

# NEWCASTLE UNIVERSITY

## COUNCIL'S DELEGATION OF POWERS AND AUTHORITY<sup>1</sup>

### Council

The Council is the supreme governing body of the University, subject to the provisions of the University's Statutes. Its powers are set out in the University's Statutes. In October 2015, Council approved a [statement of its primary responsibilities](#) in accordance with the *The Higher Education Code of Governance* published by the Committee of University Chairs in 2014 (revised in 2018).

Council is responsible unambiguously and collectively for overseeing the University's activities, determining its future direction and fostering an environment in which the institutional mission is achieved. Council is responsible for ensuring the effective management of the University and will take all final decisions on matters of fundamental concern, being decisions that have not been delegated.

### Public Interest Governance Principles

Council is ultimately responsible for upholding the Public Interest Governance Principles as specified by the Office for Students. These are summarised below.

- I. **Academic freedom:** academic staff have freedom within the law:
  - a. To question and test received wisdom; and
  - b. To put forward new ideas and controversial or unpopular opinions without placing themselves in jeopardy of losing their jobs or privileges.
- II. **Accountability:** the University operates openly, honestly, accountably and with integrity and demonstrates the values appropriate to its charitable objectives.
- III. **Student engagement:** All students have opportunities to engage with the governance of the University.
- IV. **Academic governance:** Council receives and tests assurance that academic governance is adequate and effective through the work of the Senate.
- V. **Risk management:** The University operates comprehensive corporate risk management and control arrangements (including for academic risk) to ensure the sustainability of the operations, and its ability to continue to comply with all of its conditions of registration with the Office for Students.
- VI. **Value for money:** Council ensures that there are adequate and effective arrangements in place to provide transparency about value for money for all students and for taxpayers.
- VII. **Freedom of speech:** Council body takes such steps as are reasonably practicable to ensure that freedom of speech within the law is secured.
- VIII. **Council:** The size, composition, diversity, skills mix, and terms of office of the Council must be appropriate for the nature, scale and complexity of the University.
- IX. **Fit and proper:** Members of Council, those with senior management Responsibilities must be fit and proper persons.
- X. **Powers to award qualifications:** must be followed.
- XI. **Independent members of the governing body:** Must form a majority at meetings of Council

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<sup>1</sup> Some of the following is based on schedules of delegation prepared by other universities including the University of Edinburgh and the University of Sheffield. The University acknowledges that its governing structures are similar to many others found in higher education.

**XII. Regularity, propriety and value for money:** Council ensures that there are adequate and effective arrangements in place to ensure public funds are managed appropriately, in line with the conditions of grant and the principles of regularity, propriety and value for money, and to protect the interests of taxpayers and other stakeholders.

### **The Vice-Chancellor and President**

The Vice-Chancellor and President is the chief executive and accountable officer to the Office for Students. They are the chief academic and administrative officer of the University. They shall have general responsibility to Court, Council and Senate for maintaining and promoting the University's efficiency and good order.

Council recognises the need to empower the Vice-Chancellor and President to advance the interests of the University, maintain its efficiency, and encourage teaching, the pursuit of learning and the conduct of research. Accordingly, apart from the areas of exclusive decision listed below, the Council delegates full authority to the Vice-Chancellor and President to act on its behalf in all matters affecting the well-being of the University, subject to the following principles:

- The Vice-Chancellor and President will act within the terms of the prescribed conditions of their appointment.
- The Vice-Chancellor and President actions will be consistent with the University's strategic plans and objectives, its budget and in conformity with relevant legislation and externally prescribed conditions, including the responsibilities as the accountable officer under the Office for Students Regulatory advice 10: Accountable officers. Guidance for providers on the responsibilities of accountable officers.
- The Vice-Chancellor and President's actions will be consistent with the seven principles of public life identified in the report on Standards in Public Life (the Nolan Report) and the Office for Students' Public Interest Governance Principles.
- The Vice-Chancellor and President will at all times act in accordance with the best interests of the University, its staff and students and with the intention of promoting the good name and values of the University.
- The Vice-Chancellor and President will be accountable to the Council.
- The Vice-Chancellor and President may delegate their delegated authority as they determine in accordance with the management structure in the University. Where the Vice-Chancellor and President delegates authority, they still remain accountable to the Council.
- In cases of doubt, the Vice-Chancellor and President shall seek clarification from the Chair of Council.

The Vice-Chancellor and President is responsible for:

1. The organisation, direction and leadership of the University and of the staff.
2. Preparing annual estimates of income and expenditure for consideration by Council and for the management of budgets and resources, within the estimates approved by Council.
3. Overseeing the deployment of resources in the University.
4. Stewardship of the assets of the University, both physical and intellectual.

