Further Education College Governors Development and Training Programme Resource Pack

Module 1
Overview of the Further Education System and its Governance

For suggestions on how to get the most out of these self-study materials, see the booklet on ‘Using the Materials’.

Commissioned and funded by the Education and Training Foundation

December 2014
Introduction

Welcome to Module 1, which will give you an overview of the further education (FE) system, and provides the background material for the other 12 modules. The module is divided into short sections and each one can be studied independently.

For newly appointed governors, this module will provide a useful introduction to your role.

Aims

By the end of this module you should be able to:

- explain the current reforms in post-14 education and training and understand how they impact on your college;
- describe the range of provision in post-14 education and training;
- explain the role and responsibilities of governors and the governing board;
- explain the role and responsibilities of the clerk;
- assess your own knowledge and skills and identify your training requirements;
- know where to find more detailed information on particular topics or procedures;
- play a full part in the work of the board.

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Working on the self-study activities

These materials have been designed to be used flexibly (e.g. dip in and out for reference; complete in one sitting; work through alone or with others).

Where you need to make notes in response to activity questions, we suggest you do this in a notebook or on separate sheets of loose-leaf paper, and store the information you compile along with the module for future reference. References listed in the further reading section may also be helpful.
Section 1. Further education overview

This section provides a brief overview of current developments in the 14-19 and post-19 further education (FE) and skills sector. It looks at the range of different colleges and training providers, and helps you to access information about your own college. As a governor it will be important for you to understand the landscape and the environment in which you and your college operate.

Types of college

The FE sector is a dynamic responsive service that provides education and training to over four million young people and adults annually. Colleges have a variety of titles: general further education college, college of technology, tertiary college, sixthform college, land-based college, college of agriculture, college of art and design, college of further and higher education, special education college, adult college or just plain ‘college’. Some schools also now use the word ‘college’ as part of their title, as do many private organisations, although these are not part of the FE sector.

At August 2014 there were 335 colleges in England incorporated under the Further & Higher Education Act 1992, comprising 93 sixth form colleges and 242 FE colleges. The first new college under the 1992 Act was opened in August 2014.

- They educate 853,000 16-18 year-olds, including 185,000 taking A Levels.
- They train over a quarter of the total 240,000 apprentices aged 16-18.
- They educate and train 3,280,600 people aged 19 and over.
- They account for 33% of entrants to higher education and for 11% of those studying at undergraduate or higher national level.

72 independent specialist colleges also draw funding from the government. There are 28 colleges in Scotland, 15 in Wales and six in Northern Ireland. These training materials refer only to English colleges.

Courses and other service provision

Colleges offer full-time and part-time programmes, including:

- Programmes for 14-16 year olds.
- Programmes of study for 16-19 year-olds.
- Higher education (HE) courses usually funded through the Higher Education Funding Council for England (HEFCE). Some colleges are directly funded for their HE while others operate as a franchise from a local HE institution. In 2008, FE colleges were granted the right to apply for their own degree awarding powers.
- Adult and community provision.
- English and maths, including specific help for students wanting to improve their basic English and maths skills.
- Help for students with special learning needs or a particular disability.
- Level 2, 3 and 4 academic and vocational qualifications.
- Apprenticeships.
- Work-based assessment and collaborative provision with employers.
- Specialist courses for industry and commerce.

They are also involved in sponsoring academies and academy trusts, and university technical colleges (UTCs) and studio schools.

Colleges may also offer consultancy and advice to industry and commerce, and hire out facilities such as halls, rooms and sports facilities to external organisations. Some may have training restaurants or farm shops providing a service direct to the general public. These activities can be a significant source of additional funding and in some cases will be run as separate companies.

Size

The smallest college may take a few hundred students, the largest over 70,000 students. Budgets may vary from about £2m to more than £210m. The proportion of funding received from funding agencies will also vary considerably.

Partnerships and networks

Colleges work closely with other local organisations and will be members of various partnerships, including those associated with schools and academies, other colleges and independent training providers, universities, employers and local community and voluntary groups. Local Enterprise Partnerships (LEPs) have taken over some responsibilities. There are currently 39 LEPs across the country and from 2014 they have responsibility for the distribution of college capital. More information on this aspect of collaboration is set out in Module 7: Collaboration and Partnerships.

Relevant Education Acts

Before 1992 there was no statutory basis for FE, although its history can be traced back well into the 19th century. FE was developed by local authorities as a way of providing adult and community, technical and vocational education and training beyond the compulsory school leaving age; in other words, it was not part of the national education system in schools or universities.

- The Further and Higher Education Act 1992 established FE colleges as independent corporations.

- The Education and Skills Act 2008 had the effect of raising the age of participation in education or training - whether at school, college or with an employer - to 17 from 2013 and to 18 from 2015.

- The Apprenticeships, Skills, Children and Learning Act 2009 led a machinery of government change which split FE policy between two government departments. The Department for Education (DfE) and the Department for Business, Innovation and Skills (BIS) share FE funding and policy, with BIS being the formal ‘sponsorship’
department. Since the Coalition Government was formed in 2010 there has been a joint Minister.

- The Act also created the formation of the Skills Funding Agency (SFA) and the Young People's Learning Agency (YPLA) which between them took over the responsibilities of the Learning & Skills Council (LSC) in April 2010.

- The Education Act 2011 led to a series of further changes, including the abolition of the YPLA and the creation of the Education Funding Agency (EFA). The 2011 Act also removed much of the statutory guidance around colleges and gave back many of the freedoms of the 1992 Act.

In practice this now means that general FE colleges (FECs) and sixth form colleges (SFCs) interact with the EFA for 14-19 year-old students; with the SFA for apprenticeships and education for those over the age of 19; with HEFCE and the Student Loans Company (SLC) for students undertaking HE and those over the age of 24 undertaking level 3 studies; and with the LEP for their capital funding.

**Reforms**

Both the DfE and BIS have a sizeable reform agenda for post-14 education and skills. The main policies currently are:

- reforming the funding and content of 16-19 provision through the introduction of study programmes;
- making sure that students who haven't achieved at least a C in maths and English GCSEs continue studying qualifications in these subjects, as set out in the conditions of post-16 funding;
- introducing a new funding system based on student loans for learners aged 24+ studying at levels 3 and 4;
- freeing colleges from central government control;
- improving apprenticeships;
- making FE teacher training more professional;
- providing better careers advice;
- introducing a new traineeships programme to support young people to develop skills for apprenticeships and/or employment;
- introducing the Technical Baccalaureate (TechBacc) performance measure to create a high-quality alternative to the traditional A level route;
- reforming 16-19 vocational qualifications, expanding the provision of work experience and allowing colleges to enrol 14-16 year olds;
- identifying the best vocational qualifications as either 'Tech Level' or 'Applied General' qualifications endorsed by employers and universities, so young people know which courses have the best prospects;
- introducing significant changes to HE policy with the principal aim of opening up competition for student places - 'students at the heart of the system';
- strengthening intervention through the creation of the office of the FE Commissioner;
- reducing funding through implementing the 2010 austerity plan for skills funding.
• A list of recent policy documents that shape and impact on further education can be found under ‘Further Reading’ at the end of this Module.

