



A Signposting Guide for New Clerks in College Governance

Foreword

Congratulations on your new appointment as clerk to the corporation in your college. Welcome to the challenging but rewarding world of college governance.

As a clerk you will be able to access The Association of Colleges (AoC) National Clerks' Network (NCN). This comprises nine committees corresponding to each AoC region. The NCN National Committee, which gives oversight and direction to the network, is the conduit for information to and from the regions and is responsible for promoting the voice of clerks in the sector and ensuring clerks are properly informed on all key governance issues. Clerks are invited both to express their views on issues of governance and to receive guidance on key issues at regional committee meetings which are usually held three times a year. This is a ready-made regional network of mutual support and intelligence and well worth becoming involved. To find out more please contact your current AoC Regional Member as detailed on the NCN website:

<http://www.aoc.co.uk/funding-and-corporate-services/governance/representation/national-clerks-network>

The research report '*Clerking in the new era: implications for college governance*' (May 2013) highlighted the variety of clerking practice and resource in the sector, the conditions necessary for the clerk to be effective, the pressures prevalent in the sector that are affecting the role in some colleges, and arising concerns. National Clerks Network, supported by the AoC Governance Unit, have worked to ensure that effective strands of clerking support are in place to enable college boards to have the professional clerking support they require, and in doing so to address some of the issues arising from the research.

This update to the original '*Introductory guide for new clerks*' (June 2013) is released to complement a sister document '*The Effective Clerk: Creating Excellence in College Governance*' (October 2014). The fuller guide provides a benchmark of recognised effective clerking practice, encourages a commonality of understanding of the professional role of the clerk and illustrates the multifaceted aspects of the role and how the clerk can enhance effective governance and strategic leadership. Many colleges have recognised the scope of the role and have changed the job title from 'Clerk' to reflect its duties and responsibilities e.g. 'Director of Governance', 'Governance Advisor' and in some cases 'Company Secretary'. The importance of this role to effective college governance is reflected in both documents and also

complements the range of clerking support provided by AoC Governance Unit, and supported by NCN, including Clerk Induction, Mentoring and the Level 5 Clerks' Qualification.

I hope you find this introductory guide useful. I wish you well with your new appointment to this important role in college governance and I look forward to welcoming you in person at one of our many national events.

**Jennifer Foote, Chair, National Clerks' Network (NCN)
October 2014**

1. Introduction

This guide has been produced by the National Clerks' Network, supported by AoC Governance Unit. The purpose of this introductory guide is to act as an online 'signposting' document to help you as a newly appointed clerk. This signposting guide is written with the hope that this document will be revised periodically to take account of changes to the sector.

There is a wealth of support and information, and website addresses, telephone numbers and email addresses are correct at the time of publication but may be subject to change. In addition, the final section of the guide provides a very useful description, and checklist, of key documents you are likely to have or may require in order to carry out your newly appointed role as clerk to the corporation.

The statutory background of the clerk

It is useful at the outset to establish the statutory requirement for the clerk. Further education corporations were created by the Further and Higher Education Act 1992 (FHEA). The Instrument and Articles of Government were subsequently replaced in 2001, 2006, 2008 and 2012. The FHEA Act Replacement of the Instruments and Articles of Government Order 2007, which came into effect on 1 January 2008, outlined numerous statutory responsibilities of the clerk with regard to the role, but attention is drawn to the following:

"The Clerk shall be responsible for the following functions:

- (a) advising the Corporation with regard to the operation of its powers;*
- (b) advising the Corporation with regard to procedural matters;*
- (c) advising the Corporation with regard to the conduct of its business; and*
- (d) advising the Corporation with regard to matters of governance practice."*

The Instrument and Articles of Government were subsequently modified in March 2012, with the Education Act 2011 Schedule 4 amendments to the Instrument and Articles of Government retaining the statutory duty on corporations to have:

“an instrument must make provision for there to be a chief executive of the institution and clerk to the body” and “must make provision about the respective responsibilities of the body, the chief executive and the clerk”.

The role of the clerk and the framework for signposting guide

The clerk is therefore the primary source of governance advice to the corporation and as such is crucial to the strategic development and improvement of governance. The signposts and links in this document aim to support you in your role.

The clerk must be able to remain independent and offer impartial advice. From time to time it may be necessary for the clerk to have ready access to legal and technical advice. Being appointed by, and accountable to, the corporation, the corporation has direct responsibility for the clerk. It oversees the appointment, grading, suspension and dismissal of the clerk and determines the clerk's pay and conditions. The clerk's appraisal should be carried out annually by the chair, and in many cases the vice chair, drawing on contributions from the principal, senior staff and other governors.

In addition to this critical governance advisory role, there are many other core responsibilities which, whilst too numerous to detail in this brief signposting guide, are expanded upon in the weblinks, as well as training documents referred to below. Additional duties include ensuring the board fulfils legal statutory and public responsibilities. The clerk has a key role, in liaison with others, in creating and managing a cycle of business.

