
GOVERNORS AND CLERKS

IN FURTHER EDUCATION

BENCHMARK STANDARDS

Governors and clerks in further education

Benchmark standards



Foreword

The development and dissemination of these benchmark standards has been part-funded by the Learning and Skills Council for England through the Standards Fund. The standards are firmly based on the roles and functions of governors and clerks and will enable governing bodies to continue to raise the quality of their provision.

The standards can be used for the recruitment, training and appraisal of governors, and for the self-assessment of the governing body. They will enable colleges to benchmark the quality of governance and will allow individual governors to identify any professional development needs and are an invaluable tool to raise standards of quality in further education colleges.

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Introduction

Being a governor is a voluntary role – but one that carries significant responsibilities that are exercised jointly with members of the governing body. This is because, by law, a governing body has the rights and liabilities of an individual. People need to have specific knowledge and skills and to actively meet the responsibilities of the governing body.

We have written these standards to put governors, chairs and clerks quickly in touch with their responsibilities and the skills and knowledge they need. They are called ‘benchmark standards’ because they are designed to help governors, chairs and clerks benchmark their work to common standards.

What the standards are for

Appraisal

Governors and clerks have to monitor whether they provide an effective, efficient and timely service to their college. To help with this self-assessment process, we have set out the ‘must do’ statements for each role and the knowledge needed in the standards. You can use them to help you answer the following questions.

- What do I need to do and know about the expectations and requirements of my role?
- Which skills can I transfer from my daily life to the role?
- Am I currently meeting the full range of my responsibilities?
- Are we working together as an effective governing body?

Development

The results of the appraisal may lead some governors to want to develop their skills and extend their role. Before taking up new responsibilities, the following questions are useful.

- What new skills do I need to develop?
- Do I feel confident in taking up this level of responsibility?
- What might I look for from my fellow governors, chair and clerk to allow me to be more effective?

Recruitment

Colleges need to attract a wide variety of people into the governor’s role, to reflect the local community. The standards could help members of the Search Committee to find local people who may not believe themselves capable of taking up the role. You can use the standards to discuss what is involved in being a governor with a person considering taking up the role, by helping them to ask and answer the following questions.

- What is the scope of the role I am being asked to consider?
- How can I recognise if the skills that I have from my daily life can be used in the role?

How they are structured

We have written the standards under two main headings.

- *Roles* – of the individual governor, the chair and the clerk.
- *Responsibilities* – of the governing body (see Note 1).

We have also included stories to illustrate the standards in action and the sorts of personal behaviours governors will need to demonstrate.

Note 1: We recognise that individual colleges may use different terminology. We have used the terms 'governor', 'governing body' and 'clerk' to cover 'member of the corporation', 'corporation' and 'secretary'.

Roles

Individual governors

About this role

All governors need to make a commitment to the long-term future of the college. They need to be clear on their responsibilities and what is expected of them, as individuals and when acting together as the governing body.

In other words, a good governor is likely to be fearless, capable of making decisions in the best interests of the college, and a good communicator.

Taking a position

Under any other business, the principal mentions in passing that Steve Jones has been appointed to the post of head of learning support. The chair asks if the governors have any other business. You say that you have.

“I have a concern. It feels like we are adding to the management structure, in an ad hoc way. I know it’s the principal’s responsibility to appoint to posts at this level, but I feel caught in a bind. If I do not comment, then I must be agreeing to the appointment. If I do comment, then I feel like I am challenging the authority of the principal. I suppose I reconcile this by saying – if an item comes to the meeting then I can ask questions.”

You turn to the principal and say, “I am sure you are going to regret bringing this matter here. But you know me as your critical friend, I have to ask questions. The head of learning support is a critical job. I just need to be reassured that an internal appointment process was, in your opinion, the best way of attracting the most suitable candidate for our students’ needs. The learning support activity is highly valued here, particularly because of our open admissions policy and the need to reduce drop-out rates. I often feel that we are under a lot of scrutiny over equal opportunities. I know that it’s not just treating people all the same, but in employment matters our decisions need to be transparent.” The chair invites the principal to comment. He explains the appointments procedure in some detail. You respond, “That’s helpful, but I still have my questions.”

You turn to the chair and make a request. “Chair, I know we do not have time for this now, but for me the absence of detailed information about the background of staff makes me feel uncomfortable. This worries me because at a recent meeting there was a question about this profile in relation not only to our students but also to the local community. I wonder if you would advise the best way forward.” The chair responds, “I want to propose that we ask the clerk and the principal to make sure that we get a report which compares our staff-student profile in relation to the further education sector in general and to that of our local community.” The proposal is agreed by the governing body.

Commentary

The governor is trying to find out about the appointment process in a way that supports the joint responsibility of the governing body for equal opportunities. He is also raising the issue of the need to get enough information to support its decision-making.

He shows his concerns and refers to the chair to check that he is reflecting a wider legitimate concern. He is careful to ask questions of the principal in a way that offers him a chance to explain his thinking. When it becomes clear that there are still questions, he acts to avoid directly criticising the principal but still follows his enquiry.

What you need to do

As an individual governor you must do the following.

- 1 Act in line with the seven principles of public life (see page 7).
- 2 Identify your own skills, ideas, experiences and knowledge and work out how to transfer them to an educational setting.
- 3 Recognise your own ignorance about the changes in education and develop new skills and knowledge to keep up to date.
- 4 Take an active interest in the work of the college.
- 5 Review the skills, knowledge, experience and work of the governing body every year.
- 6 Respect the authority, roles and structures of the governing body and the college, and the rules on confidentiality.
- 7 Make sure that you have enough information and advice to make the best decisions possible.
- 8 Balance and make use of different viewpoints when making sense of a situation.
- 9 Where there is not enough information, or it is conflicting or not clear, make sure that you take effective action to deal with this.
- 10 Work effectively with other governors to take decisions through analysing risks, assessing options and being aware of the consequences.
- 11 Agree decisions that are:
 - in line with the college's best interests;
 - in time for appropriate action to be taken; and
 - communicated to those who need to know.
- 12 Accept corporate responsibility for decisions taken by the governing body, even when you do not agree with them.
- 13 Check that the minutes of the governing body's work adequately record the thinking behind the decisions taken.
- 14 Where necessary, authorise the chair to act on behalf of the governing body between meetings.

