

The Role of the Student Governor as a Member of a College Governing Body

Brief Guide for governors and clerks in further education colleges

Governance

LSIS LEARNING AND SKILLS IMPROVEMENT SERVICE



Interpretation of terms used:

'College governing body' means further education corporation

'Corporation' means further education corporation

'Student governor' means student member

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The Role of the Student Governor as a Member of a College Governing Body

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Background

Colleges¹ are governed by governing bodies (further education corporations) which have legal personalities as charities. Thus college governors are, in effect, trustees. Provision is made for the membership of college governing bodies to be between 12 and 20 members in number. The decision on the number used at each college is a matter for each governing body to determine.

The mix of membership of college governors can be seen as a mix of 'internal' and 'external' governors. The 'internal' governors are those from within the college and include the Principal, student and staff governors and bring with them their personal knowledge of the college. The 'external' governors are those governors who bring expertise, experience and local knowledge. The resulting team of governors form a governing body which has a significant responsibility for the operation and performance of the college, including the employment of staff, and the achievement of students. Good governance emphasises the value of all members of the governing body working together in the best interests of the college. A governing body which is working with ambition and a clear focus on learner achievement and college improvement can make a significant contribution to the leadership of a college.

Note 1: The legal entity of an FE Corporation is an exempt charity under the Charities Act 2006 – i.e. there is no requirement to register with the Charities Commission.

1. Introduction

- 1.1 The purpose of this publication is to explain, explore and develop the role of the student governor on college governing bodies.
- 1.2 The Guide has been informed by discussion with student governors attending LSIS Student Governor Induction sessions over a two-year period. Further advice was provided to LSIS by interested parties including members of the National Clerks' Network of the Association of Colleges.
- 1.3 There are a number of misconceptions about the role of student governor. Where these originate from is not important although they share in common a restrictive approach to the contribution of student governors compared with other governors on the college governing body. This Guide will explore these common misconceptions and offer guidance to achieve better working practice.
- 1.4 A key assumption in this Guide is governor inclusivity and the importance of achieving the highest standards of college governance through the active participation of all members of the governing body. Student governors and staff governors are the outcome of a different search and recruitment process from that used for the majority of other governors. Student governors are likely to be appointed for a shorter period of office; they are, however, full members of the governing body (in accordance with the Instrument and Articles of Government provisions).
- 1.5 This Guide makes clear which statements derive from the Instrument and Articles of Government and which derive from informed opinion, interpretation and good practice.
- 1.6 This Guide uses the model version of the Instrument and Articles of Government issued on 17 December 2007 for use from 1 January 2008 onwards. It is possible that there is a local variation from the model Instrument and Articles of Government. If unsure, the Clerk to the Corporation should be consulted.

2. Starting point

- 2.1 The Instrument and Articles of Government for further education corporations form the starting point for consideration of the governance of colleges. This Guide will concentrate on the specific issues associated with student governors but there will also be reference to the commonalities applying to all members of a college governing body.
- 2.2 A useful starting point is to remember that the Instrument of Government states:

Instrument 12 (6)

Every member shall act in the best interests of the Corporation and shall not be bound to speak or vote by mandates given by any other body or person.

- 2.3 All members of the governing body are covered by the same expectation of independent thinking in the best interests of the Corporation. Specifically, this means that student governors are appointed in their own right as individuals and not as representatives (see 3.7). Student governors draw upon their own knowledge and experience as members of the student body and the community in order to exercise judgement and make decisions.
- 2.4 Furthermore, the governing body (Corporation) has the following responsibilities:

Article 3 (1)

- (a) the determination and periodic review of the educational character and mission of the institution and the oversight of its activities;
- (b) approving the quality strategy of the institution;
- (c) the effective and efficient use of resources, the solvency of the institution and the Corporation and safeguarding their assets;

- (d) approving annual estimates of income and expenditure;
- (e) the appointment, grading, suspension, dismissal and determination of the pay and conditions of service of the holders of senior posts and the Clerk, including, where the Clerk is, or is to be appointed as, a member of staff, the Clerk's appointment, grading, suspension, dismissal and determination of pay in the capacity of a member of staff; and
- (f) setting a framework for the pay and conditions of service of all other staff.

- 2.5 In case of any doubt, the student governor should assume participation in the collective responsibility for (a) (b) (c) (d) (e) and (f).
- 2.6 However there are circumstances (see 3(h)) where the participation in (e) above may not be possible for the student governor.
- 2.7 'Collective responsibility' means that all members of the governing body abide by the decision of the majority.