A very useful overview of the role of the clerk can be found in the *Clerks' Training Materials, October 2014, Module 1: Overview of the Further Education, Section 3 'The role and responsibilities of the clerk'*

<http://www.aoc.co.uk/sites/default/files/Module%201%20FE%20System%20Overview.pdf>

The effective working relationship between the chair, principal and the clerk, often referred to as the 'triumvirate', is critical to effective governance. A useful outline of the relationship, and the complementary roles and responsibilities of each member, is outlined in *Clerk's Training Materials, October 2014 Module 5: 'The process of effective governance'* which states:

“There is likely to be a good or even excellent standard of governance when the chair leading the governing body, the principal leading the senior management team, and the clerk leading the process of governance, work together effectively and efficiently. However, this relationship does not constitute collective governance and must not be

seen as a 'clique'. There needs to be regular and open communication, with all three individuals fulfilling their agreed roles in the best interests of the governing body."

<http://www.aoc.co.uk/sites/default/files/Module%205%20Process%20of%20Effective%20%20Governance.pdf>

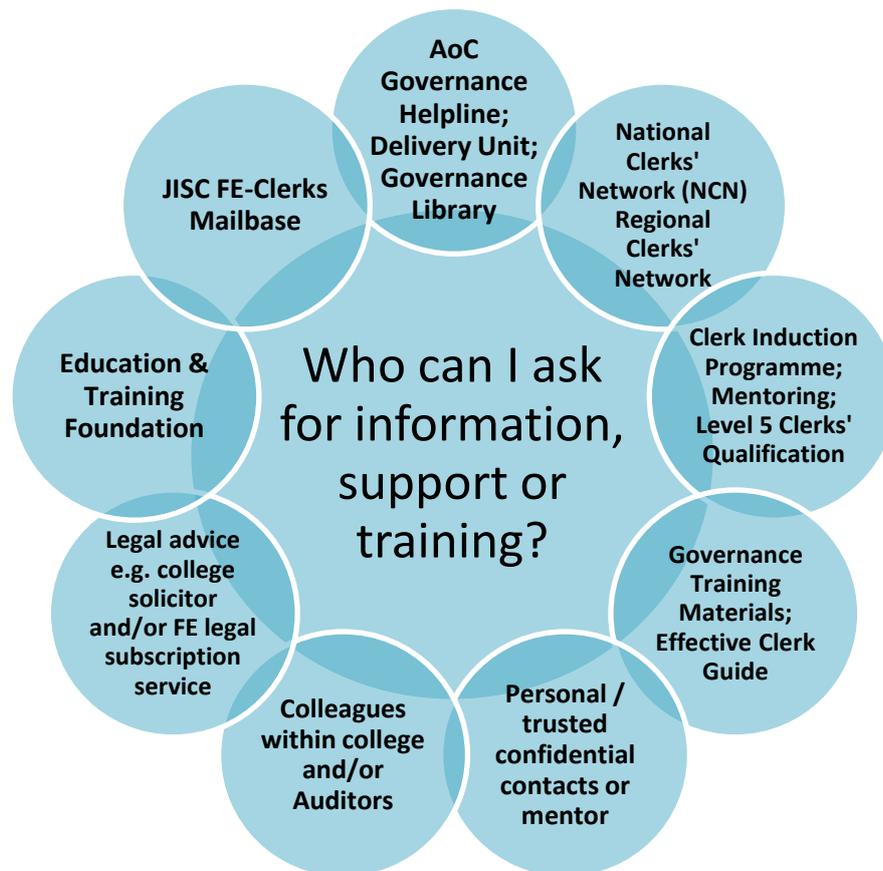
In practice the clerk is involved in the following activities to enable the Board to achieve its strategic leadership role to:

- approve and monitor the strategic plan
- define the educational character and mission of the college
- oversee the quality of teaching and learning
- oversee financial health
- be accountable to stakeholders
- ensure legal responsibilities including its role as employer of staff.

The clerk also plays a critical role in the search and succession planning for governors. A weblink to SGOSS, which supports governor recruitment, is listed under 'Search and Recruitment' below.

2. Information, Support and Training

There is a range of expertise and experience within senior management of the college, and all clerks are encouraged to make working contact. However, as the clerk serves the corporation and is independent of college management, the role can sometimes feel isolated. The clerk may, on occasions, be faced with difficult situations and would benefit from advice and support, including confidential advice, and will also benefit from training and continuing professional development (CPD).



An outline of sources is provided here, and weblinks are listed below:

- **The AoC Governance Helpline** provides a confidential service. Some AoC services are available to subscription members only; you will be able to check with your college if they have membership.
- **The AoC Governance Unit** can be contacted to discuss any aspect of college governance or AoC's services to support governance.
- **The AoC Governance Library** is a resource to support chairs, governors, clerks of boards and all those who are engaged with college governance.
- **The AoC Regional Members of the National Clerks' Network** will provide you with dates of regional clerks' network meetings through which you can begin to build up a strong network of trusted regional contacts, and possibly mentors, from whom to seek advice. Regional clerks' meetings are generally open to all clerks as a shared network, including sixth form college clerks, land based or specialist college clerks.
- **The AoC Clerk induction Programme** is a valuable introduction to clerking and is aimed at new recruits.