What you need access to

To be able to carry out your responsibilities as a governor, you will need access to the following.

- The instrument and articles of government.
- Any regulations, standing orders and bylaws that affect the governing body.
- Advice from the clerk on issues of principle and procedure.

What you need to know

You will also need to know and understand the following.

- The seven principles of public life – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- The role of the chair in leading the work of the governing body.
- The role of the clerk in supporting the work of the governing body.
- The role of the principal in managing the day-to-day operations of the college.
- The rules of procedure for meetings (for example, how often they are held, the minimum number of members, confidentiality, access to minutes and attendance of advisers).
- The role of committees and what business is given to them.
- The code of conduct for governors, including the policy on governors' travel, meals and accommodation.

How you might need to behave

You will need these personal qualities and behaviours to carry out your role effectively.

- You identify and raise ethical issues, cope with ambiguity and confront difficult questions.
You say something when you think one interest group is acting in a way that reduces the opportunity for other less powerful groups.
- You resist pressures from other governors or managers to achieve results by any means.
You think it is important that, even if everyone appears to agree with a particular action, someone is prepared to question why everyone agrees – why are we doing it like this?
- You are aware of your own personal interests and can separate these from your role.
You call attention to any occasions when your own or others' personal interests affect the work of the governing body or their advisers.
- You recognise that there are dilemmas at the heart of the role of the governing body.
You accept that there are no absolute 'right ways' of doing things. The demands on colleges and the responses to these demands change over time.
- You act in an assured and unhesitating way when faced with a challenge.
Your first response is to think before acting.
- You maintain your beliefs, commitment and effort in spite of setbacks or opposition.
You can show stamina when faced with difficult challenges without being stubborn or too assertive.
- You work with other governors to develop creative and appropriate solutions.
You take account of the views of others, recognising that the governing body needs to act together to exercise its authority.
- You solve problems by trying to find new approaches, thinking creatively and balancing rational thought and emotion.
You avoid taking 'kneejerk' decisions. You want to know what is going on to understand what is happening and why. You investigate in a way that pays attention to the feelings of those involved.
- You understand and are sympathetic to the wishes and ambitions of students.

The chair of the governing body

About this role

The chair needs to lead the governing body effectively so that it can carry out its responsibilities.

In role or interference?

The principal has asked to see you, the chair, urgently. He is clearly exasperated. Greg, a governor you were very keen to appoint, has just told the principal that he has noted six breaches of the Health and Safety at Work Act. It appears that Greg had just finished a tour of the science and technology block and that this is not the first time he has done this. You feel in a dilemma – the reason you wanted Greg on the governing body was his specialist knowledge. He is the health and safety manager at the local healthcare trust.

You decide to meet him over lunch before speaking to the principal. You know that Greg's knowledge is much greater than yours about health and safety. You decide to take along the sections of the standards on responsibilities for health and safety and the role of the individual governor. You know that Greg likes to see things written down, and what he finds difficult is when what is needed is not spelt out clearly.

Over lunch you explain your dilemma. Greg plays a very important role in making sure that the college's health and safety policy is given enough attention by the rest of the governing body and that he is able to explain some of the issues involved to other governors.

However, he is behaving as if he is in his employed role, with all the associated power and authority. You make it very clear to him that the principal has employed a health and safety manager who is responsible for the health and safety on a day-to-day basis. Greg responds by saying "health and safety is everybody's responsibility". You agree and add that 'how' this responsibility is expressed is what is critical here. You want Greg to use his skills to monitor the effectiveness of the principal's systems – not to compete with them.

Commentary

The chair is making clear the important principle of separating the responsibilities of the principal and the governing body. He is doing it in a way that preserves the best areas of Greg's skills and capabilities. He talks to him in private to try to make the most of his experience.

What you need to do

As chair of the governing body, you must do the following.

- 1 Make sure that the skills of the clerk are used to support the governing body, in line with the instrument and articles of government.
- 2 Make sure that all members of the governing body:
 - act in line with the seven principles of public life;
 - give their views and take part in making decisions; and
 - declare any conflicts of interest.
- 3 Provide effective leadership to make sure that the governing body:
 - meets its statutory duties and responsibilities;
 - acts reasonably, fairly and in line with what is morally right;
 - acts together as a group;
 - recognises different views;
 - appoints, supports and authorises suitably-qualified people to key roles and committees; and
 - assesses members' individual and joint performances.
- 4 Make sure that the governing body does what it is supposed to do in:
 - expressing its vision;
 - maintaining and developing the educational character and values of the college (sometimes called the ethos);
 - setting corporate objectives;
 - assessing the performance of the principal and clerk; and
 - monitoring the financial health of the college.
- 5 Make sure that the governing body communicates the decisions it has taken to all those who need to know.
- 6 Take a lead in setting up an effective working relationship with the principal, based on a mutual understanding of the responsibilities and authority each role carries.
- 7 Make sure that appropriate arrangements are in place for appointing, suspending and dismissing people who hold senior posts.
- 8 Make sure that the governing body responds to invitations to take part in events or to comment on proposals.

What you need access to

To be able to carry out your responsibilities as chair of the governing body, you will need access to the following.

- The principal, vice-chair of governors and the chairs of committees.
- Advice from the clerk about the laws, regulations and policy statements affecting the college.
- A list of approved specialist advisers and the rules around access to them.
- The register of governors' interests.

What you need to know

You will also need to know and understand the following.

