

# Scheme of Delegation

Effective from August 2011



# Contents

1.	Decisions reserved to a quorate meeting of Council	3
1.1	Educational character, mission and oversight of activities	3
1.2	Financial sustainability	3
1.3	Budget	4
1.4	Senior Employees	4
1.5	Employees	4
1.6	Governance, financial and employee procedures and legal matters	5
1.7	The text of the Articles of Government	5
1.8	Council Membership	5
1.9	Senate constitution	6
1.10	Students' Union	6
1.11	Student Discipline	7
1.12	Degree awarding powers	7
2.	Decisions delegated to a quorate meeting of Senate or one of its committees	7
3.	Decisions delegated to a quorate meeting of Resources Committee	8
4.	Decisions delegated to a quorate meeting of Remuneration Committee	9
5.	Decisions delegated to a quorate meeting of Audit Committee	9
6.	Decisions delegated to a quorate meeting of Governance Committee	10
7.	Decisions delegated to the Honorary Awards Committee	11
8.	Decisions delegated to a Student Disciplinary Appeals Panel	11
9.	Decisions delegated to an Employees Appeals Panel	11
10.	Decisions delegated to an Employee Grievance Panel	12
11.	Decisions delegated to a Senior Employee Special Committee	12
12.	Decisions delegated to an Appointments Panel including a Council member	12
13.	Decisions delegated to the Vice Chancellor/Chief Executive advised by Senior Management Team	12
14.	Decisions delegated to the Chair of Council or Chair of one of its committees/panels	14
15.	Financial delegated authorities table (to be read in conjunction with Financial Regulations)	15
15.1	Approval of transactions within approved budgets/business plans	15
15.2	Approval of amounts which are additional to approved budgets/business plans	15
15.3	Subsidiary companies	16
15.4	Writing off debt	16
15.5	Approval of posts and dismissal of employees	16
16.	Confidentiality guidelines and links to scheme of delegation	17
16.1	How do the rules of delegation fit with the rules of confidentiality?	18

## Preamble

All previous versions of this document as approved by Council shall be rescinded.

The names of committees and titles of posts may change from time to time. This shall not invalidate the powers of the equivalent successor committees or post holders.

We will consider any requests for accessible formats eg Braille, tape, disc, email or a larger font size. Please let us know what you need by contacting the Clerk to the Council.

## Scheme of Delegation (August 2011)

The Scheme of Delegation, drawn up under the Instrument and Articles of Government, is part of Buckinghamshire New University's overall governance framework. It is intended to assist in efficient decision-taking and to help committees and individuals understand their roles and the limits of their powers.

However comprehensive the Scheme is and however clear its principles, some matters will still be subject to interpretation. The Clerk to the Council and the Director of Finance will advise on matters which are not explicitly addressed in this Scheme.

Confidentiality guidelines are included as a subset of this paper so as to demonstrate links between confidentiality and the Scheme of Delegation.

### Key:

- Quotations from the Instrument and Articles of Government are in boxes and blue text.
- Under the Articles of Government, **the items shaded and in bold** cannot be delegated by Council
- Quotations or references from other sources are in boxes and in black text.

## 1. Decisions reserved to a quorate meeting of Council

### 1.1 Educational character, mission and oversight of activities

Article 3.1 (a)	'the <b>determination of the educational character and mission</b> of the University and for oversight of its activities'
-----------------	---

#### Council approves:

- full Strategic Plan, including the finance, estates, human resources and information sub-strategies
- any significant variant to the Plan
- addition or deletion of a major field of work eg Art and Design or those deemed by HEFCE to be vulnerable at a national level
- addition or deletion of significant levels of study eg Postgraduate taught, postgraduate research, further education

### 1.2 Financial sustainability

Article 3.1 (b)	'the effective and efficient use of resources, <b>the solvency of the University and the Corporation and for safeguarding their assets</b> '
-----------------	--