- **The AoC Clerk Mentoring Programme** is available to early career clerks whereby experienced clerks act as mentors to pass on their experience of best practice and provide information, guidance and support.
- **The Level 5 Clerks' Qualification**, accredited by the University of Warwick, has been specifically tailored for clerks in the further education sector, including those from sixth form and specialist college. Applicants should have at least one year's experience in a clerking role. A waiting list is kept of interested clerks, and a bursary is currently available from the Education and Training Foundation.
- **The 'Clerks' Training Materials'**, (October 2014), aimed at new and experienced governors, clerks and chairs of further education institutions, provide an in-depth, valuable set of self-study materials.
- **'The Effective Clerk: Creating Excellence in College Governance' AoC October 2014**, a recently published benchmark of recognised effective clerking practice, outlines the multifaceted aspects of the role and provides a comprehensive guide to clerking.
- **JISC Network for Clerks of FE colleges and Sixth Form colleges:** All college clerks can join an electronic JISC network which allows them to ask questions and share information and good practice with colleagues by email.
- **The Education and Training Foundation**, funded by the Department for Business Innovation and Skills (BIS) and the Department for Education (DfE) to enhance the performance and professionalism of the Further Education and training sector, exist to support all teachers, trainers, leaders and other staff who are in the business of vocational training, adult education, workforce development or other post-16 educational activity.
- **Legal advice** may be sought from your own college solicitor or via an FE governance legal subscription service.
- You may also find your college **auditors** a very useful source of advice, as well as **colleagues within college**.

AoC Governance Helpline

You can access this confidential governance helpline service to support member colleges on governance issues by telephoning 020 7034 9900 or by email via:

governance@aoc.co.uk

AoC Governance Unit

You can contact AoC's Governance Unit to discuss any aspect of college governance or AoC's services to support governance:

- David Walker, Director of Governance, david_walker@aoc.co.uk 020 7034 9953
- James Price, Governance Information Manager, james_price@aoc.co.uk 020 7034 9948

- Guram Korkoti, Governance Administrator, guram_korkoti@aoc.co.uk 020 7034 9958

AoC Governance Library:

<http://www.aoc.co.uk/funding-and-corporate-services/governance/governance-library>

AoC National Clerks' Network (NCN), NCN National Committee and Regional Clerks' Network:

<http://www.aoc.co.uk/funding-and-corporate-services/governance/representation/national-clerks-network>

Clerk Induction Programme:

<http://www.aoc-create.co.uk/event/clerks-induction-programme/>

Mentoring for clerks:

<http://www.aoc.co.uk/funding-and-corporate-services/governance/support-governance/mentoring-clerks>

Level 5 Clerks' Qualification:

<http://www.aoc.co.uk/news/bursaries-he-award-level-5-in-governance-clerks>

Education & Training Foundation:

<http://www.et-foundation.co.uk/>

<http://www.et-foundation.co.uk/supporting/support-governors/>

JISC Network for Clerks of FE colleges and Sixth Form colleges:

All college clerks can join an electronic JISC network which allows them to ask questions and share information and good practice with colleagues by email. This FE clerks' electronic network is open to all college clerks, deputy clerks and those studying for a sector clerking qualification. It is independent of AoC or any other affiliation and allows clerks to communicate freely on a trust basis sharing information and good practice.

About JISCmail

JiscMail helps groups of individuals to communicate & discuss education/research interests using email discussion lists. JiscMail is funded by [jisc](http://www.jisc.ac.uk/), which is a charity who champions the use of digital technologies in the UK education and research. JiscMail supports communication, collaboration and the free-flowing exchange of ideas through email lists primarily for the benefit of UK further and higher education and research communities. Networks include Finance and Quality as well as Governance and are set up by list owners who are volunteers in their sector who oversee use of the network. The relationship between subscribers and JiscMail is based on trust. Sending messages to JiscMail lists is a matter of common sense and there are rules which

ensure a courteous and respectful exchange. The author (or their employer) will usually be the copyright owner, except for any third-party material included in the post. More information on Jiscmail can be found:

<https://www.jiscmail.ac.uk/policyandsecurity/index.html#1>

The list owners for the FE Clerks' JISCMAIL are currently:

Shaun Lee, Deputy Clerk at Lambeth College – slee@lambethcollege.ac.uk

Please contact them to become a member or to find out more.

National Information and Representation

In addition to the sources above, there is a wealth of national sources of information to assist you in your role as clerk to the corporation. You are advised to keep a watching brief on developments in the sector for clarity of roles and responsibilities in relation to college governance.