Landscape

The FE landscape includes:

UK Commission for Employment & Skills (UKCES)
National Apprenticeship Service (NAS)
Skills Funding Agency (SFA)
Education Funding Agency (EFA)
Higher Education Funding Council for England (HEFCE)
Student Loans Company (SLC)
Ofsted
Ofqual
National Careers Service (NCS)
Quality Assurance Agency for Higher Education (QAA)

At the end of this module you will find a diagram showing how some of these partners interact, as well as a list of acronyms.

The Education & Training Foundation

Following the recommendations of the Lingfield Review of standards and professionalism in the FE sector, the Education & Training Foundation was established in August 2013. The Foundation is owned by the sector as represented by the Association of Colleges (AoC), the Association of Employment & Learning Providers (AELP), the Third Sector National Learning Alliance and the Association of Adult Education & Training Organisations, through HOLEX (the national network of local adult learning providers) and LEAFEA (London Local Education Authorities’ Forum for the Education of Adults).

The Foundation has been allocated £18m for each of 2013-14 and 2014-15 with a commitment of £10m for 2015-16. The Foundation has four major priorities: professional standards and workforce development; leadership management and governance; research and innovation; and vocational education and training. It has subsumed in part the role of the Learning & Skills Improvement Service (LSIS), which was wound up in 2013.

Information Activity

Information about your college

Your college is unique. As a governor you should know:

• The total number of students in the college.
• How many of these are full-time, part-time and apprentices.
• The main specialisations.
• How many students have learning difficulties and/or disabilities.
• The annual budget of the college.
• What proportion of overall funding is received from the Skills Funding Agency or
Education Funding Agency. In what ways the overall funding has changed over the last three years.

- Local Enterprise Partnership (LEP): which organisations are represented; the person on the senior leadership team who has the responsibility to work with the LEPs.
- Which organisations your college has close links with. Which of these might also be competitors.

Talk to the senior leadership team about their partners.

Strategic Activity

- What has been the impact of government policy on your college?
- What changes have been made to accommodate 16-19 Programmes of Study and English and maths?
- How does your college manage its apprenticeship programme?

Discuss these changes with a senior manager in your college. Do you feel your board has a grip of the changes?
Section 2. An overview of governance

The role and responsibilities of governors

FE colleges (FECs) are exempt charities and the chief regulator is the Secretary of State for Business, Innovation & Skills. The regulatory framework is set out in the BIS guide to college governance (2014).

The main responsibilities of the board are to: determine the educational character of the college; listen to the learner voice; ensure its overall well-being and financial solvency; monitor its performance. The responsibilities are set out in the Instrument and Articles of Government.

Changes resulting from the 2011 Education Act

The 2011 Act put colleges on a similar footing to charities operating within the independent/private sector and reduced the essential components of constitutional documents to a minimum core. Colleges may now amend or modify their Instrument and Articles, subject to a number of qualifications, which has given them the ability to take advantage of various new freedoms.

In addition, there a number of new organisational and business models available, and these, in the context of the changing landscape of education generally, will allow them to collaborate in different ways with both employers and other education providers, including academies, free schools and university technical colleges.

The Education Act 2011 made changes to colleges’ supplementary powers, giving them additional freedom to operate. It meant that:

- they no longer have to obtain consent to form or invest in a company being used for the provision of education which is wholly or partly publicly funded; and
- they no longer have to get the consent of the Skills Funding Agency for borrowing and capital transactions.

Instrument and Articles core requirements

The Act automatically modified the Instrument and Articles of all FE Corporations, and gives a college new power to modify further or to replace its Instrument and/or Articles, provided that certain core requirements are complied with.

- The Instrument must set out: the number of members and eligibility for membership; that staff and students (and, in sixth form colleges, parents of students under the age of 19) must be included as members; and details of appointment of members.

- The Instrument must contain information about the college’s procedures, in particular how the college may be dissolved and its property, rights and liabilities transferred.

- There must be a chief executive of the college and a clerk to the governing board.
- The Instrument must set out the responsibilities of both the chief executive and the clerk and of the college itself, including, for example, as to the determination (and periodic review) of its educational character and mission, the oversight of its activities, the effective and efficient use of its resources, its solvency and the safeguarding of its assets.

- The college must publish arrangements for views of staff and students to be canvassed.

- The Instrument must allow for a change of name (subject to the Secretary of State's approval).

- The Instrument must set out how both the Instrument and the Articles may be amended (or replaced), although there is a prohibition on any change which would result in the college ceasing to be a charity.

- The Instrument must provide for the Instrument and Articles to be made available (free of charge) to members of the public as well as its staff and students.

- The Instrument must provide for the authentication of the application of the college's seal.

**Dissolving the college**

One of the more significant changes is that the board can decide to dissolve the college. It must publish the details of any proposal to do so, together with additional prescribed information, and it must consult and take account of the views of those consulted. The college's Instrument must specify how a resolution for dissolution must be passed and must allow for the transfer of the institution's property, rights and liabilities.

The Act provides that transfers of property, rights and/or liabilities on dissolution must be to one of a list of allowed institutions: another FE corporation, a sixth form college corporation, a school or academy, a local authority or an HE corporation. They must agree to the transfer and they must either be a charity or must only use the property for exclusively educational charitable purposes.

**Taking a strategic view**

Colleges don't have to do anything as a result of the Act's changes, unless they choose to do so. However, the changes are part of the Government's vision, set out in 'New Challenges, New Chances' (December 2011), of a dynamic FE sector that will play an important part in the overall drive to achieve a more “user-focused” education and skills system and contribute to economic recovery.

Many colleges will be considering whether they can take advantage of the increased operating freedoms to enhance their offering. There is a strong emphasis on collaboration, particularly in a more diverse market and, with an increased emphasis on apprenticeships and other skills-specific training, opportunities exist for FECs to build closer relationships with business as well as with other providers of education.
Clearly, colleges now also have the ability to consider, more fundamentally, plans they may have to work in a different way. The power to dissolve allows consideration of conversion to a different legal form, an obvious example being a limited company, possibly as a vehicle for a joint venture, or as part of a larger group of education providers. There has also been a focus on mutualisation.

The key is for each individual college to develop a clear view of what it is seeking to achieve and to consider whether it might better be delivered by making a change or changes which the Act will now permit. What is appropriate will, to a large extent, be dictated by existing relationships with business, other providers and the local environment, as well as the nature of the governors' leadership. Many colleges may decide to continue without making significant changes to their strategy and delivery; others may already be pursuing strategies that need significant changes.

**Legal responsibilities**

Many colleges have decided to retain their existing Instrument and Articles, which have been modified to ensure compliance with new legislation. An example of a modified set of Instrument and Articles can be found on the [Association of Colleges (AoC) online Governance Library](https://www.aoc.org.uk/governance-library).

In brief, the responsibilities of the governing board will normally include:

- setting periodical reviews of the educational character and mission of the institution;
- overseeing strategies and the development plan;
- approving the quality strategy;
- ensuring solvency, the effective and efficient use of resources and the college's sustainability;
- approving annual estimates of income and expenditure;
- appointing, grading, suspending, dismissing and determining the conditions of service of senior post-holders and the clerk;
- setting a framework for the pay and conditions of service for all other staff.

Subject to any changes, the Instrument will cover membership of the board; appointment of the chair, vice chair and clerk; the eligibility of members; and proceedings of meetings. The Articles cover the board's responsibilities, the role of committees, the employment of senior post holders and staff, student matters and audit arrangements.