- The requirements of the instrument and articles of government, any standing orders and trust deeds that apply to the college.
- The role of the clerk in advising and supporting the work of the governing body.
- The role of the principal in managing the day-to-day work of the college and as a member of the governing body.
- How the governing body is made up in terms of the numbers of governors in each category.
- The conditions for appointing and re-appointing governors.
- The role and terms of reference of all committees.
- When to call meetings of any other committees.
- The public interest disclosure and procedure policy.
- The three-year rolling programme for strategic planning, demanded by the funding council (that is, plans for the next years that are updated yearly in the light of any changes that are needed).
- The current year's budget and the budget-planning procedure for future years.
- The dates and information needed for financial returns.

How you might need to behave

The following personal qualities and behaviours are on top of those we have given for the individual governor.

- You act strategically.
You make sure that the governing body keeps its eye on the medium- to long-term objectives and intervene when it loses focus.
- You manage the role boundaries.
You behave in a way that respects the different and similar responsibilities of governors, the principal and the senior management team.
- You motivate and influence others and promote teamwork.
You make sure that opposing or difficult views are heard and that everybody is invited to make a contribution.
- You respect and resolve different views.
You make sure that joint responsibility is taken for decisions in a way that respects differences in the governing body, the college and the wider community.
- You encourage new and existing governors.
You understand that to be a governor is not a job for life and the governing body needs to renew itself.
- You are committed to your own development and recognise your limits.
You are willing to be guided (for example, by the clerk, outside advisers and specialist committees). You show the benefits of self-appraisal by assessing your own performance.

The clerk to the governing body

About this role

The clerk to the governing body is appointed by, and is accountable to, the governing body. The clerk, with the chair, is responsible for making sure that:

- the business of the governing body is carried out smoothly and efficiently;
- the governing body acts within its powers; and
- all decisions taken by the governing body are based on an understanding of agreed and proper procedures.

Also, the clerk should make sure that the governing body:

- receives and considers appropriate information on the college's finances, curriculum and student performance;
- sets and regularly monitors targets for enrolling and keeping students and students' achievements; and
- carries out financial forecasts and financial monitoring in line with the financial memorandum agreed with the funding council.

Behind the scenes

The chair and the principal have developed a very good working relationship over the last five years. As the newly appointed clerk, you are concerned that there is a tendency for the chair and principal to take decisions between meetings and to ask for agreement later.

You decide to gently confront this practice in your next meeting with the chair. His initial comment is that the decisions he is taking are not significant and that he is just trying to save the other governors time. You respond by agreeing with the need for governors to focus on the big picture and say that your concern is for the chair, "It's a highly visible and public role." You suggest a three-way meeting a week before each governors' meeting to anticipate the decisions that need to be made between meetings, and which governors could reasonably be expected to be involved in. You go on to say that these can be brought to the attention of governors, so that they have an opportunity to say whether they agree with any decisions being taken in their absence. The chair responds positively and says that some of the things he is asked to decide on are of minor importance, and he would still want to make those decisions. You agree but plan to talk to a colleague about drafting a standing order which limits when authority can be delegated to the chair.

Commentary

The clerk is clearly showing that she is independent of the chair and mindful of her duty to support the chair in his role. By being able to give objective feedback, she is also making clear her duty to serve the governing body as a whole.

What you must do

As clerk to the governing body, you will typically do the following.

- 1 Make sure that the governing body fulfils its legal, statutory and public responsibilities.
- 2 Provide advice and briefings to the governing body and act as the reference point for enquiries.
- 3 Work out the calendar of meetings of the governing body and its committees, call meetings, and prepare agendas, reports and minutes of meetings.
- 4 Make sure that business is carried out efficiently and effectively throughout the year.
- 5 Make sure that the governing body receives appropriate information on the college's financial and academic performance.
- 6 Check that the minimum number of members needed to make decisions attend meetings of the governing body and committees.
- 7 Advise the governing body on issues relating to membership.
- 8 Try to make it easy for the chair, principal and senior managers to discuss governing body issues (for example, by holding regular meetings and developing good working relationships).
- 9 Go to all meetings of the governing body and its committees (or choose someone to go in your place).
- 10 Hold the college's seal and prepare documents to be carried out under the seal.
- 11 Provide administrative support to the chair, committee chairs and, where appropriate, individual governors.
- 12 Make sure that public access to governors' papers is in line with the law.
- 13 Make sure that the official records of the governing body's business are kept safe, and keep a record of any business the governing body still has to deal with.
- 14 Look after any scheme for refunding governors' expenses.
- 15 Take appropriate action if and when the governing body, chair or a committee is at risk of acting outside their powers or proposing unlawful actions.
- 16 Act as a correspondent for the governing body (for example, by replying to invitations, questions and requests for information).
- 17 Keep under review standing orders, membership and terms of reference of the committees of the governing body.
- 18 Keep a register of members' interests (other than financial).
- 19 Arrange training for governors, including inducting new governors.
- 20 Monitor the public interest disclosure procedure, suggesting amendments and (where the governing body needs this) be the lead assessor in reviewing the proposed disclosure.
- 21 Support the governing body in the yearly review of its performance.

What you need access to

To be able to carry out your responsibilities as clerk to the governing body, you will need access to the chair and principal and to the following.

- Current laws and regulations that affect the college (for example, education, employment, equal opportunities, disability, companies, charities, planning, public health, human rights, health and safety, public interest disclosure, data protection and funding-council regulations).
- The instrument and articles of government.
- Any bylaws that affect the work of the governing body.
- The standing orders (rules and procedures) for the governing body.
- The college's policies and procedures.
- The college's charter for students and the complaints system.
- The policies and financial memorandum of the funding council.
- The procedure for managing any disagreements between the clerk, the principal and the governors.

What you need to know

You will also need to know and understand the following.

- The statutory requirements that the governing body must meet.
- What the main laws and regulations that affect the college are.
- How to access expert legal opinion.
- Where to find advice on issues relating to the workings of the governing body.
- What and how the governing body needs to communicate to the rest of the college and the wider public.
- Your role in keeping confidential records under the Public Disclosure Act.