The Association of Colleges (AoC), which exists to represent and promote the interests of colleges and provide members with professional support services, may be your first port of call for updates. For AoC Members who subscribe, regular briefings are also available: <http://www.aoc.co.uk/funding-and-corporate-services/governance/governance-library/governance-briefings> AoC's network of nine regional offices enables the voice of colleges to be heard across England and can be found at: <http://www.aoc.co.uk/about-us/aoc-regions>

For newly appointed clerks in sixth form colleges, clerks are also advised to contact, and seek guidance and advice from, the Sixth Form College Association (SFCA) which represents the interests of the sector: <http://www.sixthformcolleges.org/>

New clerks in land based colleges are advised to seek guidance from Landex (Land Based Colleges Aspiring to Excellence) as your college may be a subscriber organisation: <http://www.landex.org.uk/>

Similarly, new clerks in specialist colleges are advised to check for membership, and/or seek guidance from, Natspec (The Association of National Specialist Colleges): <http://www.natspec.org.uk/>

3. Signposts

The following section is intended to provide you with a series of 'signposts' in order to assist you in the first weeks of clerking. The signposts are arranged under umbrella headings to help you find relevant information depending upon the nature of your query. Some documents may fall under more than one umbrella heading, but they are listed only once under the most relevant signpost.

The weblinks lead you to a variety of sources of information including national organisations, government departments and key documents necessary to carry out your new role as clerk. The list is not exhaustive, acting more as a starting point, and will be subject to change, particularly as national policies continue to be updated.

- **Governance Guidance, including Statutory**

'College Governance: A Guide' (Department of Business, Innovation & Skills (BIS) August 2014 outlines the accountability and regulatory frameworks relevant to further education colleges. Sixth form colleges are not formally within scope but clerks will find the guidance useful and in the most part relevant to good governance in sixth form colleges:

<https://www.gov.uk/government/publications/college-governance-how-further-education-colleges-operate>

'Further education and sixth form college governance review' (Department of Business, Innovation & Skills (BIS) July 2013 makes recommendations on how to better recognise, give better incentives for, and reward good governance for better quality further education, including Annex B Payment and Expenses of Governors:

<https://www.gov.uk/government/publications/further-education-and-sixth-form-college-governance-review>

'Intervention in further education: the strengthened intervention process' Department of Business, Innovation & Skills (BIS) April 2014

Clerks should be aware of the role of the Further Education (FE) Commissioner and Sixth Form College Commissioner. When an FE college, local authority maintained FE institution, or specialist designated institution triggers intervention, the FE Commissioner will review the position of the college or institution and advise ministers and the Chief Executives of the funding agencies on the action necessary to secure improvement. The Secretary of State for Education may obtain similar expert advice from the Sixth Form College Commissioner where a sixth form college is liable to be intervened in:

<https://www.gov.uk/government/publications/further-education-commissioner-intervention-process>

'Structure and Prospects Appraisals: Further Guidance to Further Education Colleges' Department of Business, Innovation & Skills (BIS) April 2014

<https://www.gov.uk/government/publications/further-education-funding-structure-and-prospects-appraisals-guidance>

Rigour and Responsiveness in Skills Department of Business, Innovation & Skills (BIS) Department for Education (DfE) April 2013 explains the plan to update the skills system to make it more rigorous and responsive to the needs of employers and learners:

<https://www.gov.uk/government/publications/rigour-and-responsiveness-in-skills>

'Memorandum of understanding between the Charity Commission and the Secretary of State for BIS in his role as Principal Regulator of Further Education Corporations in England' (Department of Business, Innovation & Skills (BIS) February 2014 outlines the relationship between the Department for Business, Innovation and Skills (BIS) and the Charity Commission and the role of the Secretary of State as Principal Regulator of further education colleges as exempt charities:

<https://www.gov.uk/government/publications/memorandum-of-understanding-between-the-charity-commission-and-the-department-for-business-innovation-and-skills>

'The essential trustee: what you need to know' The Charity Commission, March 2012:

<https://www.gov.uk/government/publications/the-essential-trustee-what-you-need-to-know-cc3>

'Further education corporation names: Guidance on changing existing corporation / college name or developing new names' Department of Business, Innovation & Skills (BIS) October 2010:

<https://www.gov.uk/government/publications/further-education-colleges-guidance-on-naming>

Independent Commissioner's Office: <http://ico.org.uk/>

including **Data Protection:** http://ico.org.uk/for_organisations/data_protection

and **Freedom of Information** responsibilities and obligations:

http://ico.org.uk/for_organisations/freedom_of_information

Health and Safety Executive: <http://www.hse.gov.uk/>

including ***'Leading health and safety at work: Actions for directors, board members, business owners and organisations of all sizes'*** HSE June 2013:

<http://www.hse.gov.uk/leadership/>

<http://www.hse.gov.uk/pubns/indg417.pdf>

Education Act 2011: <http://www.legislation.gov.uk/ukpga/2011/21/contents/enacted>

National College for Teaching and Leadership:

<https://www.gov.uk/government/organisations/national-college-for-teaching-and-leadership>

National Governors' Association:

<http://www.nga.org.uk/Home.aspx>

'Governors Handbook: For governors in maintained schools, academies and free schools' Department for Education September 2014:

<https://www.gov.uk/government/publications/governors-handbook--3>

- **Audit**

'The Joint Audit Code of Practice Part 1 and Part 2' Skills Funding Agency / Education Funding Agency July 2013 which ensures FE colleges are accountable and have robust arrangements:

<https://www.gov.uk/government/publications/sfa-financial-assurance-joint-audit-code-of-practice>

'Regularity Audit Framework' Skills Funding Agency / Education Funding Agency updated September 2014 which sets out the context, responsibilities and requirements for the regularity audit required at colleges under the Joint Audit Code of Practice Part 2:

<https://www.gov.uk/government/publications/sfa-financial-assurance-regularity-audit-for-fe-colleges>

AoC 'English Colleges Foundation Code of Governance - Audit and Accountability Annex', which is currently under review (October 2014):

http://www.aoc.co.uk/sites/default/files/Foundation%20Code%20Audit%20and%20Accountability_Annex.pdf

- **Funding**

'Accountability Reviews: Guidance for Colleges and Training Organisations and Skills Funding Agency Staff Skills Funding Agency' April 2013:

<https://www.gov.uk/government/publications/sfa-financial-assurance-accountability-reviews-for-fe-colleges>

'Accounts Direction for 2013 and 2014 Financial Statements' (Skills Funding Agency / Education Funding Agency) May 2014:

<https://www.gov.uk/government/publications/sfa-financial-management-how-to-prepare-colleges-annual-financial-statements>

● **Codes**

Committee on Standards in Public Life Fourteenth Report of the Committee on Standards in Public Life Standards matter A review of best practice in promoting good behaviour in public life Cm 8519 January 2013 (The Seven Principles of Public Life):

<https://www.gov.uk/government/publications/standards-matter-thirteenth-report-of-the-committee-on-standards-in-public-life>

AoC 'English Colleges Foundation Code of Governance', which is currently under review (October 2014) includes the annexes 'Audit and Accountability Annex', 'Guidance for Governing Body to Engage with its Communities' and 'Guidance to Colleges on a Public Value Statement':

http://www.aoc.co.uk/sites/default/files/The_English_Colleges_Foundation_Code_of_Governance.pdf

http://www.aoc.co.uk/sites/default/files/Foundation%20Code%20Audit%20and%20Accountability_Annex.pdf

<http://www.aoc.co.uk/sites/default/files/Public%20Value%20Statement%20Guidance%20Paper.pdf>

'The UK Corporate Governance Code' Financial Reporting Council (FRC) September 2014:

<https://www.frc.org.uk/Our-Work/Publications/Corporate-Governance/UK-Corporate-Governance-Code-2014.pdf>

● **Quality and Inspection**

Handbook for the inspection of further education and skills, Ofsted, No 120061 (2012) (updated August 2014):

<http://www.ofsted.gov.uk/resources/handbook-for-inspection-of-further-education-and-skills-september-2012>

How colleges improve, Ofsted. No. 120166 (September 2012):

<https://www.aoc.co.uk/sites/default/files/How%20Colleges%20Improve%202012.pdf>

Local accountability and autonomy in colleges, Ofsted, No. 130067 (March 2013):

<http://www.ofsted.gov.uk/resources/local-accountability-and-autonomy-colleges>

'Higher Education Review: A handbook for QAA subscribers and providers with access to funding from HEFCE undergoing review in 2014-15' QAA June 2014:

<http://www.qaa.ac.uk/en/Publications/Documents/HER-handbook-14.pdf>

● **Search and Recruitment**

SGOSS Department for Education funded national charity which assists colleges in their search for governors:

<https://www.sgoos.org.uk/colleges/college-service.html>

'Case Study: Using SGOSS to recruit college business governors' AoC April 2014:

<http://www.aoc.co.uk/sites/default/files/Using%20SGOSS%20to%20recruit%20business%20governors.pdf>

'Recruitment Case Study – Developing a new strategy for recruiting governors - East Norfolk Sixth Form College' AoC April 2014:

<http://www.aoc.co.uk/sites/default/files/Case%20study%20-%20East%20Norfolk%20Sixth%20Form%20College.pdf>

'Recruitment Case Study – Improving board diversity through recruitment - Queen Alexandra College' AoC April 2014:

<http://www.aoc.co.uk/sites/default/files/case%20study%20-%20Queen%20Alexander%20College.pdf>

'Governor recruitment strategies' LSIS November 2012:

<http://www.excellencegateway.org.uk/content/eg5305>

'The Composition of English Further Education Corporations and College Governance Frameworks : A report on the Association of Colleges' survey of FE corporations' AoC & Education and Training Foundation May 2014:

<http://www.aoc.co.uk/sites/default/files/Board%20Composition%20Survey%202013.pdf>

and ***'Appendix 3 The Data tables':***

<http://www.aoc.co.uk/sites/default/files/Borad%20Composistion%20survey%20Appendix%20%203%20data%20tables.pdf>

AoC's governance webpages include a selection of best practice materials for use in the recruitment of governors:

<http://www.aoc.co.uk/funding-and-corporate-services/governance/recruiting-governor>

The Women's Leadership Network aims to support aspiring leaders, especially women in and into senior roles, to develop organisational leadership and to promote gender equality of both staff and governors:

<http://www.wlnfe.org.uk/>

The Network for Black and Asian Professionals (NBAP) is committed to supporting Black, Asian and Minority Ethnic (BAME) professionals to achieve their full career and civic potential:

<http://www.nbp.org.uk/>

- **Staff and Student Governors**

National Union of Students (NUS): <http://www.nus.org.uk>

Student Governor Support Programme National Union of Students (NUS):

<http://www.nusconnect.org.uk/sgsp>

'The Role of the Student Governor as a Member of the College Governing Body' LSIS November 2009:

<http://www.aoc.co.uk/sites/default/files/Brief%20Guide%20on%20the%20Role%20of%20the%20Student%20Governor.pdf>

'Understanding the staff governor as a member of a further education college governing body' LSIS November 2012:

<http://www.excellencegateway.org.uk/content/eg5357>

- **Stakeholders and Accountability**

BIS New Challenges, New Chances Further Education and Skills System Reform Plan: Building a World Class Skills System December 2011:

<https://www.gov.uk/government/consultations/new-challenges-new-chances-next-steps-in-implementing-the-further-education-reform-programme>

'Thinking Outside the College: Planning and Delivering Local Accountability: An Action Framework for Colleges in the Further Education Sector' AoC May 2012

http://www.niace.org.uk/community-learning/sites/default/files/resources/Thinking_Outside_the_College_Report.pdf

'A Dynamic Nucleus: Colleges at the heart of local communities AoC NIACE 157 Group Baroness Sharp' November 2011

<http://www.aoc.co.uk/sites/default/files/A%20dynamic%20nucleus.%20Colleges%20at%20the%20heart%20of%20local%20communities..pdf>

- **Developing Governance Practice**

Clerk's Training Materials, October 2014.

A set of thirteen modules that are intended to be of particular interest and use to clerks. The modules cover all aspects of governance, and there is a brief executive summary of each, setting out the main areas covered in the module.

<http://www.aoc.co.uk/funding-and-corporate-services/governance/governance-library/training-materials-0>

'Creating Excellence in College Governance' AoC Governors Council October 2013

http://www.aoc.co.uk/sites/default/files/Creating_Excellence_in_College_Governance-1.pdf

'Clerking in the new era: implications for college governance' Full report, Summary report and Annexes, LSIS June 2013:

<http://www.aoc.co.uk/sites/default/files/Clerking-in-the-new-era-summary-report.pdf>

'Clerking in the new era: case studies' LSIS July 2013, including best practice examples:

<http://www.excellencegateway.org.uk/content/eg6700>

'College senior staff and their contribution to college governance' LSIS November

2012: <http://www.excellencegateway.org.uk/content/eg5569>

'The effective college board: keeping fit for purpose' LSIS June 2013:

<http://www.excellencegateway.org.uk/content/etf78>

Emerging models of delivery across the FE and skills sector LSIS March 2013:

<http://www.excellencegateway.org.uk/content/eg5526>

'Challenges for FE college governance and priorities for development' LSIS November 2012:

<http://webarchive.nationalarchives.gov.uk/20130802100617/http://lsis.org.uk/publication-content/key-challenges-fe-college-governance-and-priorities-development-lsis-perspective>

AoC Further Education Glossary:

<https://www.aoc.co.uk/glossary>

4. College information

The following list outlines key documents you are likely to have or may require in order to carry out your newly appointed role as clerk to the corporation. The documents should be available to you in college and as a new clerk you should have these documents to hand and familiarise yourself with them. This will assist you in both ensuring that correct processes are followed but also enable you to learn more about governance practice within the sector, in order for you to fulfil your governance improvement and development advisory role for your boards.

The list is not exhaustive and some titles may vary from college to college but they are likely to surround the following subjects:

Document	Description	Checklist
Instrument and Articles of Government	Schedule 4 of the Education Act 2011 outline what an Instrument and Articles of Government should contain. A baseline Instrument and Articles was published by the Department for Business, Innovation and Skills (BIS) in April 2012. Colleges have been free since that time, within those boundaries and relevant legislation, to amend their Instrument and Articles and clerks should be aware of what, if any, changes their colleges have made since that time.	
Standing Orders and other by-law documents	College boards will develop their own rules and processes for governance further than those set out in their Instrument and Articles. Working within the boundaries of both those and legislation, college boards set out their own particular frameworks of governance within such documents. Clerks should be familiar with what is outlined within their college's governance documents, and be prepared to make recommendations for change e.g. when legislative changes occur or when good governance practice is identified.	