Other responsibilities are agreed with the relevant funding agency as a condition for receiving public funds. A successful college is one that provides a high quality and inclusive educational experience to its students and customers and which is financially secure.

It should also be noted that, as colleges are exempt charities, they are subject to the general requirements of [charities' legislation](https://www.gov.uk/government/collections/charities-legislation) while not having to register specifically as a charity.
The powers of the governing board

Legal powers

The governing board (or body – the legal term is corporation) ‘conducts’ the college. The governing board has the power, amongst others, to:
- provide further education and higher education;
- with agreement, provide secondary education to 14-16 year-olds in school;
- provide an apprenticeship programme;
- supply goods or services in support of the provision of education;
- conduct an educational institution;
- subscribe for or acquire shares in or securities of a company;
- acquire and dispose of assets;
- borrow money;
- invest money;
- apply for degree awarding powers;
- innovate.

It also has powers to enter into contracts and make other arrangements to support its main powers. The legal power resides with the board as a whole, not with individual governors. This places constraints on what governors can do:
  all governors share responsibility for decisions;
  governors should support decisions taken collectively at formal meetings;
  no governor should speak on behalf of the board unless specifically authorised by it;
  all governors must respect confidentiality.

Corporate decisions

An effective governing board is one where individuals are encouraged to express their views openly and confidently. But, assuming everyone has an opportunity to participate and that their views have been heard, then a decision of the board is binding for all governors.

If a governor feels unable to support a decision on a matter of principle, e.g. a decision to open discussions on merging with another college or selling a college asset, they can:
- make sure their dissent is recorded in the minutes;
- ask to have the matter raised as a separate agenda item at the next meeting;
- as a last resort, resign.

No resolution of the board can be overturned at a subsequent meeting unless the matter is a specific item of business. It is not acceptable for a governor to seek to change the decision of the board by, for example, airing the disagreement in public, or by lobbying hard to get the decision overturned. The interests of the college and its board come first.

But if the governor considers that the board has acted outside its powers in making a decision, the matter must be reported to the Skills Funding Agency or Education Funding Agency, usually through the chair, the principal (as accounting officer) or the clerk. This happens very rarely but your college should have a procedure in place, just in case.
In these instances, the chair and the principal have an important role to play in making sure that all voices on the board have been properly heard and listened to.

Operating standards

The board is also responsible for monitoring its own performance to ensure it operates to a high standard.

- **The English Colleges' Foundation Code of Practice** (currently being revised) has been developed and is owned by the sector. It is voluntary, but all colleges are encouraged to adopt it. It includes the following statement: “The governing board should undertake a formal self-evaluation of its effectiveness as frequently as it determines is appropriate, but at least every three years.”

- Following the banking crises of recent years, the Financial Reporting Council (FRC), which is responsible for overseeing the application and implementation of the [UK Corporate Governance Code](https://www.frc.org.uk/corporate-governance), issued **Guidance on Board Effectiveness** in 2011, which provides specific advice on governance to the private corporate sector.

Many of the issues raised are relevant to the public sector and to college boards, including the importance of making sure that they rigorously assess their own performance. Sometimes questionnaires can be circulated to members from which the clerk may draw up a summary. Increasingly, however, best practice requires that self-assessment involves an appraisal of individual contributions as well as collective board processes, the use of peer review, and external facilitation.

Members of college boards are volunteers (apart from the principal). In many respects they can be compared to non-executive members of the board of a public company and there are also similarities with the trustees of voluntary bodies and National Health Service boards. However, while a board of directors is accountable to its owners – the shareholders – a college board is accountable to the community it serves and to the government for its use of public funds. The funds allocated will be subject to a formal financial memorandum, which sets out the terms under which the allocations are made.

The Secretary of State has powers to intervene in the affairs of a governing board in certain circumstances, including serious criticism by Ofsted (the Office for Standards in Education). The office of FE Commissioner was established with the responsibility to intervene and report to the minister with recommendations.

### Activity

- Find out whether your board has changed the college’s Instrument and Articles and why.
The composition of the board and its committees

The Education Act 2011 has given governors maximum freedom in how they structure the board. The minimum number of members is two, a member of staff and a student, with the addition of parent governors in the case of sixth form colleges.

The Act is silent on committees; however, the audit committee is a requirement of the financial memorandum which sets out the terms on which funding will be made available. In practice most colleges opt to retain a search or nominations committee and probably a remuneration committee [see Module 13: Governor Recruitment and Succession].

Colleges will also wish to be guided by the relevant governance codes including The UK Corporate Governance Code and the voluntary English Colleges' Foundation Code of Governance [see above].

Figure 1 Governing board membership

<table>
<thead>
<tr>
<th>Category of member</th>
<th>Number of members in each category</th>
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<tbody>
<tr>
<td></td>
<td>Minimum</td>
</tr>
<tr>
<td>Members</td>
<td></td>
</tr>
<tr>
<td>Staff</td>
<td>1</td>
</tr>
<tr>
<td>Students</td>
<td>1</td>
</tr>
<tr>
<td>Parents</td>
<td>0</td>
</tr>
<tr>
<td>Principal</td>
<td>1*</td>
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</tbody>
</table>

*The principal is normally a board member, but may choose not to be.

The minimum total number of members is two for further education colleges and four for sixth form colleges. However, this would be impractical and the Instrument will include a clause as follows:

“The corporation shall consist of any number of additional members who appear to the corporation to have the necessary skills to ensure that the corporation carries out its functions under the Articles of Government”.

In the case of sixth form colleges, there is a requirement for at least one parent governor and the number of general members is reduced to 15. Some former voluntary controlled sixth form colleges may have ‘foundation governors’ nominated from foundations or trusts and other institutions designated to receive FE funding, and so may have slightly different boards.

Staff, student and parent governors are elected by their constituent groups as required by the Instrument of Governance. In the case of students and parents, governors may be nominated from the appropriate students' union or association or parents' association. The rules for these procedures will be found in the Instrument of Government, which governors may alter to allow for the appointment of student and parent governors by means other than elections.
**Why have a range of membership?**

A balanced membership will ensure that the board benefits from the views of the community it serves, from the business community, from its students and staff and other stakeholders as appropriate.

However, governors are not delegates of the organisation or constituency from which they come. All governors are appointed as individuals, including those who are elected. They are required to put the interests of the board and the college first. They are not allowed to accept a mandate from any other organisation and may have to declare an interest if certain items are being discussed.

**Activity**

- What is the composition of your board? In answering the question, try to find out why the board has decided on which governors to appoint. In what ways does the membership represent the interests of the communities the college serves?

**Viewpoint**

- In making membership decisions, the board should seek to reflect the local context and the type of courses and other services offered by the college. Greater flexibility means that the board needs to pay close attention to the communities it serves and how responsive the college is to their needs. Governing boards should be business-like but not to the exclusion of wider issues of values and community views. They must be able to scrutinise effectively the quality of teaching, learning and assessment.

- A broad membership may also mean that the board has individual members whose expectations or styles of working differ considerably. Student governors may have limited experience of governance and committee processes. However, it improves the board's capacity to gather information, understand different local interests and communicate with the community it serves.

- Working as a team is an important aspect of governance; training and development should therefore include opportunities to become familiar with the different viewpoints members bring to the board.