#### Council approves:

- financial forecasts
- risk strategy/policy and strategic risk register
- audited financial statements and annual report
- appointment of auditors
- purchase, use, retention and disposal<sup>1</sup> of land, buildings and other property as part of its approval of the estates strategy

<sup>1</sup> See Resources Committee schedule

- any significant financial proposals<sup>2</sup> above a certain financial limit<sup>3</sup>, such as tuition fee policy and fee levels and the establishment of major new income streams
- annual capital programme<sup>4</sup> above a certain financial limit<sup>5</sup>
- incorporation of business initiatives as subsidiary companies where a business/tax case is made and at least the initial business plans of those companies

The 'effective and efficient use of resources' can be delegated<sup>6</sup>.

### 1.3 Budget

Article 3.1 (c)	'approving annual estimates of income and expenditure'
-----------------	--

#### **Council approves:**

- annual budget, in association with the financial forecasts
- major variations to the budget, above a certain financial limit<sup>7</sup>

### 1.4 Senior Employees

Article 3.1 (d)	'the employment of those designated... as Senior Employees and their appointment, grading, assignment, appraisal, suspension, dismissal and determination of their pay and conditions of service'
Article 3.5 (d)	'the appointment or dismissal of the Vice Chancellor'

#### **Council approves:**

- employment terms and severance policy for Senior Employees
- appointment and dismissal of Vice Chancellor/Chief Executive
- dismissal of any senior post-holder

### 1.5 Employees

Article 3.1 (e)	'setting the framework for the employment, including pay and conditions, of all other employees and contractors'
9.1	After consultation with employees, the Council shall make and amend regulations relating to the suspension and dismissal of employees which shall provide the right of appeal and the right to be represented

<sup>2</sup> See Financial delegated authorities table

<sup>3</sup> See Resources Committee schedule

<sup>4</sup> See Financial delegated authorities table

<sup>5</sup> See Resources Committee schedules

<sup>6</sup> See Audit Committee and Vice Chancellor/Chief Executive schedules

<sup>7</sup> See Resources Committee schedule

Article 9.2	The Council shall make and amend regulations relating to the suspension and dismissal of the Senior Employee, including the Vice Chancellor, which shall provide the right of appeal and the right to be represented.
Article 10.1	'After consultation with employees the Council shall make procedures according to which employees may seek redress of any grievance relating to their employment'.

Council approves:

- Human Resources sub-strategy which sets many aspects of the employment framework, though there is no bar to<sup>8</sup> delegation of this power
- collective agreements
- but employee grievance procedures and employee dismissal procedures, after consultation with the staff, are delegated<sup>9</sup>

**1.6 Governance, financial and employee procedures and legal matters**

Article 3.1 (f)	'corporate policies, regulations and procedures to assure the effective governance of the University and to meet statutory and other legal obligations, including an anti-fraud and anti-corruption policy'
-----------------	---

Council approves:

- Financial Regulations
- Health & Safety Strategy and Policy; receipt of Health & Safety reports
- Freedom of Speech, Public Order and related policy and procedures which relate to health and safety, business continuity and the security management of the campus
- Single Equality Policy and Action Plans and monitoring reports on their implementation

Other governance matters can be delegated<sup>10</sup>

**1.7 The text of the Articles of Government**

Article 3.5 (e)	'The Council shall not, however, delegate... <b>the varying or revoking of these Articles</b> '.
-----------------	--

Council can resolve to change its Articles but such changes are subject to final approval by the Privy Council.

**1.8 Council Membership**

Instrument 4.1	'The Council shall make a determination with respect to their membership numbers'
----------------	---

<sup>8</sup> See Resources Committee schedule

<sup>9</sup> See Resources Committee schedule

<sup>10</sup> See Audit Committee and Governance Committee schedules

Instrument 4.2	'Such a determination shall fix the number of members of each variable category of which the Council is to consist...'
Instrument 5.2	'The Council is the appointing authority in relation to the appointment of any member of the Council other than an independent member'
Instrument 9.1	'The Council shall determine any allowances to be paid to members of Council'

Council approves:

- its size, the balance of its overall constituencies and the co-opted membership, including ratifying employee and student nominations
- the nomination of co-opted members and the appointment of an independent member (by the current independent members of Council)

Council has delegated the determination of the policy on allowances<sup>11</sup>

**1.9 Senate constitution**

Article 6.2	'There shall be a Senate of no more than 40 members, comprising the Vice Chancellor (who shall be Chairman) and such other numbers of employees and students as may from time to time be approved by the Council'
-------------	---

Council approves:

- the constitution of Senate on whose advice it relies for the non-delegable power to determine the educational character.

