



## **Review of Scheme of Delegation**

### **Purpose**

1. To present the Scheme of Delegation, to ensure it still meets business needs, and that the current rates of delegation continue to be appropriate.

### **Background**

2. Council last approved the Scheme of Delegation at its meeting on 29 January 2016 (SFC/16/07).
3. The Scheme of Delegation is attached to this paper at Annex A. Only one change is proposed, to the first bullet-point of paragraph 25. The change is designed to allow for differences in the detailed arrangements between different types of institutions. There is no change to the substance of this specific delegation.

### **Publication**

4. This paper will be published on the SFC website following the Council meeting.

### **Recommendation**

5. The Council is invited to review and approve the Scheme of Delegation.

### **Further information**

6. Contact: John Kemp, Interim Chief Executive (tel: 0131 313 6579, email: [jkemp@sfc.ac.uk](mailto:jkemp@sfc.ac.uk)).

## **Scheme of Delegation**

1. The scheme of delegation for the Scottish Funding Council is set out in three parts below: the Council's delegated authority to the Chair, to its committees, and to the Chief Executive. The mechanisms for reporting back to Council are outlined in each section.

### **Part 1: Council's delegated authority to the Chair**

2. The Chair may generally act on behalf of the Council.
3. Delegated authority relating to a particular issue will normally be approved by the Council in advance.
4. From time to time it may be necessary for the Chair to take urgent action, in which case the procedure set out in the *Council's Standing Orders* will apply.

### ***Reporting mechanism***

5. The Chair's use of delegated authority will be reported to Council meetings under the Chief Executive's Report standing item on the agenda.

### **Part 2: Council's delegated authority to its committees**

6. Delegated authority for each committee is contained in the remit for each committee as agreed by the Council.
7. Generally committees are expected to take matters as far as appropriate before making recommendations to the Council. The Chair of the Committee will normally have responsibility for judging when it is appropriate to bring recommendations to Council: where items are routine they will stay with the committee until the final stage of decision-making; and where items are novel, unusual or potentially contentious, proposals should be considered by Council at an earlier stage.

### ***Reporting mechanism***

8. Each set of committee minutes will come to the next scheduled Council meeting for noting.
9. The Council will receive regular briefing reports on the work of each committee.

10. The Council will receive from each statutory committee an annual report, including an element of self-reflection.

### **Part 3: Scheme of delegation from the Council to the Chief Executive**

#### ***Financial delegations***

11. The Council has delegated to its executive responsibility for committing funds under a risk-based scheme which is summarised below:

<b>Money</b>	<b>'Risk'</b>	<b>Decided by</b>
Up to £500,000	Low/Medium/High	Chief Executive
£500,001 to £5M	Low/Medium	Chief Executive
£500,001 to £5M	High	Council board
Above £5M	All	Council board

12. The Council has approved guidelines on the assessment of risk for the purpose of determining the appropriate level of delegation for a funding decision.
13. Discretion to vary budgets or initiate expenditure within limits specifically established by Council.
14. Unless specifically determined under paragraphs 11 and 13 above:
- i Revision of individual programme budgets for any one year up to a limit of £1 million or 1%, whichever is the higher.
  - ii Within an agreed budget, making or varying grants to any one institution of/by up to the higher of:
    - £5 million.
    - 10% of the institution's total income (per its audited financial statements for the most recent year available).
    - Amending any associated terms as necessary.
  - iii Expenditure from the running costs budget, including acquisition and disposal of property and equipment.
  - iv Varying planned monthly payments to organisations within the total for the grant year.
  - v For grant schemes covering more than one year, varying the timing of grant payments across years.
  - vi Varying the general fund and strategic fund split, for both sectors, by up to £2 million in any one academic year.

- vii Accepting and awarding ring-fenced offers of grant from Government and setting up the appropriate budgets, unless a circumstance arises in which he considers such an offer might not be appropriate exercise of Ministerial powers, in which case it will be referred to Council.
  - viii Authorising requests for consent to dispose of fixed assets that are considered low risk up to the value of £20 million.
15. The Council may agree an annual budget from programme funds for the Chief Executive to spend at his/her discretion in pursuit of Council objectives. The use of funds from this budget will be based on the following principles:
- That the expenditure supports activities relating to the Council's aims and objectives.
  - That the expenditure does not readily fit into any other of the programme budgets determined by the Council.

***Other delegation***

- 16. Implementing decisions taken by Council.
- 17. Provision of advice to the Scottish administration.
- 18. Accountability for the operational effectiveness of the executive.
- 19. Overall organisational structure of the executive (subject to constraints imposed by the Management Statement) and appointment of staff.
- 20. Maintenance of an effective risk management process.
- 21. Management of the pay remit and salary negotiation process within the strategies endorsed by the Remuneration Committee.
- 22. Opening Council bank accounts and making and altering the necessary arrangements for signatories for authorisation of payments.
- 23. Conduct of all other administrative matters pertaining to the Council's activities and operations, except if they have a direct financial consequence for which authority is not delegated to the Chief Executive under paragraphs 13 to 15 above.
- 24. The Chair and Chief Executive may jointly approve the issue of directions under paragraph 10 of Schedule 2B to the Further and Higher Education (Scotland) Act 2005.

25. Approve sector requests for consent for the following:

- Where required, granting requests for or, where appropriate, advising Scottish Government on, the disposal of capital assets and the retention and reinvestment of sale proceeds of capital assets.
- Entering into new borrowing arrangements.
- Granting security over any grant-funded land or property.
- Giving a guarantee, indemnity or letter of comfort. (Subject to the delegation limits set out in paragraph 11)
- Committing expenditure above delegated limits in the Financial Memorandum between the Council and fundable bodies.
- Agreeing the terms of new or amendments to previously approved voluntary severance schemes and the use of Settlement Agreements.

***Reporting mechanism***

26. The Chief Executive will report to the Council on a quarterly basis on his use of delegated authority under:

- Paragraphs 11, 14(i) and 14(vii) above, for amounts greater than £500,000
- Paragraphs 14(ii), 14 (vi), 14 (viii) and 15 above, for amounts greater than £1 million.
- Paragraphs 24 and 25 for all approvals.