**Committees**

As noted, boards are no longer required to have committees other than the audit committee. Many colleges have moved to ‘policy governance’ or the ‘Carver’ model, and do not have a committee structure.
Equally, a board may set up as many committees as it considers appropriate and members can be drawn from within and outside the board and college. In some cases a joint committee may be established with other colleges or schools, for example where collaborative arrangements are being set up. In this case, the requirements of the Education and Inspections Act 2006 must be followed.

Some colleges use ‘co-opted’ or ‘associate’ governors as a way of ensuring succession for the permanent membership of the board.

The board must not delegate to a committee any of the following responsibilities:
- the determination of the educational character and mission of the college;
- the approval of the annual estimates of income and expenditure;
- the responsibility for ensuring the college's solvency and safeguarding its assets;
- the appointment or dismissal of the principal or the clerk (including clerks who are also members of staff);
- the modification or revocation of the Articles.

**Audit committee**

The audit committee advises on matters relating to the board's external audit arrangements and systems of internal control. The committee must consist of at least three people, including one person with relevant financial/audit expertise, and may include college employees other than senior post holders. [See Module 12: The Audit Committee.]

**Search committee**

Where established, this advises the board on the appointment of members other than elected parent, staff or student members. It is normal for the search committee to publish its rules and procedures on the college website under the provisions of the college’s publication scheme. [See Module 13: Governor Recruitment and Succession]

**Special committee**

This is required when considering a case for dismissal and has the power to determine an appeal in connection with the dismissal of the principal, the clerk or other senior post holder. The board is required to make rules specifying how this committee will be established and conducted.

**Monitoring**

Governors should be provided with monitoring information by the executive. This can be in the form of update papers and or scorecards. If any governor has a concern about an item not included on the agenda, the proper course of action is to raise the matter with the chair and ask for it to be included. It is a serious matter if important information is being withheld from a board and equally important that all governors are confident of the accuracy of the information they receive. If information is found to have been deliberately withheld or inappropriately amended, the chair should consider disciplinary action.
Activity

How effective are governing board committees?

1. Find out what committees have been set up by your board and their remits or terms of reference.

2. In your view, is it better for a board to have a wide range of committees, or would you prefer there to be fewer committees, with more detailed work being allocated to task groups?
   Give three advantages and disadvantages of both systems.

Viewpoint

1. Apart from the audit, and where required, special committees, each board will vary in the number of its committees, their remits and the way in which they report. Committees might feed back to the board through an official written report, or by a presentation made by members of the committee. Some boards may receive only the minutes of committees; others might receive a short report with recommendations or direct advice.

   Where specific powers have been devolved to committees and decisions made, these should be reported back to the board. On occasion, a committee will want to refer a decision to the board for formal resolution.

2. There is no right answer to this question. Some boards prefer to set up task or ad hoc groups to deal with specific issues, e.g. a capital project, because it enables individual governors to contribute their expertise. Others prefer to have standing committees to deal with finance and general purposes, personnel, quality and curriculum or learner engagement matters. Again, the advantage is that governors can become involved in specific aspects of college work and thereby be better informed.

   The downside is that committees can be time consuming for the clerk, governors and senior staff and their reports may end up dominating the board agenda with matters that some governors have already discussed in detail. Small groups of governors may become overly influential as a result of their committee work, to the exclusion of other members.

   Some colleges have moved to a system whereby they only have the required audit committee. The advantage is that the whole board is engaged in all key aspects of the college's work. The downside may be that the board needs to meet more frequently and the agenda has to be carefully planned to ensure it is manageable.

   It is good practice for boards to review their structure and procedures from time to time to ensure that they continue to be fit for purpose.
### Activity

**The duties and powers of governing boards**

To determine the duties and powers of your board, you need to look at your college’s Instrument and Articles of Government.

<table>
<thead>
<tr>
<th>Does the board have the power to do the following?</th>
<th>YES</th>
<th>NO</th>
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<tbody>
<tr>
<td>1. Appoint the college principal.</td>
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<td>2. Appoint a vice chair.</td>
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<td>3. Appoint a clerk.</td>
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<td>4. Invite members of the public to attend a meeting of the board.</td>
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<td>5. Decide the policy for travel and subsistence for governors.</td>
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<td>7. Set a fee strategy for courses.</td>
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<td>8. Determine the success rate levels for the college.</td>
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<tr>
<td>9. Set up ad hoc groups to advise on estates and quality.</td>
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<td>10. Make certain minutes of board meetings confidential.</td>
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<td>11. Introduce performance-related pay for senior post holders.</td>
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<td>12. Delegate approval of the annual estimates of income and expenditure.</td>
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<td>13. Put out to tender college services such as cleaning or catering</td>
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<td>14. Dismiss a governor for failing to attend meetings for six months.</td>
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<td>15. Dismiss the principal.</td>
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<td>16. Dismiss a member of staff who is not a senior post holder.</td>
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<td>17. Decide not to have an audit committee.</td>
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<td>18. Decide not to have a search committee.</td>
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<td>19. Decide not to have a finance committee.</td>
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<td>20. Decide to reduce the number of members</td>
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Viewpoint

Answers to all questions except 16 is ‘yes’.

4: In general, the board must make public the agenda, minutes and documents of every board meeting. However, items concerning a named member of staff or student can be made confidential and the board can decide to treat other items confidentially if there are good reasons (e.g. a sensitive business transaction) [See Module 3: The Main Statutory Framework].

7: The board sets the overall policy by which tuition and other fees are determined, rather than the actual fees [see Module 10: Finance].

8: The board will have set targets for student retention, achievement and success rates as part of its annual cycle of meetings. These targets may have been identified as key performance indicators (KPIs) on which you would expect to have regular progress reports.

11: The board sets the overall framework for the pay and conditions of staff but does not determine the pay of individual staff. It does, however, determine the pay of senior post holders.

16: The dismissal of a member of staff who is not a senior post-holder is the responsibility of the principal, although the person concerned has the right to appeal to the board. In the case of a senior post-holder or the clerk, only the board has the power to dismiss [see Module 11: Human Resources].
Section 3. The role and responsibilities of the clerk

Employment of the clerk

The clerk may be described as the professional officer employed by and serving the governing board. The contract of employment will be between the clerk and the corporation. The principal cannot be employed as the clerk. The board has direct responsibility for the clerk, and oversees their appointment, grading, suspension and dismissal and determines their pay and conditions.

The corporation has direct responsibility for the entire employment of the person who is the clerk if that person also has another post within the college. Where this is the case, it is to have a single contract of employment but to have clearly differentiated job descriptions for each post.

The clerk's role may be full-time or part-time. It is increasingly common for experienced clerks to service more than one board under separate contracts for services.

The clerk's job description should set out:
- Duties and to whom they are responsible.
- Arrangements for appraisal. Normally it is the chair, another governor or a group of governors approved by the board who carry out the clerk's appraisal.
- The amount of time a clerk is expected to spend on clerkship duties (this will vary depending on the size and nature of the job).

The board may decide to appoint a deputy clerk and/or administrator to assist in the clerking duties. The responsibilities of the deputy clerk need to be agreed by the board and reflect those of the clerk. It will also be normal for the clerk to have appropriate secretarial support.

The clerk's responsibilities

The clerk's responsibilities are laid down in the Instrument and Articles of Government. They advise the board:
- with regard to the operation of its powers;
- with regard to procedural matters;
- with regard to the conduct of its business;
- with regard to matters of governance practice.