**1.10 Students' Union**

Article 11.1	'A Students' Union shall conduct and manage its own affairs and funds in accordance with a constitution approved by Council...'
1994 Act	The Governing Body is responsible for taking 'such steps as are reasonably practicable to secure that the Students' Union... operates in a fair and democratic manner and is accountable for its finances'
1994 Act	Council is responsible for approving a Code or Practice governing its relationship with the Students' Union.

Council approves:

- the Students' Union constitution and major amendments and the Code of Practice, though this can be delegated.

<sup>11</sup> See Governance schedule

Council receives:

- annual audited Students' Union accounts and it delegates the approval of the annual grant from the University to the Students' Union to Resources Committee<sup>12</sup> and the regular monitoring of expenditure to SMT<sup>13</sup>.

**1.11 Student Discipline**

Article 11.4	'After consultation with representatives of the students, the Council shall make regulations relating to the conduct of students, including procedures for suspension and expulsion, which shall provide a right of appeal and the right to be represented.'
--------------	--

Council approves:

- student disciplinary procedures

**1.12 Degree awarding powers**

Education Acts + Legal advice	Degree awarding powers are held by Council and cannot be delegated
----------------------------------	--

**2. Decisions delegated to a quorate meeting of Senate or one of its committees**

Article 6.1 (a) (first bullet)	<p>'... general issues relating to the research, scholarship, teaching and courses at the University including:</p> <ul style="list-style-type: none"> <li>○ criteria for the admissions of students;</li> <li>○ the appointment and removal of internal and external examiners;</li> <li>○ policies and procedures for assessment and examination of the academic performance of students;</li> <li>○ the content of the curriculum;</li> <li>○ academic standards and the validation and review of courses;</li> <li>○ procedures for the award of qualifications and all honorary academic titles;</li> <li>○ procedures for the expulsion of students for academic reasons;</li> </ul>
Article 6.1 (a) (second bullet)	'... for taking any action it considers necessary to safeguard the standards of the awards of the University and the quality of its provision'

Senate approves:

- Learning and Teaching sub-strategy
- new courses
- closure of courses from time to time
- external examiners
- academic regulations
- conferment of degrees on individual students

---

<sup>12</sup> See Resources Committee schedule

<sup>13</sup> See SMT schedule

Senate intervenes in matters delegated to others but where quality is at risk

Article 11.2	'... the Senate, after consultation with the Council and representatives of the students, shall determine procedures for the expulsion of a student, for an unsatisfactory standard of work or other academic reasons'.
--------------	---

- Senate advises the Council and the Vice Chancellor

Article 6.1 (c)	'... considering the development of the academic activities of the University and the resources needed to support them and for advising the Vice Chancellor and the Council thereon'.
-----------------	---

- Senate advises Council and the Vice Chancellor on the academic sub-strategy within the Strategic Plan and monitors its implementation and the use of resources.
- Senate advises Council on the exercise of the University's degree awarding powers held by Council.