How you might need to behave

You may find these personal qualities and behaviours helpful in your role.

- You resist pressures from the governing body and the principal to achieve results by any means.
You are always prepared to bring people back to the instrument and articles of government as a source of their authority to act.
- You are able to accurately reflect other people's views.
You can separate your own personal opinions from those expressed by others.
- You display confidence.
You understand the limits and authority of your role and are able to help balance the competing demands of the governing body, chair and principal.
- You show courage and stamina under fire.
You understand that the role of the clerk is not to be liked – and that sometimes people will react badly to being told about what they cannot do.
- You are efficient and thorough.
Your administrative and planning skills are well developed. You can focus on the detail without losing sight of the broader objectives of the governing body.

- ❑ You encourage new and existing governors.
You set time aside to brief people on the responsibilities of the role and to explain how the clerk can advise and support them to carry it out.

Responsibilities of the governing body

Mission and character

About this responsibility

The mission statement and associated strategic objectives identify the college's core purpose, that is 'what benefit does this college try to bring to the local community?' The governing body needs to be involved in influencing the direction and content of the mission statement and corporate objectives.

Governors protect the mission, values and educational character of the college. This means that they are responsible for checking that all strategic decisions meet and put into practice the agreed college statements about values, educational character and mission. It is their role to deal with any major drift away from these.

Balancing local needs

As part of a weekend residential the governing body is reviewing the strategic plan and the discussion focuses on the college's mission.

An important manufacturer in the local area has recently closed down. The principal is very keen to open the doors of the college to retrain the recently-redundant workers. He thinks the college has a duty to try and retrain these people, to support the local recovery plan. You are finding it hard to argue with their logic, but you have a daughter in the college and you are concerned about a sudden influx of much older students. You are not sure how realistic your anxieties are. But it provokes you to speak. "I guess I should declare an interest right at the beginning. I have a daughter studying for her A levels. I am sitting here imagining a sudden influx of a very different type of students. I know I may be showing some prejudice here, but I need some help thinking about this. It seems to me that we could be putting at risk the welfare of young people, as we try and respond to the local community's needs."

The chair suggests that the principal puts up the overhead projector with the current mission statement.

"The college will offer quality learning opportunities that allow individuals to achieve their potential and to contribute to local social and economic regeneration activities."

It becomes clear that the principal's idea fits with the mission, but the group agrees that there is a risk to be measured in relation to the younger students. The principal offers to set up an ad hoc group to assess the risks and to report back with ways of reducing them. She proposes that the report compares and contrasts the profiles of the target group with the current students in the 16 to 19 age range. She comments that some sort of service that provides education off the college site may be useful, run through local schools and community centres, but she ends by saying, "We also have to be careful not to discriminate against this section of the community in their time of need. You never know, the mix of age groups may do a lot for everybody's social development."

Commentary

The importance of the mission becomes obvious when both sides of the dilemma become clear, in the course of the meeting. The risk is that in trying to retrain the redundant workers, the needs of existing students are forgotten. The mission reminds everybody that both sets of needs have to be considered. The principal's suggestion about the working group makes sure that there will be enough information to help make effective decisions.

What you must do

To carry out the responsibilities for the mission and character of the college, the governing body must do the following.

- 1 Set the mission of the college by agreeing its purpose and direction in relation to the local community in a way that is likely to gain the support of the people involved.
- 2 Set the character of the college by clearly determining the relationship between the needs of current and future students and the ways that education is provided.
- 3 Make sure that the mission and character of the college:
 - are challenging and realistic;
 - allow staff and students to make a positive contribution;
 - take account of the effects of national and local policies and initiatives;
 - are communicated and promoted within the college and to the wider community; and
 - are regularly reviewed in the light of changing demands, opportunities and risks.
- 4 Assess management proposals and policies in terms of their match with the college's mission, character and strategic plan.
- 5 Be prepared to question management proposals if they significantly change the mission and character of the college.

What you need access to

The governing body will need access to the following.

- Information about the students (for example, age, sex, ethnic background and disabilities) and any trends.
- Information about the local community (for example, patterns of employment and unemployment, and profiles of age, sex and ethnic background).
- Information about the wider educational environment (for example, in relation to higher education, schools, the local education authority, adult learners and lifelong learning).
- Information about any co-operation agreements, partnerships or franchises.
- Ideas from the principal, their management team, staff and students.

What you need to know

You will also need to know and understand the following.

- Who the current and future students of the college are.
- The community that the college works in.
- The wider educational environment that the college works in.
- The college's equal opportunities policy and procedures.
- What the effects of changing the mission and character of the college could be (for example, on students, staff, buildings, finances and wider resource management and the local community).

Strategic planning

About this responsibility

The future direction of the college and its good finances are brought about by sound strategic planning. Broadly, governance is about working out and monitoring medium- and long-term strategy, while management is concerned with putting those strategies into practice.

The governing body has overall responsibility for making sure that a strategic plan is developed which is in line with the college's main aims and mission, character and the funding council's framework.

Questioning a well-laid plan

James, a governor of 12 months, is listening to the briefing on the strategic plan. Three objectives have been set, one of which is to expand the college student numbers again. He wonders if this is a strategy or a way of avoiding something more difficult. The previous reviews have shown that while the numbers recruited each year have increased, the student figures at six months have fallen. James notes that the retention data is missing from the presentation. It is hard to argue with expansion and the principal and his team are putting up a good case for it as a way of reducing overheads. They recognise that growth will be restricted by buildings and seem to be suggesting that they have some plans.

James can see that the plan is well presented and the management team have a good track record. There is a sense that the item is coming to an end and that it will be agreed. However, James decides to ask a few questions, which he worries will affect the agreement.

“I think the plan makes a lot of sense and it would be good to reduce costs by increasing the number of students and becoming more efficient. But there is a risk with this strategy, given the nature of our mission. If we go for growth, how do we make sure that we look after the individual needs of our students? I know I sound like I am taking the moral high ground, but bear with me. You know at other times I have pushed for economies. I think that we are missing the data on retention. This would give us a clue about how well we are doing in relation to our mission.”