In addition the clerk should ensure that the board:
- receives and considers appropriate information on the college's finances, curriculum, quality, and student performance;
- sets and regularly monitors targets for enrolments, retention, achievement and success rates and other such key performance indicators as the board determines;
- carries out financial forecasts and monitoring in line with the financial memorandum agreed with the Skills Funding Agency or Education Funding Agency.

Four additional core responsibilities are:
to receive written notice that a member has been disqualified from continuing to hold the office of a member of the board;
- to receive written notice that a member wishes to resign from membership of the board;
- to maintain a register of the financial interests of members and to make this available during normal office hours at the college to any person wishing to inspect it;
- to summon meetings of the board by sending to members written notice of the meeting and the proposed agenda at least seven calendar days before the meeting.

The actual responsibilities of the clerk are much wider than those listed above and will vary according to the needs of the individual board. The checklist in the next activity provides a typical example of the range.

**Demonstrating independence**

The board needs to know that the advice given by the clerk is unbiased and impartial on all occasions. The clerk will need to sign the register of interests in the same way as governors and senior managers. The clerk is the servant of the board and when inspectors examine how a college is governed, they will look for evidence of their independence. This is especially important if the clerk also holds another post within the college.

At the same time, the clerk is an important intermediary between the principal and other senior post-holders, the chair and members of the board. The clerk plays an important role in relationship building but should not allow his or her independence to be compromised. The activity below suggests some of the ways in which you might provide evidence of your clerk’s independence.

**Activity**

**Is your clerk independent?**

Can you answer 'yes' to all the questions below?

1. Does your clerk have a clear job description in which independence is identified?
2. Does your clerk complete the register of interests?
3. Does your clerk have management duties within the college? If so, do they have a clear written statement clarifying their different roles?
4. Is the clerk's appraisal undertaken exclusively by the governing board?
5. Can you think of an example where the clerk has provide advice that is independent from the principal?
Section 4. Integrity in working practices

All governors must uphold high standards of public conduct. They are custodians of large amounts of public and private money and have a key role in determining the education and training of the UK workforce.

The Committee on Standards in Public Life, initially chaired by Lord Nolan, identified seven key principles for those serving in public life:

- selflessness
- integrity
- objectivity
- accountability
- openness
- honesty
- leadership

Inspection reports on governance have shown that governors in most colleges act with integrity. However, there are always a few cases where standards fall below those that are expected. Ofsted continues to regard the role of governor as a key aspect of the leadership of a college and the board receives appropriate attention from inspectors. The FE Commissioner has written to college board identifying areas of governance that he believes require attention.

Governors must ensure that there are no conflicts of interest on any matters being considered by the board. The clerk may be alerted to likely conflicts of interest through the register of interests and in serious cases may be in the position of a ‘whistleblower’. However, it is the duty of every governor to declare an interest when the occasion arises. Conflicts of interest do not only cover financial matters. The test is whether the governor’s individual independent judgement is affected in any way.

Code of conduct and register of members’ interests

All boards should draw up - and all governors should sign - a code of conduct and register of members’ interests. Agreement to sign both of these should be a condition of appointment as a governor.

Activity

How is the code of conduct applied?

1. Look over the code of conduct drawn up for your own board and note down the key elements.

2. How can you as a governor best ensure that you uphold the principles of the code?

3. In what circumstances and to whom would you be expected to declare a conflict of interest?
**Viewpoint**

1. Your code of conduct is likely to include the seven Nolan principles (above). It may also make reference to the roles and responsibilities of governing boards, how to behave in meetings, the meaning of openness and confidentiality, and the importance of a collective and corporate view. It may also make reference to The English Colleges’ Foundation Code of Governance (currently under revision).

2. Governors need to be aware of the principles of the code of conduct and of the Foundation Code, perhaps by keeping a copy close to hand during meetings. It will be important that the board provides an account of how governors have upheld the principles contained in the code and that the code of conduct in particular is regularly reviewed and monitored.

3. If governors feel that their independence and judgement might be affected on any item, then they should report this before the meeting to the clerk or to the chair, or during a meeting to the chair. If the chair rules that there is a conflict of interest, the governor may be required to take no further part in the discussion on the item or to leave the meeting for the duration of the agenda item. When in doubt, a governor should always declare an interest.

Not all conflicts of interest are financial. For example, they may be related to a candidate for a senior post holder’s position or to a person seeking membership of the board; they may be a member of a trade union seeking recognition in the college; or they may be in a position as a member of a local authority to use information as a governor to shape decisions affecting the college.
Section 5. Rules and procedures of the governing board

Most boards have standing orders that determine how business is conducted. They might include rules covering membership, the quorum, the holding and organisation of meetings, the appointment of the chair, the procedure for drawing up the agenda, the work of committees, and how members should behave at meetings.

Standing orders are not there to act as a bureaucratic check on what governors do, rather they help the smooth running of meetings. The clerk should ensure all governors have a copy of their standing orders and are familiar with their contents.

Activity

How useful are standing orders?
- What are the key elements of the standing orders for your board? When were they last reviewed?

Viewpoint

- Standing orders vary from college to college. They normally cover the rules and procedures to help the meetings of your board and committees work smoothly. If they include the remit of various committees, they should clarify the purpose of the committee, whether it has an advisory or decision-making role, and whether any powers have been delegated to it.

- The standing orders should be regularly reviewed in the light of experience and to ensure that they take account of legislative changes and the requirements of bodies such as the Skills Funding Agency and Education Funding Agency.
Section 6. The relationship between the board, the clerk and the senior management team

An effective working relationship between the board and its chair, the clerk and the senior leadership team, under the leadership of the principal, is crucial for the success of the college. The responsibilities of the principal complement those of the board. The principal makes proposals to the board about the educational character and mission of the college, prepares annual estimates of income and expenditure and determines the pay and conditions of staff within the framework set by the board (apart from senior post-holders and the clerk).

The principal has the responsibility for the day-to-day leadership and management of the college and for maintaining student discipline. The clerk has defined responsibilities in the Instrument and Articles which relate to governance practice but s/he will also be an important link between the governors and management. The chair's role is not defined in legislation but is regarded by many as crucial to the successful governance of a college. The relationship between the chair and the principal is particularly important.

The principal is appointed and employed directly by the board, and is its professional adviser and the college's accounting officer. The principal is also a full voting member of the board if s/he chooses to be. Where they exist, the board appoints senior post-holders (these are no longer required under the terms of the Education Act 2011) and the clerk, determines their pay and conditions, and arranges their appraisal. The board will usually delegate to the principal the line management and appraisal of senior post-holders. The clerk will report directly to the board and be appraised by the chair, governor or group of governors appointed to the task.

[See Module 11: Human Resources and Module 4: Effective Working Relationships.]

Governance and management

- Each governing board needs to define its working relationship with the principal and the senior leadership team; this is sometimes referred to as the ‘grey area’ between management and governance. There is rapid change in the FE sector and education generally, which may have implications for this relationship.

- The Foundation Code [p10] is intended to promote the development of effective governance where leadership is given by the chair, supported by the principal and by the clerk. It states that the governing board should ensure that the respective functions of governance and management and the roles and responsibilities of the chair, the principal and the clerk and individual governors are clearly defined.