### 3. Decisions delegated to a quorate meeting of Resources Committee

*(Note: the text detailed in the following boxes is a summary or paraphrase of the approved Terms of Reference or other reference document)*

Terms of Reference	Monitoring progress of the sub strategies on finance, human resources, estates and information; monitoring institutional achievement against key performance indicators
Terms of Reference	Monitoring income and expenditure within the approved budget, Approval of variations to the budget within the limits of delegated authority for the Committee
Terms of Reference	Approval of the terms of the sale and purchase of land and property where the decision in principle has already been taken through Council's approval of its estates sub strategy
Financial Regulations	Treasury Management policies
Financial Regulations	Approval of additional expenditure and EU grant applications <sup>14</sup> above a certain limit
Financial Regulations	Writing off debts of over £25K
Terms of Reference	Approval of the Students' Union annual grant, via presentation of their budget

<sup>14</sup> See Financial delegated authorities table

Terms of Reference	Approval of the level of annual uprating of tuition and hostel fees within the approved strategy and policy set by Council
--------------------	--

Advice to Council from Resources Committee

- the development of the sub strategies: finance, estates, human resources, information
- recommendation of the financial forecasts
- recommendation of the draft audited financial statements (to Audit Committee in the first instance)
- recommendation of the draft budget
- recommendation of the capital programme
- recommendation on tuition and hostel fee strategy and policy
- recommendations for the establishment of new major income streams including subsidiary companies

4. Decisions delegated to a quorate meeting of Remuneration Committee

*(Note: the text detailed in the following boxes is a summary or paraphrase of the approved Terms of Reference or other reference document)*

Terms of Reference	Approval of terms and conditions of service for Senior Employees
Terms of Reference	Approval of salaries of Senior Employees
Terms of Reference	Approval of severance arrangements within the framework approved by Council for Senior Employees
Terms of Reference	Determination of posts which are 'Senior Employee posts' other than Vice Chancellor/Clerk

Advice to Council from Remuneration Committee

- Recommendation of all policies and procedures relating to senior employees

5. Decisions delegated to a quorate meeting of Audit Committee

*(Note: the text detailed in the following boxes is a summary or paraphrase of the approved Terms of Reference or other reference document)*

Terms of Reference; HEFCE Audit Code of Practice	Approval of the internal audit plan
Terms of Reference	Acceptance of individual internal audit reports, with management responses, and the remit of actions to the Vice Chancellor and senior management
Terms of Reference	Approval of Value for Money Policy

Terms of Reference	Approval of Procurement Policy
Terms of Reference	Approval of the Fraud and Irregularity Policy
Terms of Reference	Approval of Hospitality and Gifts Policy
Terms of Reference	Monitoring of management of risk and remit of actions to the Vice Chancellor and senior management

#### Advice to Council from Audit Committee

- recommendation on the effective and efficient use of resources
- recommendation of the draft audited financial statements
- recommendation of appointment of internal and external auditors
- monitoring actions recommended by the internal and external auditors and HEFCE
- recommendation of the Financial Regulations
- recommendation of the risk strategy/policy and Strategic Risk Register
- annual report to Council on financial, governance and risk controls
- recommendation of external auditors' annual management letter

#### 6. Decisions delegated to a quorate meeting of Governance Committee

*(Note: the text detailed in the following boxes is a summary or paraphrase of the approved Terms of Reference or other reference document)*

Terms of Reference	Approval of means of evaluation of effectiveness of Council
Terms of Reference	Approval of the membership and chairs of Council's committees
Terms of Reference	Approval of the directorships of the University's subsidiary companies
Terms of Reference	Approval of minor amendments to the Students' Union Constitution
Terms of Reference	Approval of policy on allowances and expenses for Council members
Articles 8.1; 9.1; 9.2; 10.1	Approval of employee regulations: eg discipline, suspension, dismissal, capability, medical incapacity, redundancy, grievance and appointment and promotion, public interest disclosure
Terms of Reference	Approval of employee-related policies pursuant to the Human Resources Strategy and Equality Schemes and plans
Terms of Reference	Monitoring Health and Safety management through an annual report from the Vice Chancellor advised by the Senior Management Team

Procedures 2.8	Co-option of non-Council members to Council committees (with relevant Chair)
----------------	--