Document	Description	Checklist
<p>Corporation scheme of delegation</p>	<p>Boards should set out clearly and unequivocally the power and responsibilities that they have delegated, and those that they retain for themselves. Any delegation must remain within legislative requirements e.g. those arising from education, employment and charity acts. Within those boundaries, boards may delegate specific responsibilities to, for example, the chair (under chair's action); the principal; and to specific committees. Clerks should be aware of any delegations approved by their boards and how actions taken under delegation will be reported to the board.</p>	
<p>Committee terms of reference</p>	<p>Boards should set out the terms of reference for any committee, or steering group, that it constitutes. This provides clarity to all members on the purpose for which a committee is meeting, and the responsibilities they are there to fulfil on behalf of the board. Terms of reference are also likely to provide guidance on what constitutes a quorum for the meeting, who will be invited to attend, who is entitled to vote and other meeting processes. Clerks should be familiar with the terms of reference of constituted committees and maintain awareness of developing practice and case studies within the sector, in order at times to advise on governance development and improvement of practice within their colleges.</p>	
<p>Code of conduct</p>	<p>Boards should set out a clear code of conduct for governance, including various aspects of expected behaviour. It is likely that these will be based upon the Nolan Principles, but may also expand into meeting behaviour and beyond, including the need to maintain confidentiality when required and to act in the best interests of the college. Clerks should be familiar with their board's code of conduct and other models as they develop. Legal firms provide model codes of conduct for boards to consider.</p>	

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<p>Register of interests and declarations of eligibility</p>	<p>Governors are required to disclose not only their financial interests but any other interest that the board specifies. This is likely to extend to groups or organisations the governor may have affiliations to, or have a duty to. Clerks are required to maintain a register of such declared interests. Declaration of interests is frequently a standing item on board agendas to enable such interests to be declared at the outset of a meeting and to enable the board to decide on what course of action should be taken at the meeting in terms of the governor taking part in that item of discussion. Clerks should be aware of the declared interests of each board member; this can assist not only in ensuring that interests are declared but also with the preparation of the order of items at board meetings.</p> <p>Governors are also required to declare their eligibility to be a governor, confirming that there is no legal impediment to their membership. Again, Clerks should maintain a record of these declarations.</p>	
<p>Database of members' membership, attendance (meetings, events, etc.) training undertaken and a skills audit</p>	<p>Clerks will maintain a database of members and this is likely to include their terms of office (both as members and for any individual offices they may hold); their attendance at meetings and events both within the college and further afield, and any training undertaken. This information is essential for search or nomination committees as part of their consideration on whether a member should be appointed for a further term of office.</p> <p>Clerks should also maintain an audit of members' skills, again to assist decision making on the reappointment of governors, against the needs of the board. Clerks will ensure that the skills audit and the database are regularly refreshed.</p> <p>A record of staff and student governor election processes should also be maintained.</p> <p>Clerks should devise a system that enables them to have forward notice of terms of office due to expire, in order that they can be brought to the search or nomination committee in a timely fashion.</p>	

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<p>Minute book, and confidential minute book / file of signed minutes of all corporation and committee meetings</p>	<p>Clerks must ensure that a record is kept of the minutes of all of the board's meetings, including those of its committees. The clerk will ensure that the chair of the respective meeting signs the minutes once they have been approved at the next meeting. Clerks will ensure that the non-confidential minutes are publicly available by the means agreed by their boards.</p>	
<p>Archived governance information</p>	<p>Clerks are responsible for ensuring that governance documentation is archived for the appropriate period of time, and can be reviewed should it be required. Guidance on this can be found at http://bcs.jiscinfonet.ac.uk/fe/default.asp Clerks should therefore be familiar with the archiving processes within their colleges.</p>	
<p>Annual cycle of business for corporation and committee meetings</p>	<p>A clerk will play a pivotal role in leading and developing the annual cycle of business for both their board and its committee meetings. The aim will be to ensure that appropriate balance and time is given to strategic, performance and governance matters during the year, and that reports come to the board in a timely fashion.</p> <p>This will be done in liaison with others, including the chair, the principal, committee chairs and key senior managers. Clerks should also make themselves aware of good governance practice that enables effective use of board time, and where necessary bring forward proposals for the development and improvement of the business cycle.</p>	

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<p>Annual schedule of all college governance meetings</p>	<p>Clerks play a pivotal role in creating an annual schedule of board and committee meetings. This will be created following consideration of other events such as college events and national events such as conferences. Care will be given to ensuring that there is adequate time between meetings where a report is, for example, being considered by a committee and then being recommended to the board. New clerks should make themselves familiar with the current board schedule and maintain any changes to it as they occur during the year, in order to facilitate the creation of the following year's schedule.</p>	
<p>Safeguarding check records, where undertaken</p>	<p>Clerks should be aware of the latest government guidance on safeguarding checks for governors, and of their own college's decisions on such matters. Some colleges have chosen not to undertake such checks for governors; others do. The decision is likely to surround whether colleges feel that governors are likely to find themselves in one to one situations with students. New clerks should make themselves aware of current guidance and current practice within their colleges.</p>	
<p>Governance budget, including governance (i.e. governors and clerk) training and legal fees</p>	<p>In order to ensure that the board can maintain a momentum of development and improvement, colleges should allocate a budget to the training and development of their governors and the clerk. A contingency budget for legal fees should also be in place in order that the board and the clerk can obtain legal advice as and when required. The clerk is likely to be given the responsibility of managing both budgets and reporting on them annually.</p>	
<p>Governing body organisational chart showing committees and current membership</p>	<p>The clerk will produce and maintain such organisational charts as required e.g. for annual reports and statements, for governance websites.</p>	

