

Purpose and scope

- 1 This Scheme of Delegation formally outlines the distribution of decision-making authority within the Commission for Tertiary Education and Research. It sets out matters reserved for the Board of the Commission alone, and also matters that may be taken forward on behalf of the Board under authority delegated to the Chair and to the Chief Executive.

About the Commission for Tertiary Education and Research

- 2 The Commission for Tertiary Education and Research (brand name 'Medr') was established under the Tertiary Education and Research (Wales) Act 2022 (TERA). It is a Welsh Government sponsored public body operating at arm's length from Government, and is responsible for the funding, oversight and regulation of tertiary education and research in Wales. Medr is overseen by a Board comprising a maximum of seventeen members, including a Chair, Deputy Chair, the Chief Executive, and up to fourteen Ordinary Members. There are also at least four Associate Board members that include at least two tertiary education workforce representatives; one person to represent learners in tertiary education; and one Medr staff member.
- 3 Under the terms of its Framework Document with Welsh Government, and Schedule 1 of the TERA, Medr may delegate its functions to an individual member or members of the Board, members of its staff, or to any of the committees established by the Board, including any joint committees.

Principles of delegated authority

- 4 Delegation should reduce the amount of detailed decision-making required of the Board, enabling it to focus on strategic policy issues, major matters of substance and significance, and on maintaining oversight of the Board's activities while devolving the burden of detailed day-to-day decision taking to the Executive.
- 5 Delegation should be within a policy and budgetary framework agreed by the Board.
- 6 Delegation of financial matters should be subject to appropriate financial limits governed by the materiality of the sums in relation to the Board's overall budget.
- 7 The uses of delegated authority should be reported to the first available meeting of the Board.
- 8 The uses of delegated authority as defined in this Scheme must be consistent with the requirements of the Framework Document between Medr and the Welsh

Government, including the specific delegations set out within the Framework Document (see *Appendix*).

The Board

- 9 Ultimate responsibility for the following matters are reserved for the Board alone and may not be delegated:
- i) Establishing, taking forward and monitoring performance against the strategic aims and objectives of Medr, including approving its strategic plan and annual business/ operational plans.
 - ii) Ensuring that effective arrangements are in place to provide assurance on risk management, governance and internal control.
 - iii) Approving the annual budget lines and mainstream allocations of grant funding to each funded post-16 provider.
 - iv) Approving Medr's annual report and accounts for final submission to the Auditor General for Wales.
 - v) Agreeing to establish and setting the terms of reference for Board committees, task and finish groups, or other sub-groups that report to the Board.
 - vi) Agreeing and making revisions or amendments to the Board's corporate governance processes and procedures, including any changes to the following:
 - *Standing Orders for the Conduct of Board Business;*
 - *Committee Standing Orders;*
 - *Financial Regulations;*
 - *Scheme of Delegation;*
 - *Code of Conduct for Board Members.*
 - vii) Appointing, with the prior approval of the Minister, a Chief Executive in accordance with the requirements of the Framework Document [*N.B. as per paragraph 5.3 of the Framework Document, Medr's first Chief Executive was appointed by the Minister*]
 - viii) Appointing the Board Secretary.
 - ix) 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.
 - x) Approving or rejecting fee and access plans (excluding variations to existing plans that do not significantly alter the material basis on which a plan was initially approved, which are delegated to the Chief Executive).

- xi) Approving Medr's annual report to Welsh Ministers on how it has exercised its functions set out in the HE (Wales) Act 2015 and the Tertiary Education and Research (Wales) Act, Schedule 1 paragraph 16
- xii) Approving by correspondence items that cannot be actioned under delegated authority by the Chair or Chief Executive, and which are considered to be of such urgency that they cannot await a meeting of the Board. All such approvals will be reported to the next meeting of the Board.
- xiii) Delegation of any of its functions to any person prescribed by regulations made by the Welsh Ministers and any directions given subsequently.
- xiv) Such other matters as the Board may determine from time to time.

Chair

- 10 Communications between the Board and the Minister will normally be conducted through the Chair, who will ensure that other Board members are kept informed of all such communications. The Chair also has a particular responsibility regarding representing the views of the Board to the public.
- 11 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.
- 12 Any such actions taken by the Chair under delegated authority shall be subject to the requirements of the Framework Document Annex C and reported for information to the next meeting of the Board.

Chief Executive

- 13 The Chief Executive is authorised to exercise all Board functions not expressly set out in this Scheme of Delegation as being reserved for decision by the Board alone; delegated to the Chair of the Board; or otherwise delegated to a committee of the Board, subject to:
 - Expenditure and income being within the approved budget or with the prior approval of the Board.
 - Compliance with the Board's Standing Orders and Financial Regulations.
 - Consistency with the aims and objectives in Medr's strategic plan and annual business/operational plans, and the overall policy framework approved by Board.
 - Compliance with the Framework Document.
 - The approval requirements and delegation limits set by Welsh Government as set out in the Annex C to the Framework Document and in the Appendix to this Scheme.

- 14 The Chief Executive will only exercise such functions when they consider the matter to be of such urgency that it cannot await a meeting of the Board, or where it is small in scope and scale. Any such actions taken by the Chief Executive under this delegated authority will be reported to the next meeting of the Board.
- 15 The Chief Executive is authorised to delegate powers to other staff within Medr, 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.
- 16 This Scheme of Delegation does not in any way diminish the responsibilities of the Chief Executive as Accounting Officer.

Special Provision

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

Reviewed and updated: January 2025

Approval requirements and delegation limits as set out in Annex C to the *Framework Document* between Welsh Government and Medr.

Subject	Delegation Limit
Appointment of Chief Executive	Ministerial approval
Staff remuneration and terms and conditions	Amendments to overall terms and conditions require Ministerial approval
Pension arrangements and payment of redundancy or compensation (including through Voluntary and Compulsory Schemes)	Ministerial approval (see also additional guidance issued January 2024 by Public Bodies Unit)
Strategic Plan (Required under Section 14 of Tertiary Education and Research (Wales) Act 2022)	Ministerial approval
Subsidiary companies and joint ventures	Approval of Partnership Team
Virement outside of specified limits	Approval of Partnership Team
Novel, contentious, or repercussive proposals	Approval of Partnership Team
Any borrowing, lending, guarantees, indemnities, or investment	Ministerial approval
Capital projects (non-IT)	£100,000 per project
IT projects	£100,000 per project
Consultancy contracts	Per CTER rules and requirements
Single tender departures	£50,000
Gifts, hospitality, prizes etc.	Per CTER rules and requirements
Sponsorship	£20,000 per annum
Losses and special payments	£50,000 per annum (unless Novel and Contentious see above)
Retention of receipts over and above limit set out in remit letter	Approval of Partnership Team
Carry-over	In-year – 4% of total annual gross budget End-of-year – 2% of total annual gross budget