5. Arrangements for student welfare and the maintenance of student discipline.
6. The recruitment, selection, reward, development, performance, management, health and safety, equality of opportunity, discipline and dismissal and determination of the pay and conditions of staff (within the framework approved by Council and/or specified in the Statutes) other than the remuneration of those staff whose pay is determined by the Remuneration Committee.
7. Creating or abolishing any post in the University, except those posts specifically created by the Statutes and subject to following any procedure specified in the Statutes for such actions.
8. Acting as the most senior representative of the University on all occasions save where specific powers have been reserved to Council, when the Chair of Council shall so act, or where the Chancellor is identified as the senior University representative.
9. Acting as the designated officer responsible and accountable to the Office for Students, and, ultimately, to Parliament, for ensuring that the institution uses public funds in ways that are consistent with the purpose for which those funds were given and complying with the conditions attached to them.

### **Council areas of exclusive decision**

There are areas of business that the Council reserves to itself for decision, whether directly or through authority delegated to its Committees as set out from time to time in the terms of reference for those Committees or through authority delegated to specific officers as determined by the Council from time to time. These are:

1. Approval of the University's Strategic Plan.
2. Approval of the annual budget.
3. The appointment and terms of reference of Council and joint Senate and Council Committees.
4. The appointment or removal of lay members of Council and lay officers of Council.
5. The appointment of the Trustees of the Retirement Benefits Plan and variation in the Trust provisions and contributions to the plan.
6. The appointment of Council representatives on other bodies.
7. The appointment of senior officers, namely the Vice-Chancellor and President, Deputy Vice-Chancellor, Pro-Vice-Chancellors and Registrar.
8. The remuneration of Executive Board members.
9. Tenure and terms and conditions for Executive Board members.
10. In accordance with the 1994 Education Act, to take such steps as are reasonably practical to ensure the Students' Union operates in a fair and democratic manner and is accountable for its finances, including the review and approval of the Students' Union's constitution at intervals of not more than five years and approval of the Students' Union's budget and monitoring of its expenditure.
11. Acquisition and disposal of property, and commitments to other major capital projects, where the value of the transaction, or of a group of linked transactions of which it is part, exceeds £5,000,000.

12. Approval of the access and participation plan submitted to the Office for Students and ongoing monitoring of the plan including publication of an annual access and participation statement.
13. Overseeing compliance with the conditions of registration specified by the Office for Students.
14. Formation, acquisition and disposal of subsidiary companies or trusts.
15. The appointment of the External and Internal Auditor.
16. Treasury management policy, authority and limitations.
17. Risk Management Policy.
18. Statement of Accounts, accounting policies, and the Annual Report.
19. Indemnities for members of Council.
20. The insurance arrangements for the University.
21. This schedule of exclusive decision.

#### **Delegated authorisation schedule**

This schedule lists the authorisations delegated from Council.

POWER	DELEGATED AUTHORITY
Acquiring and disposing of land and buildings: Transactions of up to £5,000,000	Executive Board
Formation, acquisition and disposal of subsidiary companies or trusts.	Executive Board
Leasing of properties: (a) Value under £250,000 or duration less than five years. (b) Value of less than £5,000,000 or duration less than ten years.	(a) Director of Estates and Facilities (b) Executive Board advised by Director of Estates and Facilities
Investment of monies belonging to the University.	Finance Committee as advised by the Executive Director of Finance
Power to borrow money and give security on behalf of the University.	Finance Committee as advised by the Executive Director of Finance
The regulation of the University's finances	The Executive Director of Finance, as set out in the University's Financial Regulations approved by Council
The power to approve the application of the seal of the University to particular documents	A member of Court and the Executive Director of Finance, Director of Estates and Facilities or Registrar
The appointment of professors, readers and the Librarian and equivalent level staff	Chair of Council
Overseeing compliance with the conditions of registration specified by the Office for Students	Vice-Chancellor and President as the accountable officer working with the Registrar
The appointment of all other employees of the University	Vice-Chancellor and President
The promotion of staff: (a) Professors and Readers (b) Other academic staff (c) Other staff	(a) Chair of Council (b) Chair of Council (c) Vice-Chancellor and President
In accordance with the 1994 Education Act, to take such steps as are reasonably practical to ensure the Students' Union operates in a fair and democratic manner and is accountable for its finances, including the review and approval of the Students' Union's constitution at intervals of not more than five years and approval of the Students' Union's budget and monitoring of its expenditure.	University/Students' Union Partnership Committee
Approval of the University's insurance arrangements	Finance Committee

POWER	DELEGATED AUTHORITY
Energy purchasing decisions under an agreed energy price risk management strategy	The Executive Director of Finance
The regulation of research, teaching and other activities to ensure that the University complies with the requirements of a charity as specified from time to time by the Office for Students and the Charity Commission.	Executive Board
Delegation of authority to the Chair to act on behalf of Council	The Chair shall be empowered to take action on behalf of Council between meetings on routine matters and specific matters where authority is required immediately and provided that in such urgent cases he/she must obtain the approval of at least two other officers (Vice-Chair(s) or Treasurer) or, if unavailable, two other lay members of Council. Where Chair's action is taken, a written report shall be made to the next meeting of Council.

John Hogan  
Registrar

February 2011

Amended by Council Minute 126, 6.6.2011  
 Editorial amendments 22.08.13  
 Editorial amendment 12.08.14  
 Editorial amendments 19.10.15  
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