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<p>College management organisational chart including senior postholders and job descriptions</p>	<p>New clerks should make themselves familiar with their college’s management structures. They should also be aware of any senior post holder appointments that are in place in their colleges, as the board has responsibility for all matters relating to them, including appointment, grading, suspension, dismissal and determination of pay and conditions of service. Job descriptions for senior post holders should make clear their accountability to the Corporation.</p>	
<p>Ofsted reports</p>	<p>New clerks should make themselves familiar with the most recent Ofsted report, and any other external report made e.g. by the FE Commissioner. It is helpful if the clerk makes these available to new governors and ensures they are available for ready reference for all governors.</p>	
<p>Ofsted evidence files (in preparation for inspection)</p>	<p>Some clerks choose to maintain evidence files in readiness for inspections. This practice can now be considered particularly useful for short notice inspections. The content is of individual choice but is likely to contain information of the governance framework and processes within the college, the members and the skills available at governance level, examples of rigour and robustness in governance strategic decision making and performance monitoring, the schedule of business etc. New clerks should make themselves familiar with what is in place in their colleges.</p>	
<p>Leadership and management Self-Assessment Report (SAR) / action plan</p>	<p>The college’s self-assessment report (SAR) and the action plan arising from the SAR are likely to impact upon the schedule of reports to the board e.g. the frequency and timing of monitoring reports for specific areas may be updated as a result of the SAR and the action plan. The clerk should be familiar with the action plan and where necessary make proposals for changes to the schedule of reports in order to ensure governance performance monitoring is timely and effective.</p>	

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<p>Governance audit, including regularity</p>	<p>New clerks should make themselves familiar with the most recent governance audit, including regularity; of any arising recommendations for improvement from the audit; be aware of the progress made against the recommendation; and take any actions required to see the recommendation through to completion.</p>	
<p>Financial regulations</p>	<p>Colleges produce their own set of financial regulations that underpin regulation and accountancy procedures. They will be approved by the board and/or one of its committees e.g. audit or finance. Clerks should be familiar with what the regulations contain, and particularly with the regulations relating to the board, its responsibilities and reporting lines.</p>	
<p>Performance indicators / dashboards</p>	<p>Many college boards have developed key performance indicators (KPIs) that enable monitoring of reports to the board. This can also include the development of a dashboard that enables performance monitoring at a glance and can be included at each board meeting. New clerks should be aware of what practice has been adopted at their board and why, and make themselves aware of developing effective practice within the sector. Ofsted have developed their own dashboard. AoC produce monitoring information for AoC members through a system called MiDES (Market Intelligence Data Exchange Service). Clerks should make themselves aware of what both can offer their governors.</p>	

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<p>College policies e.g. freedom of information, data protection, equality and diversity, safeguarding, health and safety, whistleblowing, hospitality, expenses policy for governors</p>	<p>Whilst boards will not be responsible for the approval of all college policies, they are likely to be accountable for a number of them chiefly those that have corporate responsibilities, particularly to learner and staff welfare and well-being. These can include information policies i.e. Freedom of Information and Data Protection; Health and Safety; Equality and Diversity; Safeguarding; Whistleblowing; plus those relating to governance itself such as governor expenses. New clerks should familiarise themselves with these policies and be aware of when they are next due to be brought to the board for review. They should also check to see if they as clerks have any specific responsibilities outlined in such policies.</p>	
<p>Strategies; e.g. college's strategic plan, curriculum, quality, learner involvement, community engagement, employer engagement</p>	<p>Whilst not needing to be expert in the detail, new clerks should make themselves aware of the key contents of the college's strategic plan and underpinning strategies that are brought to the board such as those for learner, employer and community engagement; quality; and curriculum. They should also be aware of when each is considered by, and monitored by, the board by checking the board's annual schedule of business.</p>	
<p>College website, including governance pages and recruitment information</p>	<p>Many colleges now use their websites for communicating openly about governance matters e.g. by providing information about governance at the college and publishing non-confidential minutes. Such webpages are also a useful tool in the recruitment of new governors. New clerks should check the content of such webpages, ensure the content is regularly updated and make suggestions for improvement based on good practice around the sector.</p>	

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<p>Annual governance self-assessment, including reports and improvement action plan</p>	<p>Effective boards regularly self-assess their own performance, both as a corporate body and the performance of individuals whether as governors or as holders of specific offices. The clerk will play a lead role in suggesting and implementing effective assessment processes that can vary from year to year according to identified need. An improvement plan will ensue from self-assessment activities undertaken and the clerk, working with the chair, are pivotal to ensuring that identified improvements are acted upon to completion. Such actions are often outlined within an improvement action plan and progress is reported to the board or a committee.</p>	
<p>Foundation Code of Governance annual audit review</p>	<p>New clerks should check whether their board has adopted the AoC Foundation Code of Governance (currently under review, October 2014), and, if so, if it has been reported against in the annual report and statements. Clerks should make their boards aware of any reviews to the code to enable them to take a view on its adoption and subsequent compliance reporting. Clerks should also make themselves aware of any other external codes the board has adopted e.g. the UK Corporate Code of Governance, and how this is reported against, again most usually through the annual report and statements.</p>	