3. What the Instrument and Articles of Government provide

(a) Becoming a student governor

- 3.1 The Instrument of Government establishes that the Corporation shall consist of

Instrument 2 (1)

- (f) at least two and not more than three members who are students at the institution and have been nominated and elected by their fellow students, or if the Corporation so decides, by a recognised association representing such students ('student members').

Instrument 2 (2) clarifies the position

A person who is not for the time being enrolled as a student at the institution, shall nevertheless be treated as a student during any period of authorised absence from the institution for study, travel or for carrying out the duties of any office held by that person in the institution's students' union.

3.2 The Search Committee

Matters to do with the composition of the Corporation are considered by the Corporation's Search Committee. In the case of student governors, the Search Committee is limited to making a recommendation about the number there should be (two or three), and perhaps whether they should be nominated and elected by a representative association. The outcome of the student governor election is taken directly to the governing body for the formal appointment to be made.

3.3 The 'recognised association'

Student governors may be nominated and elected directly by the whole student body but, given the logistical difficulties associated with enfranchising full-time and part-time students, attending at a number of physical and even virtual locations, and studying courses varying greatly in subject and level, it is more common for nominations and elections to be carried out via a student union, association or forum.

3.4 The students' union

Article 18 (1)

Any students' union shall conduct and manage its own affairs and funds in accordance with a constitution approved by the Corporation and no amendment to, or rescission of, that constitution, in part or in whole, shall be valid unless approved by the Corporation.

3.5 Therefore if the students' union is the 'recognised association' then the governing body will have approved the process for nomination and election. There may be other representative associations or forums, for instance those which are part of the class representative system, and here the governing body will not be involved in making the rules for the nomination and election process. There will usually be a designated 'returning officer' who will ensure that the rules for the election process are followed, and who will arbitrate any disputes about how the process is carried out.

(b) Launching an election

3.6 In the circumstances of a vacancy the Clerk to the Corporation will, in each college, either make arrangements directly for the nomination of those who wish to be considered for the position of student governor, or request the designated student association to commence this process according to a pre-determined procedure. In most colleges there is a set time of the year when annual elections will take place. These may be held each year for all student governors, or there may be a rotating system whereby one student governor is elected in one year for a two-year term of office, and a second student governor is elected in the next year.

3.7 It is important to be clear that the student governor who has been nominated and elected by the students of the college and appointed by the governing body should *not* be considered as a student representative. The nature of a ballot of the nominated students to identify the person to be elected as student governor can feel like a political process. This must be avoided to ensure that the elected person complies with Instrument 12 (6) (see 2.2). Also, college students must not be given the impression that they have elected a candidate who will deliver a particular agenda to a constituency of the college students. The election process is simply to decide between those students nominated for the position of student governor.

3.8 Student governors should also take care to avoid being pigeon-holed into commenting only on college student matters. Student governors should assume interest in all aspects of the work of the governing body.

(c) Appointing the student governor

3.9 The appointing authority is the Corporation in relation to the appointment of the members of the governing body. The Instrument of Government lists the circumstances in which the appointing authority may decline to appoint a person as student governor.

Instrument 5 (3)

The appointing authority may decline to appoint a person as a parent, staff or student member if –

- (g) it is satisfied that the person has been removed from office as a member of a further education corporation in the previous ten years; or
- (h) the appointment of the person would contravene any rule or bye-law made under article 23 of the Articles of Government concerning the number of terms of office which a person may serve, provided that such rules or bye-laws make the same provision for each category of members appointed by the appointing authority; or
- (i) the person is ineligible to be a member of the Corporation because of clause 8 of the Instrument of Government.

(d) Can the student governor be Chair or Vice Chair of the Corporation?

Instrument 6 (2)

3.10 It should be noted that neither the Principal nor any staff or student member can be appointed as Chair or Vice Chair of the Corporation or to act as Chair in their absence.

(e) Terms of office

Instrument 10 (4)

A student member shall cease to hold office –

- (a) at the end of the student's final academic year, or at such other time in the year after ceasing to be a student as the Corporation may decide; or
- (b) if expelled from the institution, and the office shall then be vacant.

(f) Acting in the best interests of the Corporation

Instrument 11 (6)

3.11 The student governor is required to act in the 'best interests of the Corporation' which may be defined as the collectively agreed and Corporation approved direction and performance expectations of the college. This ambition for the college must be set in the context of the six responsibilities of the governing body. Constituent parts of the college, such as the students' union, or a particular school or faculty may have different priorities. It is important for all governors to act in their role of governor when they are participating in governing body business.

3.12 The student governor, like all governors, is required to make a declaration of interests for the Corporation's Register of Interests which the Clerk to the Corporation is required to maintain. It is important to notify the Clerk of any student representational role played by the student governor, for instance as President of the Students' Union.