- It may be helpful to review the relationships on an annual basis, looking at the general style of working, information and key tasks. It might also help to avoid misunderstanding over respective roles if the senior management team clarifies what it expects from the board; and the board writes down a set of delegations.
Effective management will be hindered by governor interference in the day-to-day affairs of the college. On the other hand, a governing board that is completely detached from the work of the college will not be able to carry out its responsibilities effectively. An appropriate balance between interference and detachment needs to be found and this may depend on particular circumstances, e.g. whether the college has recently received a poor inspection report.

Key features of a successful relationship are: good communication, clarity of roles and responsibilities, mutual trust and respect, and regular review and monitoring. Successful colleges have found that building trust between senior managers and governors is most effectively achieved by providing opportunities for the development of informal relationships including away-day discussions and interaction. Trust is more difficult to build when formal meetings are the only vehicle available.

**Activity**

**The relationship between board, clerk and principal**

- Write down what you think are the key elements of an effective working relationship between a board, the clerk and college principal and senior managers.
- What in your view are the key differences between interference in the work of the college and taking an interest in the business of the college?

**Viewpoint**

Your list of key elements might include some of the following:

- a shared common purpose, vision and values;
- a written statement setting out respective roles and responsibilities;
- ensuring the independence of the clerk;
- an annual review of the working relationship;
- appropriate and accurate information received by governors;
- mutual trust and respect;
- high quality leadership from the chair;
- governors acting as a critical friend and not being afraid to challenge rigorously and even reject management proposals should the occasion arise;
- scrutiny of management that is organised in a way that does not jeopardise effective working relationships with senior managers;
- understanding the needs of students by listening to the learner voice and putting it at the centre of governor decision-making.
Section 7. Putting students at the heart of the college

Colleges may have many thousands of students ranging in age from 14 to 90+. Some will be engaged on academic programmes, some vocational and others will be on work-based apprenticeships. There may be students from many different ethnic backgrounds and others with specific learning difficulties, part-time students studying for degree qualifications as well as adults undertaking community learning.

Most colleges identify the needs of their students as the most important aspect of their work and they establish a mission, values and ethos that are appropriate to their activity. However, with ever-present external pressures, including recent reductions in funding, the demands of the inspection system or the extent of local competition, the centrality of the learner can sometimes take a back seat.

The role of the board

Boards will have at least two members elected to their position by students, staff and parents (in sixth form colleges). They are also reminded that they are required by law to:

“...publish the arrangements for obtaining the views of staff and students on the determination and periodic review of the educational character and mission of the institution and the oversight of its activities”.

As many students only attend college for two years and even more are part-time, without support it is difficult for them to play as active a role on the board as they might wish. The chair, principal and clerk can play an important part in ensuring their effective involvement. Here are a few examples of what they can do:

- Ensure that student elections take place at such a time that the elected representatives can join the board at the beginning of an academic year.
- Involve students fully in board debates by making sure they are asked for opinions, particularly on key student-related issues.
- Consider the timing of meetings.
- Provide informal opportunities (e.g. at away-days) for students to make a contribution.
- Consider establishing a students’ panel or focus group to advise governors.
- Provide a good induction programme that gives student governors an opportunity to meet other governors.
- Give student governors specific responsibility for oversight of student voice issues.
- Ensure that the board receives well documented evidence of the student experience through face to face meetings, reports and student surveys.
Activity

- How would you describe the contribution of your college’s student governors? Write down ways in which you think they might be better supported in their role.

- Arrange to meet your student governors and find out what courses they are following. Prepare a list of questions about their experiences. How has this helped you in understanding your own contribution?

Viewpoint

Students and their achievements are the key to your college's success. They may too often be an untapped resource in finding out what the college is best at doing and where it needs to improve.

All governors need to make sure they have sufficient contact with and knowledge of their students' college activities. Local governors are in a good position to listen in a broader sense to the local community's opinions of college students. Governors with business experience can make sure that, for example, the views of work-based learners and apprentices are fully represented at the governing board.
Section 8. Governor training and development

Being a governor is a highly responsible position. A governing board has major legal and financial responsibilities. Governors will help determine the future education and training of young people and adults, the success of which makes a vital contribution to the UK economy. It is essential therefore for all governors to undertake training and development to clarify their roles and responsibilities and improve their performance. New governors are expected to take part in training, and experienced governors should do the same.

- Development programmes are provided by national bodies including the Association of Colleges and AoC Create. The updating and review of these governor training materials by the AoC with the support of the Education & Training Foundation is the result of evidence in the sector of a real need. Their availability online is intended to support those who prefer to work at home, but they can also be used in support of individually devised programmes or programmes designed to involve governors from different colleges.

- The sharing of experience with governors from other colleges is an important source of development and best practice.

- The Annual Governance Conference has been an important focus for governors from across the English post-16 sector.

Where colleges are deemed by Ofsted to be outstanding, this is invariably reflected in their comments on the effectiveness of the governing board, and the reverse is equally true. The 2012 Ofsted common inspection framework (updated in August 2014) suggests that governors should know more about the curriculum than is frequently the case. A 2012 Ofsted publication, ‘How Colleges Improve’, provides good examples of what is currently expected.

Each board should draw up a development policy for its governors and produce an annual governor development and improvement plan. This will preferably be the result of an annual review of board effectiveness. The policy might include:

- induction for new governors, including an induction pack;
- special training sessions held at the college;
- briefing sessions held before meetings of the board;
- input from curriculum leaders in the college at or before meetings;
- residential away-days or weekends, which provide opportunities for governors and senior managers to look at the long-term direction of the college, or for personal development;
- a mentor system in which experienced governors provide support and advice to newly appointed governors;
- individual governors linking up with curriculum areas in order to become more familiar with the work of the college;
- training for governors who have taken on specific roles such as chair or member of the audit or finance committee, or responsibility for safeguarding or equality and diversity.
Planned activities might include focused programmes for governors on funding or data issues and involve contributions from external facilitators. Team building and developing the skills of effective monitoring and questioning have proved very successful in many colleges.

The board will find it helpful to set an overall budget for investing in its development and carrying out an annual review of the success of the programme. This budget might be held by the clerk who could take responsibility for governor training.

**Activity**

**What can governor training offer?**

1. What do you think are the major training needs of a new governor? Assuming they have a busy schedule, how best can these be met?

2. Obtain a copy of your board’s development/training policy.

**Viewpoint**

1. New governors should be encouraged to identify their own development needs. For example, if they have financial expertise from the business world, they might need to know more about the college’s curriculum and the services it provides. A staff governor may know a lot about the work of the college but need to learn more about budgets and balance sheets. Governors representing different groups or communities will all have different training needs. To ensure the board is effective, each governor needs to think of their own training needs as part of the development of the board as a whole.

2. Most governors are busy people and the board should aim to offer a range of flexible training and development options. Longstanding governors are likely to be able to contribute some of their own experience and expertise in helping the development of other governors, for example, by doing a presentation on a subject about which they are knowledgeable, or acting as a mentor to a less experienced governor.
Section 9. Knowledge and skills of governors

The backgrounds of governors vary widely and they bring to their board a wide range of skills, expertise and experience. Some have experience of working in a wide range of business settings, and some will have a background in local authorities, trade unions, other public sector organisations or in local community groups with knowledge of local community needs. Some are employees of the college with direct experience of its business, and others are students or parents of students aged under 19 years. The skills, expertise and experience of all governors need to be combined to the benefit of the college.

