

## THE COLLEGE OF HARINGEY, ENFIELD AND NORTH EAST LONDON

### GENERAL INFORMATION ON FURTHER EDUCATION COLLEGE GOVERNANCE AND SELECTION AS GOVERNOR

#### The Role and Responsibilities of FE Governors

The importance of the further education sector is increasingly recognised for the significant contribution it makes to the success and development of its students and, through that, to the achievement of national objectives in education, training and employment.

Colleges become incorporated as a result of the Further and Higher Education Act 1992. Each corporation has its own board and may use one of a variety of terms to describe it. These include: corporation, board, or governing body. For individual members the terms corporation member, board member or governor are used. FE governors are responsible for overseeing the running of the College and are involved in determining business and financial policy, strategic development and ethos. The Governing Body, together with the Principal as Chief Executive, constitutes the highest level of decision-taking in the College and has the ultimate responsibility for all the affairs of the College.

Acting corporately, the Governing Body has certain formal duties, powers and rights in accordance with the College's Instrument and Articles of Government. FE College governors are typically involved in:-

- Ensuring the college thrives as an organisation while maintaining prudent control of its funds and assets
- Making a significant contribution to what the college does to ensure the success of its students
- Helping the college maintain a long-term focus while working on its shorter term goals and plans
- Helping the college respond to local requirements within the context of regional and national needs.

College governing bodies regulate their own proceedings within the boundaries of the Instrument and Articles of Government; these are the documents which set out the framework within which the Governing Body must work.

- **The Instrument** is concerned with the constitution of the Governing Body, the appointment and dismissal of its members and the conduct of meetings.
- **The Articles of Government** define the powers and duties of the Governing Body and the Principal. They set out the basis for dealing with certain matters including financial management, the appointment and dismissal of staff and student discipline.

Provided they satisfy the basic requirements established by the Further and Higher Education Act 1992, it is for governing bodies to decide how they wish to conduct

their business and become involved in the wider aspect of College life. College governors need to work in partnership with the Principal and senior staff. The governors have ultimate responsibility for the running of the College, taking key decisions and setting objectives, while the Principal, and senior staff are responsible for College operational issues.

### **Accountability**

As free-standing corporations, Governing Bodies are authorised by law to act as a single person while maintaining a separate legal identity from its individual members. As such, College governing bodies are directly responsible and accountable for the government of the College. In addition to their legal responsibilities, the Governing Body is also accountable to the Learning Skills Council (LSC) for the use of the money they receive and for meeting any conditions attached to that funding e.g. a requirement to prepare and submit annual accounts, or supply information about student numbers, and to meet agreed targets.

Consequently, FE governors do have a legal liability. Under the Further and Higher Education Act (1992), colleges became self-governing and responsible for their own affairs. The governors acting corporately, are accountable for the financial health and good management of the College and for the proper use of the public funds entrusted to it. The Governing Body's responsibilities and accountabilities, including those for monitoring the effectiveness of the governors' own performance are shared equally by each individual member of the Governing Body.

There is also a theoretical chance of an individual being held liable for his or her actions taken as a governor. The law in this area is unclear but bearing that possibility in mind it is important that individual governors satisfy themselves that all decisions in which they participate are properly made on the basis of adequate information. The Governing Body has insured itself against the costs of any charges of negligence.

The central principle is one of individual accountability. No Governor serves in a representative capacity or may serve mandated by an external body. Each governor serves to promote the overall success and solvency of the College within the relevant statutory framework and Instrument and Articles of Government.

### **Time Commitment and Expenses**

A College governor may hold office up to a maximum of four years, and may be reappointed for further terms of office if the Governing Body supports re-nomination.

A governor's workload will vary depending on the activities of the College and Governing Body at any one time; on average they spend about one day a month on College related activities. A governor will use that time to carry out some of the following activities:

- Meetings of the Governing Body,
- Other meetings of College committees.
- Visits during College time, for a whole or half day to become familiar with the work of the College
- Attendance at selected College functions

- Preparation work for meetings and the College annual report
- Attendance at training and development events.

Under employment law, employees are entitled to 'reasonable time off' without pay for their duties as governors. It is up to you and your employer to agree what is reasonable. Many employers are very happy for their employees to serve as a College governor as this aids personal development, and some employers provide paid time off for Governing Body activities.

The government of colleges is a wholly voluntary and unpaid activity. FE corporations have charitable status, thus the governors are the trustees of these charities. Consequently the governors are subject to the laws concerning charity trustees which states that trustees are not entitled to make a profit from their trusteeship. Thus, governing bodies may not remunerate governors for their services, although they may provide reasonable expenses. The Governing Body has determined what it deems reasonable and proper to support.

### **Types of Governor**

The statutory instrument states that Governing Bodies may determine the number of members required to form the composition of the board within the parameters of, a minimum total number of 12, and a maximum of 20 Governors in the following categories:-

- \* **Staff governors** (elected from and by members of college staff)
- \* **Student** governors (elected from and by the students of the college)
- \* **Principal and Chief Executive** who is a member for the duration of his/her employment at the college.
- \* **External Governors** who the Corporation feel have the necessary skills to enable the Corporation to carry out its statutory functions.

In exceptional circumstances a corporation may seek to increase its maximum number of governors over and above the normal maximum of 20. This requires permission from the Department of Business, Innovation and Skills (DBIS) in the form of a time limited Modification Order. Currently the College is operating under a modification order that allows the board to operate with up to 25 governors for a 3-year period. This was determined to provide additional expertise and support to the board following a merger between the College of North East London, and Enfield College on 1<sup>st</sup> August 2009.

### **Governor Status**

All Corporation members take part as individuals and are expected to take a view on each matter coming before him/her on the merits of the issues in hand. The Instrument and Articles state that "no governor may be bound by mandates given to him/her by others".

In other words, governors can make a valuable contribution to the college in terms of his/her skills and expertise, but cannot lobby on behalf of any group.

## **Selection of Governors**

The Governing Body is committed to open government and wishes to be transparent in the selection of governors as with its other operations. It has established a Search Committee to oversee the selection process. In assessing candidates, the Committee will seek to ensure the presence of the widest possible knowledge, skills and experience relevant to the College and a balance within membership of the Governing Body.

## **Application Process**

Applicants are invited to submit a letter of application outlining their reasons for wishing to be a College Governor and as far as possible indicating their relevant knowledge, skills and experience in the categories of the governor specification. Applicants may also submit a Curriculum Vitae (CV).

The letter of application and CV will be considered by the Search Committee who, following meetings with prospective Governors, will make recommendations for new members for determination by the Governing Body.

For further information or advice, please contact:

Naomi Shoffman Secretary to the Corporation

at

The College of Haringey, Enfield and North East London  
Tottenham Centre  
High Road  
London N15 4RU  
Tel: 0208 442 3020  
Fax: 0208 442 3085

*The above information contains extracts from the FEFC (LSC) document 'The College Governor'*