The chair invites the principal to comment. She knows that the data is missing and says that it has been discussed in the quality and curriculum committee that last met during the week before. She explains that she briefed the committee on the work done by the management team to streamline the selection requirements more closely to the entry requirements for courses that are at risk.

James comments, “You seem to be suggesting that the retention rate is improving. I am glad about that and it leaves me with a question, which is perhaps for the chair. What are the expectations on committees to report back? I know that we as a governing body shouldn't get into the detail, but how can we agree to the plan without understanding your approach to this problem of retention?”

Commentary

In this story, James is holding to account the senior management team and their strategic plan. He has asked questions in a way that respects their thinking and adds to it. The information he is asking for will allow the whole governing body to more effectively monitor how they put the plan into practice.

What you must do

To carry out the responsibilities for strategic planning, the governing body must do the following.

- 1 Authorise the senior management team to develop a strategic plan for the college.
- 2 Make sure that a costed three-year strategic plan, an annual budget and a three-year financial forecast are produced that set objectives which keep to the mission and character of the college, and any changes in these.
- 3 Make sure that the strategic plan responds to the requirements, expectations and interests of the funding council, other interested people and the labour market.
- 4 Make sure an appropriate strategy for the upkeep and development of college buildings is produced as part of the strategic plan by:
 - setting overall educational, financial and property objectives;
 - approving the effects of the strategy on college budgets;
 - approving any capital projects, property purchases and asset sales and the sources and uses of funds arising from these activities; and
 - reviewing how the strategy is put into practice in a way that is agreed with the principal.
- 5 Approve any formal or informal partnership activities as part of the strategic plan.
- 6 Make sure that the plan and objectives:
 - have been produced in a way that makes it easier for college staff and students to get involved;
 - are likely to gain the support of the people who are interested;
 - set targets that can be achieved within the agreed timescale and budget;
 - can be achieved and measured, and include the information needed to monitor progress;
 - take note of the principles of long-lasting development;
 - are written in a way that supports applications for funding;
 - contain enough detail to allow the planning and development of specific programmes of work; and
 - take advantage of actual and possible changes in circumstances.
- 7 Monitor how the strategic plan is put into practice in terms of progress towards the strategic objectives.

What you need access to

The governing body will need access to the following.

- The funding council's guidance on strategic planning.
- Reports on progress against objectives.
- Statistical information on performance (for example, student recruitment, retention and achievement) presented in a way that helps to explain the figures (for example, written notes, graphs, charts and diagrams).
- Financial information on performance presented in a way that helps to explain the figures.
- Information about any planning issues associated with the accommodation strategy.

What you need to know

You will also need to know and understand the following.

- What information on strategic planning the funding council wants to receive.
- What national targets have been set on further education.
- The range of formal or informal partnership activities the college has carried out and whether it would be beneficial for the governing body to be involved directly (for example, as a member of the partnership's steering group).

Improving the curriculum and quality

About this responsibility

The success of students must be a key concern to all colleges. Students are most likely to be successful if the curriculum they follow is appropriate to their needs. Raising standards and improving the quality of students' experiences should be the aim of the college.

Governors need to keep a strategic oversight of curriculum and quality issues, and be aware that the college will be monitored by outside assessors from time to time.

Achieving key skills

The governing body has received proposals from the senior management team about targets for improving quality that are being considered by the quality and curriculum committee. Significant concerns about achievement had been identified during 2000-2001 which have had a major effect on funding and staffing.

In planning for curriculum 2000, the college had decided to offer the new key skills qualification to all students on vocational courses (that is, those taking BTEC National Diplomas, AVCEs and GNVQs) as a way of offering 'enrichment' and gaining funding.

The principal explains that the problems with achievement are linked to the requirements for students to pass examinations and finish coursework portfolios for each of the three key skill units.

Siobhan, as a new governor, is keen to find out what was going on and why, in more detail. It is clear from the data provided that enrolments were good, and that students were going to teaching sessions. But the examination results for the one-year programmes were very poor and this appears to have had a demotivating effect on students, who were not finishing portfolios. This would be likely to have a major effect on funding if the pattern were repeated for two-year programmes. She wonders why exam performance was so bad and questions the principal about the teaching and staffing arrangements.

As chair of the committee you know that your colleague is already dealing with issues that are the responsibility of the college's senior managers. You realise that this may be useful information for her, to help understand how the college works in more detail.

But you feel the need to remind her of the governor's responsibilities around raising standards by drawing attention to the following points from the standards. You explain that the information systems that are in place are clearly good enough to alert managers to problems. With a new qualification, monitoring systems can only identify poor performance when compared with other qualifications at this level. You suggest that it would be helpful if the principal prepares information for the next meeting that will allow the committee to identify targets in this area and judge whether appropriate steps have been taken to improve performance.

Commentary

The expectation that governors should know more about the curriculum increases the risk of interfering with the principal's responsibilities and the role of the college's academic board. The chair is expertly managing the need for a new governor to be active and questioning, while at the same time managing the boundary between the different roles and responsibilities.

What you must do

To carry out the responsibilities for improving the curriculum and quality, the governing body must do the following.

- 1 Oversee the college's curriculum to make sure that this relates to the needs of current and future students and the wider community.
- 2 Make sure that targets are set for curriculum and quality in line with the requirements of the funding council and other interested people.
- 3 Make sure that the governing body keeps up to date with any developments that affect further education.
- 4 Approve procedures to protect and improve the quality of the college's teaching and assessment. These procedures need to:
 - be regular, timely and well organised;
 - take account of the views of all interested people;
 - be demanding, focused and accurate; and
 - lead to challenging targets for improvement.
- 5 Make sure that effective information systems are in place to tell governors and managers about:
 - the consequences of their decisions;
 - current levels of performance; and
 - benchmarking data.
- 6 Make sure that specific monitoring activities are in place to alert management and governors to significant changes in quality.
- 7 Be prepared to take part in the college's self-assessment review and, where appropriate, any arrangements for inspection.

