to Approve a New Fee and Access Plan; or the Intervention Process in Respect of Withdrawal of an Approved Fee and Access Plan of HEFCW's Statement of Intervention, with the exception of the final, 'Enforcement action - injunction' stage in the first four of these processes.
- 18 To execute the following in relation to the Council's *Memorandum of Assurance and Accountability* with institutions (references are to paragraph numbers in the *Memorandum*):
 - (a) instigate whatever investigations are determined to be necessary to collect data to execute HEFCW's functions (paragraph 57);

- (b) provide written consent to institutions for passing on HEFCW-provided funds to another legally distinct entity (paragraph 78);
 - (c) provide written consent for transactions by institutions significantly affecting the value or ownership of property acquired or developed with Council funds (paragraphs 96 to 100);
 - (d) provide written consent to institutions before they undertake financial commitments such that their total commitment is in excess of the institutions pre-defined borrowing threshold limit (paragraphs 106 and 107); and
 - (e) provide written consent to institutions borrowing on the security of an exchequer interest (paragraphs 112 and 113).
- 19 To request a formal Recovery Plan from the 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. Any such requests will be sent following Council approval or under authority delegated to the Chief Executive if considered urgent.
- 20 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.
- 21 To authenticate documents for legal proceedings.
- 22 To execute documents to give effect to Council decisions whether or not expressly authorised by such decision.
- 23 To approve recommendations to Welsh Government that courses should be specifically designated for student support.
- 24 To approve recommendations to Welsh Government to make changes to courses that are already specifically designated for student support.
- 25 To approve or reject minor variations to fee and access plans that do not materially alter the basis on which the plan was initially approved.

Special Provision

- 23 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 Deputy Chief Executive. In the event that the Deputy Chief Executive is unable to take on this responsibility, the Chair shall determine which other senior officer should assume it instead.

Summary of approval requirements and delegation limits from Annex 3 to the *Framework Document* between HEFCW and the Welsh Government and from the letter of 10 July 2019 to the Chief Executive from the Director of Skills, Higher Education and Lifelong Learning

Approvals

Decision	Approval
Appointment of Chief Executive	Additional Accounting Officer Minister
Term of Government Business Plan	Minister
Redundancy arrangements based on the Civil Service Compensation Scheme (bodies with Civil Service Pension)	Head of Pay and Remuneration (Welsh Government) who will seek advice of the Minister as appropriate.
<p>For Public Bodies classified as central Government organisations for accounting purposes:</p> <p>a) Cash carry-over in year in excess of 4% of total annual gross budget</p> <p>b) Cash carry-over end of year in excess of 2% of total gross annual budget</p> <p>c) Establishing new subsidiary companies/joint ventures</p> <p>d) Any borrowing, lending, grants, guarantees, indemnities or investment related to public money</p> <p>e) Retention of receipts over and above the estimate notified to the sponsor.</p> <p>Any decision set out in legislation as requiring consent of Welsh Ministers e.g. GOWA Section 83; Further and Higher Education Act 1992 etc</p>	<p>Welsh Government Finance Director</p> <p>Minister</p>
Certain changes to staff structure (paragraph 3.2.1 of the <i>Framework Document</i> refers)	Ministerial approval

Decision	Approval
Corporate and Operational Plan	Ministerial approval
Subsidiary companies and joint ventures	Approval of sponsor team
Virement outside of specified limits	Approval of sponsor team
IT projects	Approval of sponsor team for single projects above £100,000
Single tender departures	Approval of sponsor team above £50,000

Pre-notification arrangements

CEOs should notify their sponsor of any proposed decisions falling under the following categories as and when they arise

Decision	Pre-notification Action	Further advice
Novel, contentious or repercussive proposals in line with Managing Welsh Public Money, including special severance payments	Sponsor, in conjunction with the appropriate policy teams, to prepare advice to discuss with Public Bodies Unit who will seek written advice of the Corporate Governance Centre of Excellence	Minister, as appropriate
Policy or practice change that has wide financial implications	Sponsor to prepare advice to Head of Budgetary Control copied to Public Bodies Unit	Minister, as appropriate
Staff remuneration & terms and conditions	Sponsor to submit proposed pay remit to Head of Pay and Remuneration, Public Bodies Unit	Ministerial approval required for changes falling outside WG pay principles or if consent is required by legislation
Anything that might affect the future level of resources required	Sponsor to consider	Welsh Government Finance Director, as appropriate