- The personal qualities governors may be expected to have include: strategic awareness, individual responsibility, sound judgement and communication skills.
- They should be able to work in a team.
- They will be expected to ensure that they have sufficient time available to devote to the work of the college.
- It may be helpful for the board to agree a person specification for a governor to complement the job description. [See Module 13: Governor Recruitment and Succession.]

The board should carry out a skills audit to ensure an appropriate balance of experience and expertise in its membership. For example, your board may wish to include those with experience of vocational areas served by your college and of students with learning difficulties and/or disabilities, and also some specialist areas such as personnel, finance, capital projects and running a business. The board may co-opt specific governors to fill any skill gaps it identifies.

Activity

What skills and experience does the governing board need?

1. What, in your judgement, are the skills and experience required by your own board?
2. Which of the following areas of experience and expertise can individuals contribute?
   - knowledge of the local community
   - managing personnel
   - financial management
   - property management
   - running a company
   - employers’ training needs
   - experience as a student of the college
   - knowledge of the college’s academic and vocational work
   - knowledge of the needs of students with learning difficulties and/or disabilities
3. How best can your board ensure that the views of groups not represented are taken into account?

**Viewpoint**

1. Every governor contributes areas of experience, knowledge and skills. What is important is that there is a balance of expertise. If you have strong views about weaknesses or gaps in your board, consider raising this issue with the chair, who might bring this to the attention of the search committee or full board.

2. What matters is not the number of areas that you can tick in the checklist, but that each governor is clear about what they can contribute. Personal qualities will be as important as specific areas of experience and expertise.

3. To take on board the views of groups in the wider community, the board might set up advisory groups of local stakeholders. These could act as a sounding board for ideas. Governors may participate in an annual public meeting at which the board presents the college's annual report and is available to answer questions. The college may also hold open days and student awards presentations, which are also useful opportunities to meet members of the community. In addition, individual governors, through their local contacts, will be able to obtain useful feedback on the overall performance of the college that can be passed on to the college senior management team.
Section 10. Governors’ information needs

Governors need appropriate information to ensure that they carry out their job effectively. Governors should agree with senior managers the type of information they require and how this information should be presented. Because of the importance of boards being adequately and accurately informed, colleges often err on the side of giving governors too much information rather than too little.

Information may be received as part of the agenda for a full board meeting, produced for members of committees and task groups, or be general information distributed between members. The type of information given to governors varies from one board to another, depending on discussions between the governors and senior managers. It also depends on the time of year because of the annual cycle of business. However, governors should expect to receive information on the financial health of the college, its academic performance, and other matters relating to the work of the college, such as buildings and estates.

Information must be presented in a way that enables governors to monitor overall college performance.

- Many boards prefer information to be presented in the form of an executive summary clarifying whether the paper is for decision, for information or for noting, with a risk assessment and setting out a number of clear options.

- To these summaries may be attached more detailed information.

- Statistical data reporting on performance against key performance indicators may be presented in a visual 'dashboard' format.

- Some boards divide the agenda into items requiring decision, reports from committees and working groups, and papers for noting.

The agenda and papers should be sent out well in advance of meetings. Unless there are exceptional circumstances, papers should never be tabled. Some colleges have implemented e-governance, whereby papers are circulated electronically.
Activity

What is the quality of papers presented to the governing board?

Go back through the minutes of the last two meetings of your board.

1. How much of the agenda was devoted to the curriculum, quality and financial health?

2. Comment on the style of papers. Were they written in a way that everybody could understand?

3. Write down three key features of an effective board paper.

4. What information does your board require to be effective?

Viewpoint

1. The matters considered by your board will vary depending on the annual cycle of meetings. The board will expect at every meeting a report on the financial health of the college and progress with respect to meeting retention, achievement and success rate targets. The cycle of meetings will set out when the annual budget has to be agreed and the previous year’s accounts approved, when the strategic plan has to be approved and arrangements for monitoring progress in financial and academic matters. Governors need to ensure that there is an appropriate balance between curriculum, quality and financial matters.

2. If you or other governors have a problem with style and presentation of the papers – they may be full of jargon – you should raise this with the chair. If governors cannot understand the content of papers or are unable to understand what it is they are expected to do with the papers, their effectiveness is reduced.

3. A board paper should:
   
   be clearly written, jargon-free and well-presented, with an executive summary;
   
   set out whether the content is for decision, noting or information. If for decision, there should be a number of clear options;
   
   as short as possible although it may need to include relevant appendices.

4. The board needs accurate information that will enable members to know whether the college is performing to a high standard. Information will be available on finance and academic performance. Financial data should show clearly whether the budget is on target as measured against certain key indicators. [See Module 10: Finance.]

   It is important for governors to have the opportunity for strategic discussion as well as performance monitoring.
Module review

Summary of key learning points

- The policy environment encourages a range of providers including colleges, academies, studio schools, university technical colleges, free schools, school sixth forms and private training providers. Colleges vary considerably in type, size and curriculum offer. They make a key contribution to the effective education and training of young people and adults, including the provision of informal education to local communities.

- The responsibilities, powers and duties of boards are set out in the Instrument and Articles of Government.

- The main responsibilities of the board are: to determine the educational character of the college; listen to the learner voice; ensure its overall well-being and financial solvency; monitor its performance.

- Boards may comprise members from business, staff, students and the local community. Sixth form colleges, which have a separate legal status, also have parent members, and former voluntary controlled sixth-form colleges have foundation members. The principal is a member of the board (although s/he may choose not to be) and other members can be co-opted on the basis of their experience and skill.

- Boards are required to have an audit committee and may also establish a search committee and other committees to help them in their work.

- Boards will approve a code of practice and register of members’ interests. They may have approved the English Colleges’ Foundation Code of Governance (currently under review).

- Governors should be familiar with their board’s standing orders.

- An effective working relationship between the board, the clerk and the senior management team is crucial for the success of the college. Boards should consider annually reviewing their working relationship with senior managers.

- Governors should agree a training and development policy for the board. They can find out about the governor training programme through their clerk. Training and development enhances governors’ capacity to contribute to the board.

- The board should carry out an annual review of its performance and a formal evaluation at least once every three years.

- Students are central to the mission and purpose of colleges. Boards need appropriate systems to listen and respond to the student voice.

- Governors bring a wide range of experience, skills and knowledge. The overall expertise within the board needs to be well balanced.
Governors should get to know their college.

Governors need to get clear information at and between meetings to ensure they do a good job. Papers for meetings of the board and its committees should be clearly written.

Where next?

You have now completed work on Module 1: Overview of the Further Education System and its Governance. If there are areas in which you need more guidance or information, they may be covered in other modules. Turn to ‘Check your current knowledge and skills’ in ‘Using the Materials’. This self-assessment questionnaire will help you to decide which modules or sections of modules may help to fill these gaps. Tick the useful sections for further study.

Putting it into action

We hope that working through this module has raised useful questions, increased your knowledge and awareness of issues and given you ideas for practical action that you would like to follow up.