Advice to Council from Governance Committee

- monitoring governance arrangements and scheme of delegation and recommending changes
- recommendation of the recruitment strategy for Council members
- recommendation of independent and co-opted membership of Council
- succession planning for Chair and Deputy Chair posts
- recommendation of changes to committees' constitutions
- recommendation of changes to Instrument and Articles
- recommendation for renewal of Council members' terms of office, within Articles
- recommendations on the formulation of an overall employment framework
- recommendation on health and safety policy

7. Decisions delegated to the Honorary Awards Committee

*(Note: the text detailed in the following boxes is a summary or paraphrase of the approved Terms of Reference or other reference document)*

Terms of Reference	Setting criteria for honorary awards
--------------------	--------------------------------------

Advice to Council from Honorary Awards Committee

- recommendation of individuals for honorary awards to Council and Senate

8. Decisions delegated to a Student Disciplinary Appeals Panel

*(Note: the text detailed in the following boxes is a summary or paraphrase of the approved Terms of Reference or other reference document)*

Student Disciplinary Procedures	(1) Judgement on student misconduct and a penalty where appropriate
Student Disciplinary Procedures	(2) The hearing of and decision on an appeal against a judgement and/or penalty

9. Decisions delegated to an Employees Appeals Panel

*(Note: the text detailed in the following boxes is a summary or paraphrase of the approved Terms of Reference or other reference document)*

Staff Disciplinary Procedures	The hearing of and resolution of an appeal by an employee against dismissal
-------------------------------	---

## 10. Decisions delegated to an Employee Grievance Panel

*(Note: the text detailed in the following boxes is a summary or paraphrase of the approved Terms of Reference or other reference document)*

Individual Staff Grievance Procedures	The hearing at Stage 3 and resolution of a grievance raised by a employee
--	---

## 11. Decisions delegated to a Senior Employee Special Committee

*(Note: the text detailed in the following boxes is a summary or paraphrase of the approved Terms of Reference or other reference document)*

Article 9.2	Investigation and report to Council on dismissal of a holder of a senior post
-------------	---

## 12. Decisions delegated to an Appointments Panel including a Council member

Article 3.1 (d)	'... the employment of those designated by the Council as Senior Employees...'
-----------------	--

## 13. Decisions delegated to the Vice Chancellor/Chief Executive advised by Senior Management Team

Article 5.1 (b)	'... the organisation, direction and management of the University and leadership of employees'
Article 5.1 (c)	'... the appointment, assignment, grading, appraisal, suspension, dismissal and determination, within the framework set by the Council, of the pay and conditions of service of employees other than Senior Employees'
Article 5.1 (d)	'... the determination, after consultation with the Senate, of the University's academic activities and for the determination of its other activities'
Article 5.1 (f)	'... the maintenance of student discipline...'
Article 11.3	'...to establish and monitor an academic appeals procedure and, after consultation with students and employees, a formal complaints procedure...'

**The Vice Chancellor, advised by SMT, is responsible for:**

*(Note: the text detailed in the following boxes is a summary or paraphrase of the approved Terms of Reference or other reference document)*

Articles 5.1 a)	ensuring 'the effective and efficient use of resources'
Articles 5.1.a)	management of the employees and day to day operations
SMT Terms of Reference	ensuring implementation of the Academic Plan and other sub strategies to the Strategic Plan
SMT Terms of Reference	considering and approving departmental and faculty plans in relation to the overall plan
SMT Terms of Reference	allocating resources to faculties and departments taking account of strategic plan priorities
SMT Terms of Reference	management of health and safety procedures
SMT Terms of Reference	management of risk
SMT Terms of Reference	monitoring of Students' Union expenditure
SMT Terms of Reference	overseeing the development of academic and business-related partnerships and of the University's external profile
HEFCE Financial Memorandum	management of all legal and financial obligations. As Designated Officer the Vice Chancellor/Chief Executive has authority and is accountable to HEFCE for financial management
Articles 5.1 a)	management of student discipline
Articles 5.1 a)	management of student academic appeals and student complaints
Articles 5.1 a)	Dismissal of employees other than Senior Employees

**Advice to Council from the Vice Chancellor/Chief Executive advised by the Senior Management Team**

Article 5.1 (a)	'... making proposals to the Council about the educational character and mission of the University and implementing the decisions of Council'
Article 5.1 (e)	'... preparing annual estimates of income and expenditure... and for the management of budget and resources, within the estimates approved by Council'

The scope of the Vice Chancellor's advice to Council in practice is too wide to be usefully listed here.

