



OfS Scheme of delegation

Issue

1. This paper provides an updated scheme of delegation for approval.

Recommendations

2. The board is invited to agree the revised scheme of delegation.

Timing for decisions

3. Decisions are required at this meeting to enable implementation of the changes, addressing gaps in our current scheme of delegation.

Further information

4. Available from Nolan Smith, Director of Resources, Finance and Transformation (nolan.smith@officeforstudents.org.uk).

Member's interests

5. All members have an interest in the paper since it sets out what decisions the board reserves for itself and those it delegates.

Discussion

7. Since April 2018, the OfS scheme of delegation has been amended on five occasions: minor amendments were usually proposed within the chief executive’s report to the board, whereas more substantive changes to delegations (e.g. for Monitoring and Intervention) were outlined in specific board papers.

Board meeting	Nature of changes made
v1. 26 March 2018	Approval of scheme of delegation to apply from 1 April 2018
v2. 29 May 2018	<ul style="list-style-type: none"> • Delegation to chief executive to provide advice to the Secretary of State relating to the designation of a further education institution where a merger is planned between an HE and an FE institution. Also relating to the conversion of an FE corporation to an HE corporation.
v.3 26 July 2018	<ul style="list-style-type: none"> • Minor amendments were proposed to the initial registration process delegations, informed by the early experience of the registration process. • Inclusion of delegations for New Degree awarding powers
v.4 December 2018	<ul style="list-style-type: none"> • Delegations to Head of Legal and to the OfS legal function • Delegations to the chair of QAC: following consultation with the OfS chief executive, to take decisions on the board’s behalf in relation to general directions about the performance of any of the assessment functions (under schedule 4 paragraph 10 of HERA), and formal requests for the DQB to provide information to the OfS under section 27(4) of HERA.
v.5 28 January 2019	<ul style="list-style-type: none"> • Detailed delegations around monitoring, interventions and sanctions added, replacing an earlier, briefer section. • Delegations added in relation to full degree awarding powers

8. When the OfS has all of its statutory powers in place, we envisage an annual review of the OfS scheme of delegation usually at the end of each financial year. However, that does not preclude in-year updates and in the coming year we anticipate a need for further revision of the scheme in July as we move towards full implementation of the Regulatory Framework on 1 August 2019.

Discussion

New opening section for the scheme of delegation

10. We propose that the Scheme of delegation be restructured into Part 1 and Part 2. Part 1 sets out our delegation principles, and who has authority to take decisions. This provides the operational and supervisory safeguards for delegated authority. Part 2 sets out the detailed arrangements.

11. To facilitate the OfS operating efficiently, economically and effectively with its broad range of responsibilities, it is desirable to ensure that a wider pool of staff have delegated authority to make decisions and exercise functions of the OfS. As part of this approach it is also desirable to formally recognise an established group of senior OfS staff as having collective decision-making responsibilities.

12. Paragraph 4 of Part 1 of the proposed revised scheme provides our definition of “operational matters”. This excludes decisions expressly reserved to the board or expressly provided for one or more members of staff.

13. We consider it important to ensure that potential legal risks are properly identified and considered in the exercise of delegated decision making, and for this purpose, ensure that persons and groups with delegated authority are empowered to seek and obtain legal advice from the OfS’s legal function.

Proposed amendments to our detailed Scheme of delegation

Board papers 7.1 on Degree Awarding Powers and 8.1 on University Title

14. Two board papers to this meeting propose a range of changes to the scheme of delegation in relation to Degree Awarding Powers (DAPs) and University Title. The new text on DAPs updates that which was added to the scheme in July 2018 (version 3).

15. The scheme at Annex A to this paper assumes that the board agrees the delegations set out in the other papers: the final scheme will be updated following the board’s decisions on the DAPs and UT papers.

Changes in relation to use of the OfS Seal

16. HERA 2017 (Schedule 1 c.29) stipulates that the application of the OfS’s seal must be authenticated by the signature of the chair or some other person authorised for that purpose by the OfS, and one other member of the OfS. Previous wording of the scheme required the OfS chair and chief executive’s signatures when the OfS Seal is used. There was a recent occasion when the use of the OfS Seal was required to transfer a website licence to OfS. We do not think it necessary to involve the OfS chair in future similar business, and propose that the OfS seal must be authenticated by the OfS chief executive and a director in future, or the chief executive and Head of Legal or Head of Finance. (See Annex A, Part 2, paragraph 89 in the scheme).

Internal information management and security practices

17. It is proposed that the role of OfS senior information risk officer (SIRO), a government requirement, changes from the chief executive to the Director of Resources, Finance and Transformation which is in keeping with where responsibility lies within the organisational structure for delivery (see Annex A, Part 2, paragraph 91).

Statistical matters

18. The OfS is a provider of official statistics, and as such, the Head of Profession or Chief Statistician must have authority over certain matters which are detailed in a new paragraph (see Annex A, Part 2, paragraph 95).

Other minor changes

19. Where possible we have taken the opportunity to streamline the scheme of delegation and reflect the terminology now used by the OfS.

Paper publication date

20. Our scheme of delegation is a public document and similarly this paper may be published.