What you need access to

The governing body will need access to the following.

- Regular reports on the outcomes of internal quality-assurance processes.
- Data about how other colleges are performing that your own college's performance can be compared with (sometimes called benchmarking data).
- Standards set by outside organisations that the college must meet.
- Summaries of any external reports on curriculum and quality (for example, from awarding bodies, inspection agencies, regulatory bodies and the funding council).
- The college's annual self-assessment report.
- Information about government policy initiatives, funding council guidelines and the latest curriculum trends and developments.
- Information about organisations that the college has co-operative or partnership agreements with.
- Any action plans that have been drawn up as a result of self-assessment or external appraisal and the monitoring arrangements for them.

What you need to know

You will also need to know and understand the following.

- The strategic plan.
- The college's curriculum and the strategy for how it will be put into practice.
- The college's equal opportunities and admission policies.
- The results of self-assessment in relation to curriculum and quality.
- What educational targets have been set by the funding council, other agencies and funders for the college to meet.

Financial control

About this responsibility

The governing body has responsibility for:

- the good finances of the college;
- securing value for money;
- making sure financial matters are always taken into account when making decisions;
- safeguarding the college's assets;
- giving an annual account of its stewardship of the college's funds; and
- making sure that there are suitable financial controls in place to allow it to carry out its other responsibilities.

In other words, how financial resources are used within agreed policies and procedures, as set out in the college's strategic plan.

Prioritising

The whole governing body for the corporation is considering the previous strategic plan that has included, for the first time, a health and safety element. The various recording forms and systems for the four colleges within the corporation have been integrated into one system. During the yearly review of the strategic plan, it became clear that the integration strategy for health and safety was very successful. In fact, its success was now a problem. Ivan (who has very clear ideas about the place of health and safety in college life) makes the point that if risks are being identified through the reporting, then the governors have to take action.

The chair of the finance committee and the principal both look slightly annoyed. The finance chair makes the following observation. "I think Ivan's right, but this is not the place to discuss this. As I understand it [turning towards the principal] there is always going to be a tension between the work needed to reduce risks and the money available. I think we should ask the principal to explain, at the next finance committee meeting, how the risks identified are ranked so we can get a sense of what the costs might be. It may just be a case of earmarking existing budgets, so that we can clearly show health and safety spending in relation to the risks we have identified. As I am sure you will understand, as the accountant on the committee I agree with the finance manager that we have to keep costs under control, given the student retention issues we are having to face."

The chair nods his assent and adds, "I think there is another issue here, that we are going to have to think more carefully about. We have always behaved as if we have corporate, not individual, liabilities. I think we need to ask the clerk to give us his best advice on whether we should think about reviewing our indemnity insurance."

Commentary

The chair of the finance committee is using his authority to make clear the difference between oversight and budgetary control. He is also offering a creative solution – in terms of the income and spending as accounted for, perhaps borrowing from their work outside the college. The chair is looking forward by anticipating what may be a worry for individual governors.

What you must do

To carry out the responsibilities for the financial health of the college, the governing body must do the following.

- 1 Make sure that the costed strategic plan:
 - includes financial targets and milestones;
 - is in line with the requirements of the funding council and the financial memorandum; and
 - is used to monitor the financial position of the college.
- 2 Establish:
 - effective leadership of the finances of the college;
 - the financial standing orders of the college;
 - the membership of the Audit Committee and any finance committee;
 - the mechanisms to carry out and monitor separate internal and external audits;
 - a risk-management policy;
 - a way of setting budgets to reflect the most important items in the strategic plan;
 - a capability to produce financial information to meet the requirements of budget holders and funders; and
 - a policy and procedure for setting tuition fees.
- 3 Scrutinise:
 - the monthly accounts and supporting commentary;
 - the internal and external audit reports and supporting commentary;
 - a financial forecast for the next three years;
 - an emergency plan to be put into practice if the forecasts are inaccurate; and
 - any changes that need to be made to the budget and revisions to the forecast as the financial year progresses.
- 4 Identify:
 - the financial health of the college by department and areas of activity;
 - the cost effects of key management decisions; and
 - any changes in the environment which may affect in-year budget and forecasts.
- 5 Make sure that funds from the funding council are used only in line with the Further and Higher Education Funding Act, the financial memorandum and any conditions which are attached to its funding.
- 6 Make sure that any conditions attached to any grant income or contracts are met by the college.
- 7 Make sure that any college companies and joint ventures:
 - have clear aims and plans;
 - meet all relevant laws and regulations; and
 - contribute to the benefit of the college.

What you need access to

The governing body will need access to the following.

- The costed strategic plan.
- The financial memorandum with the funding council.
- The college's financial standing orders and any regulations and trust deeds that apply.
- The reporting requirements of funders.
- The monthly accounts (including cash-flow forecasts, balance sheets, income and expenditure and any capital expenditure).
- The budget for the current and coming year.
- The financial forecast for the next three years.
- The emergency plans.
- Internal and external audit reports and their authors.
- Commentary on financial issues in a form that can be easily understood.
- The minutes of the Audit Committee and finance committee if there is one.
- Information about any special funding initiatives and grants that may be available from time to time (for example, from the funding council, from the Government or from the EU).
- Information about the activities of any college companies or joint ventures and regular reports on their performance.
- The funding council's advice on the legal and ethical issues surrounding the activities of any college companies and joint ventures.

What you need to know

You will also need to know and understand the following.

- The whistleblowing policy.
- How the good finances of the college are protected.
- What measures are in place to safeguard the assets of the college.
- How to make sense of monthly accounts.
- How to make sense of internal and external audit reports.

Human resources

About this responsibility

The governing body employs most staff in colleges, both teaching and support staff. To do this, contracts are issued on its behalf that set out the range of conditions of service. They must make sure that what they do, or is done on their behalf, is in line with current laws, regulations, funding council guidelines and the college's policies and procedures.