#### 14. Decisions delegated to the Chair of Council or Chair of one of its committees/panels

Instrument 10.1	'The application of the seal... shall be authenticated by the signature of the Chairman of the Council... together with that of any other member of the Council' <i>(subject to detailed approved procedures)</i>
Article 9.2	'The Council shall make and amend regulations relating to the suspension... of the Senior Employees
CUC guide	Review of performance of Council members

##### 14.1 The following other categories of business are those where authority is delegated to the Chair of Council or one of its committees

- Business which is unfinished at Council or one of its committees for lack of information, but on which a clear steer is given to guide the decision when the information becomes available.
- Business which is approved by Council or a committee subject to certain conditions to be met by the management and signed off by the Chair.
- Business involving signature/s to the detailed formal paperwork associated with a prior decision of Council or a committee, such as the sale of a building.

These three delegations above are minuted and reported back.

- The signing of routine contracts that commit the institution above a certain level of expenditure.
- Routine decisions on Senior Employees where such delegation is mentioned in their terms and conditions.
- Urgent business between meetings, ensuring the support of the Vice Chancellor, canvassing members where possible and reporting back to Council. Such decisions should not involve changes to Council policy and should be taken only where there is material risk to the University.

These three delegations are requested in writing by officers, supported by background information and notified to the Clerk to the Council or secretary to the committee after Chair's action has been taken.

In addition, the Chair and Deputy Chair and other Committee Chairs meet the Vice Chancellor/Chief Executive and other senior staff for agenda planning and committee briefing purposes.

The relevant Committee will monitor the use made of Chair's action.

## 15. Financial delegated authorities table (to be read in conjunction with Financial Regulations)

### 15.1 Approval of transactions within approved budgets/business plans

<b>Title/role</b>	<b>Range £000</b>	<b>Notes</b> <i>(signatures below are cumulative ie at £500K the Chair should see <u>all</u> the earlier signatures)</i>
Sub-budget holder	up to 5	As delegated by budget-holder within range
Budget holder (non PVC)	up to 25	PVC's or SMT Member's counter-signature required if greater than £5K:
Director of Finance	up to 100	DVC/PVC counter-signature required if greater than £100K
DVC/PVC	up to 250	VC counter-signature required greater than £250K
Vice-Chancellor	up to 500	Chair Resources counter-signature required if greater than £500K
Resources Committee	up to <sup>2</sup> 2000	Non campus development related commitments:
Council	unlimited	Subject to check on approval within budget/business plan

### 15.2 Approval of amounts which are additional to approved budgets/business plans

<b>Title/role</b>	<b>Range £000</b>	<b>Notes</b>
Sub-budget holder/ Budget holder and Director of Finance	0	
DVC/PVC/VC	up to 500	Use of central funds, after discussion with SMT, reported to Resources Committee
	up to 500	Approval of bids for external funds
Resources Committee	up to 2000	Use of central funds, including campus development items, reported to Council
	up to 2000	Approval of bids for external funds

Council	Unlimited	Variations to approved budget and financial forecasts, but subject to HEFCE Memorandum, fiduciary duties and trustee obligations
---------	-----------	--

### 15.3 Subsidiary companies

Title/role	Range £000	Notes
Budget holder	up to 50 0	Within budget/business plan Additional to budget/business plan
Board of Directors	unlimited 0	Within budget/business plan Additional to budget/business plan
University Council	Unlimited	Variations to approved Business Plan, but subject to fiduciary duties and trustee obligations
Approval of 5 year Business Plan of subsidiary	n/a	University Council unless delegated to Board

### 15.4 Writing off debt

Title/role	Range £000	Notes
Director of Finance	up to 25	For example, student related debt
Resources Committee	up to 50	For example, partner related debt
Council	over 50 but rare	

### 15.5 Approval of posts and dismissal of employees<sup>15</sup>

Category	Approval by
Approval of HPLs and casuals:	Heads of Department/Executive Deans

<sup>15</sup> This excludes Senior Employees who are dealt with by delegated authority from Council. See sections 11 and 12.