(g) Quorum

Instrument 13

3.13 Because of the collective responsibility of the governing body, meetings can only take place, and continue, as long as at least 40 per cent of the total number of members determined, i.e. including any current vacancies, are present. If the number drops below the quorum of 40 per cent then the meeting has to be terminated immediately. The student governor is an equal member for quoracy purposes.

(h) Withdrawal from meetings and voting

Instrument 14 (7, 8, 9)

- (7) A student member who is under the age of 18 shall not vote at a meeting of the Corporation, or any of its committees, on any question concerning any proposal –
- (b) for the expenditure of money by the Corporation; or
 - (c) under which the Corporation, or any members of the Corporation, would enter into any contract, or would incur any debt or liability, whether immediate, contingent or otherwise.
- (8) Except as provided by rules made under article 18 (3) of the Articles of Government relating to appeals and representations by students in disciplinary cases, a student member shall withdraw from that part of any meeting of the Corporation or any of its committees, at which a student's conduct, suspension or expulsion is to be considered.
- (9) In any case where the Corporation, or any of its committees, is to discuss staff matters relating to a member or prospective member of staff at the institution, a student member shall –

- (a) take no part in the consideration or discussion of that matter and not vote on any question with respect to it; and
- (b) where required to do so by a majority of the members, other than student members, of the Corporation or committee present at the meeting, withdraw from the meeting.

3.14 Note that under (7) and (8) above, where the student governor remains present in the meeting the student governor continues to count towards the quorum although without a vote.

(i) Minutes of meetings

Instrument 15 (4)

3.15 It is useful to note that separate minutes will be taken by the Clerk to the Corporation of those parts of the meeting from which the student governors have withdrawn. There is no entitlement to see the minutes of that part of the meeting.

(j) Advice on governance arrangements

3.16 The Clerk to the Corporation is the professional adviser to the Corporation. Advice and interpretation should be requested from the Clerk on all matters relating to the appointment and role of the student governor and the procedure and practice of college governance. Additional sources of advice include:

Association of Colleges
www.aoc.co.uk

Department for Business,
Innovation and Skills
www.bis.gov.uk

Learning and Skills Improvement Service
www.lsis.org.uk

National Union of Students
www.nus.org.uk

4. What the Articles of Government provide on the student governor

- 4.1 There are no specific references to the student governor within the Model Articles of Government. It should be assumed that the Articles of Government apply equally to all governors (unless specified for individual colleges).
- 4.2 It is worth clarifying that student governors are not excluded from serving on the committees mentioned in the Articles, i.e. the 'statutory' committees. These are the Search Committee and the Audit Committee. The student governor may also serve on selection panels for the appointment of new senior post holders.
- 4.3 It is useful to note that the Articles of Government permit the making of local regulations – standing orders or bye-laws – regarding the government and conduct of the institution. There may be additional advice on the role and practice of the student governor determined locally by a college Corporation. Such a determination should not be restrictive or contrary to the spirit or intention of the Instrument and Articles of Government. If it is believed to do so, the matter should be raised with the Clerk to the Corporation.

Article 18 has two further sub-clauses, (2 and 3) on students

- (2) The students' union shall present audited accounts annually to the Corporation.
- (3) After consultation with representatives of the students, the Corporation shall make rules concerning the conduct of students, including procedures for their suspension and expulsion (including expulsion for an unsatisfactory standard of work or other academic reason).

5. Exploring the role of the student governor

- 5.1 The composition of college corporations has been constructed by the Department for Business, Innovation and Skills to achieve a mix of membership from within the college (i.e. Principal, staff governor, student governor), and also from outside the college. There should be a rich mix of expertise and experience which can develop good governance practices to achieve the responsibilities and priorities of the college Corporation. The student governors are not present to bring professional skills to the Corporation, but to provide first-hand insight into the experience of being a student. Students are the most direct customers or stakeholders of the college, and the student governors should be highly valued by the other members of the governing body for their knowledge of the college from this perspective.
- 5.2 Student governors need to be aware of how highly valued they are, and to be effective immediately when they are appointed, since in most cases they have a shorter term of office than other governors. The Clerk to the Corporation, the Chair and the Principal should all have a keen interest in ensuring that the new student governor can be effective from starting office. The Clerk should be approached in the first instance for any assistance or information.
- 5.3 Corporations use their student governors in different ways. Many colleges automatically include student governors on their Quality or Standards Committee. In a more intimate setting than a Corporation meeting the student governor has the opportunity to comment on college policies and plans to improve the student experience and outcomes. In some colleges, student governors sit on the Search Committee, or form part of the panel to interview prospective external governors. This serves to emphasise to all parties that the Corporation and its members are there to serve the college and that the most important stakeholders of the college are its students.