A matter of confidentiality

The third item on the agenda is a request from the principal to extend the sick pay of one of the senior managers. (In this example the matter is being discussed by the whole committee, in other colleges this item may be dealt with by a human resources sub committee.) You are the vice-chair, chairing what has already been a difficult meeting. You know that the principal would really like this extension, but you are not clear about the details, as this has been a matter dealt with by the chair. Your colleagues round the table give a sympathetic hearing but are clearly reluctant to make an open-ended agreement. It is clear that to make progress, you need more details on what is wrong and when the manager is likely to return. You bring the meeting to order and say that you are going to take a short break to speak to the clerk.

Outside you ask her advice on not including staff and student governors. She says that your authority to exclude is set out in the instrument and articles of government, and that the committee will need to pass a resolution to exclude them. You tell the clerk that this is what you are going to do. However, before recalling the committee, you take the student governor aside and then the staff governors and explain why you would like them to leave.

Back in the meeting you explain that for the committee to come to a proper decision, they need to be informed of the likely outcome of the manager's illness, and you want to do this in a way that respects the manager's confidentiality. The student and staff governor make it clear that they are prepared to withdraw – and you agree to find them when the item has been considered.

As they leave you remind the governors who are left of their general obligation to act in the best interests of the college and you ask them not to discuss this outside the room. You then invite the principal to explain in more detail the circumstances you are being asked to consider.

Commentary

The vice-chair is making sure that the committee is seen to be acting as a good employer. His tactful handling of not including the staff and student governors, with the timely support of the clerk, makes sure that the right sort of messages are sent to the wider staff group. This is a committee that can deal with difficult problems in a clear and sympathetic way. By not including these people, the vice-chair is trying to make sure that the fullest range of opinions can be expressed.

What you must do

To carry out the responsibilities as an employer, the governing body must do the following.

- 1 Make sure that there is effective leadership of staff by:
 - recruiting and keeping an effective principal and senior management team;
 - setting the pay and conditions of service of the principal, the clerk to the governing body and other posts appointed by the governors;
 - agreeing and resourcing performance-appraisal and management-development programmes for people appointed by the governors; and
 - setting a pay and conditions framework for all staff that is fair and meets the relevant legislation.
- 2 Reduce the risks arising from employing staff by:
 - allowing access to appropriate specialist legal advice and knowledge of changes in employment law, regulations and good practice;
 - setting personnel policies and procedures that meet the regulatory framework; and
 - asking for management reports that identify trends in recruiting, keeping and dismissing staff, and grievances.
- 3 Take active responsibility in:
 - hearing appeals relating to the suspension and dismissal of staff for disciplinary reasons;
 - hearing staff grievances that have not been resolved earlier; and
 - where necessary, suspending and dismissing people in senior posts.
- 4 Make sure that all policies and procedures contribute to equal opportunities and allow staff and students to take part in how the college is run.

What you need access to

The governing body will need access to the following.

- A list of approved specialist advisers who are able to interpret legislation and the rules around access to them.
- The instrument and articles of government.
- The college's human resource policies and procedures.
- The college's procedures for staff discipline and grievances and the code of conduct.
- The college's collective agreements with trade unions.
- The profile of the college in terms of sex, ethnic background, disability for part-time and full-time staff against similar information about students.

What you need to know

You will also need to know and understand the following.

- The responsibilities of governors for the principal, people in senior posts and the clerk to the governing body.
- The responsibilities of governors for other categories of staff.
- The requirement to act in way that is morally right and fair in every case.
- The roles and pay grades of staff in relation to the range of learning programmes offered to students.
- The way that collective agreements are made with trade unions.

Student issues

About this responsibility

Governors have a number of responsibilities for:

- the admission, assessment, examination and discipline of students;
- the college's charter and complaints procedures; and
- some aspects of the activities of the students' union, where one exists.

Governors must also make sure that the college has procedures in place which cater for students with learning difficulties or disabilities, in terms of the curriculum and the college's facilities.

The governors would expect the principal to advise them and make proposals on these issues. (The principal would, in turn, take advice from the academic board – except in sixth-form colleges and some designated colleges.)

Attendance

For the second meeting in a row, the student governor has not come although she has sent her apologies. There is an item on the agenda about which she would have made an important contribution – the review of the college's security and harassment policy and procedures.

After this item has been introduced by the principal, one of the governors expresses his frustration that the student governor has not come. He ends his comments by saying, "I can't see the point, as the bulk of our work is overseeing the finances." The staff governor responds, "I guess if we looked at all of our attendance over the year, some of us would have similar levels of absence." The chair acknowledges this point and picks up on the criticism of the first speaker. "I think that you are talking about a time that is now passed. We have got to be more than just good at managing business – there is this government agenda to get more and different types of people involved. I know we don't all agree, but that's the way it is. The student governor role is a way of reminding us of this wider responsibility."

The principal takes the lead and wonders out loud, "Perhaps we need to think about setting up some kind of student forum." The staff governor then suggests, "I know we are not here to represent vested interests, but it is difficult when you go back to the staff room and you are asked about what goes on here. I imagine it is the same for the student governor. If we had a student forum, it could help to make sure that our decisions are informed by the views of students." The clerk comments, "Just to say the obvious, the forum would not be an alternative to a student governor. As I am sure you know, this is a category of governor that we have to have."

Commentary

The active role of a student governor needs defending. The involvement of the staff governor reduces the risk of the other governors from only thinking about the attendance of the student governor. The staff governor shows the importance of looking beyond the obvious explanation and trying to work out why something may be happening.

What you must do

To carry out the responsibilities for student issues, the governing body must do the following.