Further Reading

- For new governors the best place to start is with the materials available from their college, e.g.:
  - The prospectus, which gives details of all the programmes and qualifications available in the college;
  - The strategic plan which will include vision, mission and values as well as details about resources, including staff and financial information;
  - Any regular college newsletters.
- All these materials are probably available on the college website which will include news and information from and about students. Many have a discrete area for use by governors.
- Ofsted publishes the Chief Inspector’s annual report around mid December covering the previous academic year. It provides a good overview of quality in the sector.
- FE Commissioner David Collins has just published his first Annual Report, covering 2013/14. It summarises his interventions in English colleges, shares his reflections on the lessons learnt and looks ahead to the coming year.
- Rigour and Responsiveness in Skills (April 2013) provides a good summary of the government’s current direction of travel for the sector.
- The AoC governance resource library provides a wide range of practical advice for governors.
Recent policy documents that shape and impact on further education

- ‘New challenges, new chances: next steps in implementing the further education reform programme’ (2011) sets out the policies of the Coalition Government for post-19 education and skills.
- ‘A Dynamic Nucleus: Colleges at the heart of local communities’ (2011) gives advice on how colleges can establish better ties with the community.
- ‘Building Engagement, Building Futures’ (2011) sets out BIS and DfE plans for engaging 16-24 year-olds in education, training and work.
- ‘Further education (FE) college capital investment strategy’ (2012) outlines the Government’s priorities for investing £550m in college facilities in the remainder of this Parliament.
- ‘Chartered status for the further education sector’ (2012) was a consultation on plans for an independent quality scheme for the sector, due to be launched in 2014.
- ‘Making apprenticeships more accessible to small and medium-sized enterprises: a review by Jason Holt’ (2012) is an independent report on apprenticeships and SMEs.
- ‘National Careers Service: the right advice at the right time’ (2012) explains BIS’ plans to ensure that young people and adults can find accurate information about learning and work.
- ‘Professionalism in further education: final report of the independent review panel’ (2012) is the report by Lord Lingfield on how the sector can best serve its users’ needs.
- The report of the Commission on Adult and Vocational Teaching and Learning (2013) gives advice on how colleges can establish better ties with business and industry.
- ‘16-19 Study Programmes’ (2014) provides advice on planning and delivering study programmes.

- ‘Careers Guidance and Inspiration’ (2014) sets out how FE and sixth form colleges should provide careers guidance for students, reflecting the statutory guidance for schools.

Acknowledgements

The first edition of these training materials was published in 2000. They have been periodically updated and this fourth edition has been published by the Association of Colleges (AoC) as part of its Governance Library, commissioned and funded by the Education and Training Foundation and is updated to December 2014.

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### Post-19 Further Education and Skills: Role of BIS and Partners

**BIS Sets policy, determines spending priorities and determines levers**

<table>
<thead>
<tr>
<th>Understand market</th>
<th>Set the qualifications</th>
<th>Agree Government Funding</th>
<th>Local determination of programmes</th>
<th>Monitor performance</th>
</tr>
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<tbody>
<tr>
<td>UKCES</td>
<td>Ofqual (1)</td>
<td>SFA HEFCE SLC</td>
<td>HE and FE Providers</td>
<td>Ofsted QAA</td>
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<tr>
<td></td>
<td>University (2)</td>
<td></td>
<td></td>
<td>DSA HESA</td>
</tr>
<tr>
<td>Skills Forecasting</td>
<td>(1) Regulates qualifications and the apprenticeship framework</td>
<td>Funding and settlement</td>
<td>Can only draw down public funds for approved qualifications. Offer determined by local or national need</td>
<td>Data services collect and publish data on performance</td>
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<td>Sector Skills Councils</td>
<td></td>
<td>Issue student numbers</td>
<td></td>
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<tr>
<td>Determine the occupational standards</td>
<td></td>
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</table>

- **UKCES**
  - Skills Forecasting
  - Sector Skills Councils
  - Determine the occupational standards

- **Ofqual** (1)
  - University (2)
  - (1) Regulates qualifications and the apprenticeship framework
  - (2) Universities using powers given by the Privy Council validate degrees

- **SFA HEFCE SLC**
  - Funding and settlement
  - Issue student numbers

- **HE and FE Providers**
  - Can only draw down public funds for approved qualifications. Offer determined by local or national need

- **Ofsted QAA**
  - Inspection and Quality Assurance

- **DSA HESA**
  - Data services collect and publish data on performance
### Appendix 2 – Acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>AB</td>
<td>Awarding Bodies</td>
</tr>
<tr>
<td>AoC</td>
<td>Association of Colleges</td>
</tr>
<tr>
<td>AoCGC</td>
<td>AoC Governors Council</td>
</tr>
<tr>
<td>BIS</td>
<td>Department for Business Innovation and Skills</td>
</tr>
<tr>
<td>CUC</td>
<td>Committee of University Chairs</td>
</tr>
<tr>
<td>DAP</td>
<td>Degree-awarding powers</td>
</tr>
<tr>
<td>DfE</td>
<td>Department for Education</td>
</tr>
<tr>
<td>DH</td>
<td>Department of Health</td>
</tr>
<tr>
<td>DWP</td>
<td>Department of Work and Pensions</td>
</tr>
<tr>
<td>DLHE</td>
<td>Destination of Leavers from Higher Education</td>
</tr>
<tr>
<td>ENQA</td>
<td>European Association for Quality Assurance in Higher Education</td>
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<tr>
<td>FEC</td>
<td>Further education college or corporation</td>
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<tr>
<td>HE</td>
<td>Higher education</td>
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<td>HEBRG</td>
<td>Higher Education Better Regulation Group</td>
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<td>HEDIIP</td>
<td>Higher Education Data and Information Improvement Programme</td>
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<td>HEE</td>
<td>Health Education England</td>
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<td>HEFCE</td>
<td>Higher Education Funding Council for England</td>
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<td>HEI</td>
<td>Higher education institution</td>
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<td>HESA</td>
<td>Higher Education Statistics Agency</td>
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<td>HMRC</td>
<td>HM Revenue and Customs</td>
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<tr>
<td>HNC</td>
<td>Higher National Certificate</td>
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<tr>
<td>HND</td>
<td>Higher National Diploma</td>
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<td>ITT</td>
<td>Initial teacher training</td>
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<td>LETB</td>
<td>Local Education and Training Board</td>
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<td>NCTL</td>
<td>National College for Teaching and Leadership</td>
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<td>NHS</td>
<td>National Health Service</td>
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<tr>
<td>NHS BSA</td>
<td>NHS Business Services Authority</td>
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<td>NUS</td>
<td>National Union of Students</td>
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<td>Office for Fair Access</td>
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<td>Office of Qualifications and Examinations Regulation</td>
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<td>Office for Standards in Education, Children’s Services and Skills</td>
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<td>OIA</td>
<td>Office of the Independent Adjudicator</td>
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<tr>
<td>PSRBs</td>
<td>Professional, Statutory and Regulatory Bodies</td>
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<td>QAA</td>
<td>Quality Assurance Agency for Higher Education</td>
</tr>
<tr>
<td>REO</td>
<td>Review of Educational Oversight</td>
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<tr>
<td>RPG</td>
<td>Regulatory Partnership Group</td>
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<td>SFA</td>
<td>Skills Funding Agency</td>
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<td>SLC</td>
<td>Student Loans Company</td>
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<tr>
<td>NDPB</td>
<td>Non-departmental public body</td>
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<tr>
<td>NCTL</td>
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<td>Universities and Colleges Admissions Service</td>
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<td>UK Commission For Employment and Skills</td>
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