5.4 The Corporation is the highest decision-making body in the college. The student governors are positioned at the top of the pyramid of the 'Student Voice' in the College. Other students will have roles at different parts of the pyramid, articulating the needs and wishes of students. Some of these will also be elected, and unlike the student governors will be expected to 'represent' students. As student leaders, the student governors may wish to get involved in student affairs as well as attending Corporation meetings. Some student governors are also the President of their college's students' union. It is important for them to differentiate between their role as a student governor and other leadership roles they have in the college, and to act appropriately in each in role, and to help their fellow students to understand the differences too.

6. Issues common to the role of student governor

6.1 What issues are suitable to bring up in governors' meetings?

The issues should be those related to governors' responsibilities – put simply these are strategy, finance, estates, human resources, quality and reputation. Quality includes all aspects of the student experience of the college. Student governors should remember though, that governors are interested in the college as a whole so it would not be right to raise personal issues, or isolated incidents, except as examples or symptoms of something bigger which would have an impact on the whole college or a significant part of it. They should not however, be afraid to ask questions. They may be able to see things from a different perspective which will be of benefit to all governors. The Clerk to the Corporation can provide advice on what to raise and where to raise it on the agenda.

6.2 How can we get students interested in the running of the college?

There should be a feedback mechanism which lets the student governor tell students, or a representative group of them, what it is like being a governor, and share anything specific about the governing body that may be of interest to them. All colleges should now have a Learner Engagement Strategy. The position of student governor concerns learner engagement at the highest level in the college. They should find out which member of staff is responsible for the Learner Engagement Strategy in their college and talk to them about the feedback mechanism. It is not specifically a duty of the student governor, but this staff member would be very happy for them to help in interesting students in the running of the college generally. It may also be useful to discuss how to encourage students to put themselves forward as student governors in the future.

6.3 What do we do outside governors' meetings? What else does the role involve?

Student governors will need to prepare for meetings by reading the papers and thinking about the questions they may ask. If there is not enough time to read all the papers, the Clerk to the Corporation can advise which ones to concentrate on. Student governors can also discuss with the Clerk the questions they may ask. In general, they can consult the Clerk to find out what else is needed in order to be an effective governor. This may involve further training, or perhaps help with transport to and from meetings. (See also 6.2).

6.4 How do we get to grips with the terminology?

LSIS provides a list of FE acronyms. Student governors can consult the Clerk, or ask in meetings if terminology is not clear. Whenever they are uncertain, they should ask for acronyms to be explained.

6.5 What can we do with the information from the governors' meetings?

In addition to the issues identified in 6.2, there is also the matter of confidentiality. There are some circumstances, usually to do with the personal circumstances of a member of staff or another student, when student governors may be asked to leave a governors' meeting. They may be present when something confidential is covered but must not discuss it with anyone outside of the meeting. This should be indicated clearly by the Chair or Clerk. If a paper is marked confidential then governors should not show it to anyone other than a member of the governing body and the Clerk. Having said that, one of the principles of governance is transparency and there should be few occasions when an item is confidential. These items will usually be either about the personal circumstances of individuals, or perhaps about business or employment contracts. Sometimes there may be a timing issue in that the Principal may want to make an announcement before governors talk about the subject openly.

7. How may student governors use their experience as students?

7.1 Building project scenario

A student governor attends a Corporation meeting where a new building project presentation is made. The student governor makes two points:

Point 1 draws upon an awareness of where students have to travel from to come to College. The student governor points out that a large number of students would find it hard to travel to the site of the new building, because it is far away from where they live and there are no direct transport links.

Point 2 draws upon direct experience as a student. The student governor points out that a number of teaching rooms in the new building do not appear to have natural light. This will make it more tiring for students to pay attention during a teaching and learning period than if they were in premises with natural light.

7.2 Information and learning technology

A student approaches the student governor to complain that the computers in his class run slowly and do not have sufficiently updated software. The student governor probes in order to establish the extent of the problem and finds out that it relates to one building and one faculty. The student governor then helps the student approach the faculty representative and together they explain the problem. The faculty representative can then raise the matter with college managers next time there is a faculty representatives' meeting.

If the problem has affected a large part of the student population, the issue could be raised directly with the Corporation or the Quality Committee. For example, when it is noted at a Quality Committee meeting that the results for that particular faculty have declined, the student governor may observe that this could be due to the computer equipment not being up to date.

8. Conclusion

The role of student governor is worthwhile and rewarding for those who want to make a positive difference to their college. The student governor is an equal governor to the rest of those on the board, but has a unique contribution to make. As a principle of good college governance it should be expected that the student governor will play as full a part in the governance of the college as is possible.

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