- 1 Decide what will be delegated for:
 - the admission, assessment, examination and discipline of students;
 - the production and monitoring of a college charter and an internal complaints system;
 - the production of a yearly disability statement; and
 - the activities of any students' union.
- 2 Make sure that any roles or functions that are delegated to others are carried out correctly and efficiently.
- 3 Decide how the interests of learners with different needs will be represented on the governing body.
- 4 Monitor how the needs of students with learning difficulties or disabilities are satisfied through the curriculum and facilities offered.
- 5 Approve and review the constitution of the students' union.
- 6 Demand timely and accurate information about the following to monitor how the strategic plan is put into practice.
 - Recruiting and keeping students.
 - Achievements and examination performance.
 - Student welfare.
 - General disciplinary issues.
 - Any complaints made and how they are monitored.
 - The conduct of the students' union.
- 7 Make sure that arrangements are made to allow students to benefit from the whole experience of an academic community.

What you need access to

The governing body will need access to the following.

- The instrument and articles of government.
- The college's charter for its students.
- The college's policy and procedures for internal complaints.
- Regular reports on the number of complaints received from students and how they have been resolved.
- The college's procedures for students with learning difficulties or disabilities.
- How the students' union is made up.
- Information on the activities of the students' union and any other bodies representing particular interest groups within the college.

What you need to know

You will also need to know and understand the following.

- The educational and training needs of the local community.
- The role of the principal in maintaining student discipline.
- The role of the academic board (where relevant) in advising the principal on the conduct of student issues.
- What funds are available for improving facilities for students with learning difficulties or disabilities.
- How any changes in legislation may affect students with learning difficulties or disabilities.

Health and safety

About this responsibility

The legislation that needs action by governors is extensive. Governors have a duty to make sure that policies and systems are in place to meet all relevant legislation.

Speaking out

The committee has been meeting for the last two hours. The last item on the agenda is a change in the college security policy. There have been a number of thefts, an increase in unauthorised access and a violent incident in the canteen that may have been racial. The principal plans to involve uniformed security personnel.

You notice both in yourself and fellow governors a feeling of restlessness and some annoyance that this type of issue can come up at this point on the agenda. The chair recognises the importance of the item and agrees that it is unfortunate that it has come up last. He turns to the clerk and says, “We should have thought more about this.”

During the course of the discussion it emerges that the result of this policy change will be to restrict access to information technology and library facilities in the evenings. The principal argues that the costs of providing the security outweigh the number of people using the areas that are at risk. While you think that the principal has put a convincing case, you are concerned about the effects on student access and achievement. You think that not all students have a computer at home, so while their security may be improved, their ability to deliver coursework could be affected.

You catch the chair’s eye and say, “I know I am a new governor but I want to ask what may seem like an obvious question.” You turn to the principal and say, “What is the actual level of risk we are trying to manage? Is there a list of incidents over the last couple of years, and does this represent an increase? Or have we just had a cluster of high-profile incidents?” The principal suggests that the student governor might want to comment. You agree, but add, “I still want you to talk me through the data, because otherwise I feel I am being asked to approve something without all the information.”

Another governor speaks. “I think we have a couple of issues here. I think we need to separate out those incidents that may be racial. We pride ourselves on serving a mixed community. Are there some tensions out there in the student body that we are not picking up on?” The chair intervenes after several minutes of conversation. “I think I missed a trick here, by not getting a more adequate brief on this item. It is obvious that it is more complicated than the solution suggests. I know that the principal has acted from the best motives to reduce the immediate risks to students. I suggest we follow the recommendation in the short term, and ask the estates committee to contribute to an in-depth site-security policy.”

Commentary

This governor is showing commitment to the role of the individual governor in questioning the executive. While they are highlighting health and safety as the critical issue, the governor is making sure that the real complexity of the situation is kept on the agenda. He is making a link between health and safety and student achievement.

What you must do

To carry out the responsibilities for health and safety, the governing body must do the following.

What you must do

- 1 Make sure the college has in place an effective health and safety management system that meets legal requirements and best practice.
- 2 Make sure adequate resources are available to meet health and safety requirements.
- 3 Make sure health and safety is included in the strategic plan.
- 4 Make sure staff and students are not exposed to unacceptable risks from the working environment, the use of equipment or working pressures.
- 5 Include health and safety on the agenda of governing body meetings.
- 6 Monitor the procedures in place that are related to health and safety.

What you need access to

The governing body will need access to the following.

- The principal health and safety legislation and guidance affecting the college.
- The college's health and safety management system.
- The college's policy on security and harassment.
- Audit and inspection reports relating to the college.
- Records of health-and-safety-related training.
- Records of accidents and accident investigations.

What you need to know

You will also need to know and understand the following.

- What specialist professional advice is available to the college.
- What health-and-safety-related action is planned in the short, medium and long term.

Glossary

Chair	A governor, usually elected by her or his fellow governors, to provide leadership to the governing body.
Clerk	A person appointed and paid by the governing body to help it carry out its business and to make sure that it operates within its powers. The clerk is not a governor but can be a senior member of college staff or an independent outsider.
Dilemma	A dilemma exists when there are two equally valid options, and when choosing one of them seems to rule out the other.
Funding council	A general term given to the Learning and Skills Councils (LSC) that provide funding to colleges (previously the Further Education Funding Council or FEFC).
Governing body	A group of people legally authorised to act as a single person. A 'person' who has a separate identity from the individuals who make up the group.
Instrument and articles of	The instrument describes the arrangements for the membership and meetings of the governing body and its committees. The articles set out of the government a framework for the conduct of the college by describing the roles and responsibilities of the governing body, principal and clerk.
Objectives	Clearly defined and measurable results which the college or a range of activities is designed to achieve.
Principal	The most senior member of staff employed by the college, who is its chief executive officer and accounting officer.
Seven principles	The seven principles, recommended by the Nolan Committee, which of public life holders of public office, such as a college governor, should keep to. They are selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
Stakeholders	All those who have an interest in, or may be affected by, the college and its activities.
Standing orders	Rules agreed by the governing body to direct how its meetings are to be conducted (for example, the election of the chair and vice-chair and the declaration of personal interests).
Strategy	A long-term plan that guides the college in working in line with its mission.



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