Approval of posts and extensions of contract of fixed-term employees:  Approval of posts of permanent employees:	Senior Management Team, after HR scrutiny, other than Missenden Abbey
Dismissal of HPLs and casuals, unless long-standing	Heads of Department/Deans
Dismissal of fixed-term, permanent and long-standing HPL/casual employees:	Vice-Chancellor or nominee, under the Articles
Approval of extra payments to employees:	PVCs/DVC
Approval of employees appointed as employees of subsidiary companies	Subsidiary company board in the case of 'senior employees' and managing director in the case of other employees

## 16. Confidentiality guidelines and links to scheme of delegation

Article 4.9	'The following papers of the Council or its committees shall be open to inspection by employees and students of the institution except where material relates to named employees or students, or to prospective employees or students, or to commercial matters or matters under negotiation which the Council or any committee thereof, as appropriate, have resolved should be dealt with on a confidential basis: agenda; draft minutes, if they have been approved by the Chairman of the meeting; signed minutes; and papers considered at meetings.'
-------------	--

The institution's policy and culture is to work in an open and transparent manner, accountable to all internal and external parties, within the Freedom of Information and Data Protection legislation. Council papers are public documents and are open to all as a norm; thus confidentiality rules are needed by way of exception. For the consistent definition of 'confidential' business, there are three main criteria:

- Are individual current or prospective employees, students or governors, or small groups of them, identifiable in Council papers (as in the Article quoted above)?
- Does a paper treat matters of commercial sensitivity?
- Does a paper treat early work in progress on a sensitive matter, such as matters for formal negotiation either with employees, students or external bodies? Such a paper would be expected to be published later.

In addition, on rare occasions, some decisions may be 'reserved' to certain categories of Council member, for example:

- In the Instrument of Government, the appointment of independent Council members is reserved to current independent Council members
- Agreement of a negotiated document between the employees and the employer – reserved to Council members who are not employees or students

- Initiation of a sensitive policy, procedure or contract – reserved to a small working group of Council members in the first instance

Otherwise, all members of Council are equal. Members must abide by the rules in Article 4.4, which means they should make a declaration and exclude themselves from decision-taking where a conflict of interest arises.

#### 16.1 How do the rules of delegation fit with the rules of confidentiality?

The main link between 'delegation' and 'confidentiality' (the two sections of this paper) is that subcommittees (such as the Audit Committee or Resources Committee) or dedicated panels (such as the Disciplinary Appeals Committee) deal with confidential issues involving identifiable individual employees or students. Thus they are delegated in an explicit manner, not by ad hoc means.

The Resources Committee is able to advise on progress on general employee issues without staff being involved, though the documents will certainly be published to employees for consultation at a later stage. Again this is where delegation meets confidentiality and it is explicitly and consistently managed.

Campus development discussions are confidential on grounds of commercial sensitivity. But many of these major decisions are also about 'solvency' and 'safeguarding assets'. Therefore under the Articles, as we saw at the beginning of this Scheme of Delegation, they are not, and cannot be, delegated. This is why they are debated by full Council but on pink paper, denoting confidentiality.

Prepared by:	University Secretary and Clerk to Council	Date:	December 2009
Final Approval by:	Council		
Review Date:	January 2011		
Updated on:	26 August 2011, by Ellie Smith including: <ul style="list-style-type: none"> <li>- amended in line with actual wording in Instrument &amp; Articles</li> <li>- to account for changes in Resources/Governance ToR</li> <li>- minor amendments to financial delegated authorities table (section 15)</li> </ul>		
Equality Impact Assessment completed:			

© [2010] Buckinghamshire New University