



# **APPOINTMENT OF GOVERNORS PROCEDURES**

**2007/8**

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## Responsibility: Governing Body

### Aims

Effective Governance

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## 1. Statement of Intent

The Governing Body seeks both to act in accordance with good practice and to meet its legal obligations detailed in:

- Instrument of Government (paragraphs 1, 2, 5, 8, 9, 10 and 11)
- The second report of the Nolan Committee on Standards in Public Life (Recommendations R3 and R48);
- FEFC Guide for College Governors (paragraphs 6.14 to 6.18)
- Learning & Skills Council Governor Training Materials (Module 9)

The aim of this statement is to safeguard propriety and accountability in the working of the Board of Governors through openness and fairness in the appointment of its members. It is based on the principles that:

- governors are appointed or re-appointed to provide the required range of skills and experience for the Board to meet its responsibilities effectively;
- selection for appointment or re-appointment is made on the basis of merit;
- the recruitment and selection processes used are fair, open to scrutiny and comply fully with legal requirements.

This statement specifies how the Governing Body will act in :

- assessing the skills/experience it needs of the Board
- making new appointments to fill vacancies
- making re-appointments upon expiry of term of office, where appropriate
- non-attendance

This statement will be available to any member of staff, student or member of the public on request. The Governing Body also has statements relating to openness in its business, a Code of Conduct of members, and a code of practice on “whistle-blowing”. These statements are available from the Clerk to the Governors.

## 2. Appointment of Business, Co-opted, Local Authority and Community Governors

When vacancies arise, the Chair and Clerk will arrange a meeting of the Search Committee.

Possible nominations will be discussed informally. Consideration will be given to the expertise of the governor who has left and the balance of skills on the Governing Body. 'Sounding out' interest from potential governors may be carried out at this stage.

In accordance with the principles in section 1, the Search Committee will decide whether to advertise for potential governors and whether particular organisations should be written to, in order to recruit governors with the skills which the Board is short of, as shown in the Governors' Skills Audit. Prospective Governors complete a brief curriculum vitae form (Appendix 2).

The Search Committee will decide who will be involved in the short listing and selection process, which may include an interview.

At a meeting of the Search Committee a formal decision will be taken to nominate a candidate or candidates for election.

Candidates for election will be informed that they have the support of the Search Committee (Appendix 1) and will be requested to complete a Prospective Governor's brief curriculum vitae (Appendix 2), and Declaration of Eligibility (Appendix 4).

Governors will be given information on the nominees prior to the meeting at which they will be proposed by the Search Committee for membership.

On election governors will be informed in writing and be supplied with the following information pack:

- Instrument and Articles of Government
- Governance Procedures
- LSC Governor Training Materials
- Minutes for the last Governors' Meeting
- Strategic Development plan and Self Assessment Report
- Declaration of interests form (Appendix 3)
- Meetings calendar
- Charter and Regulations
- Health and Safety Policy
- Equality and Diversity Policy
- Policy and Procedures on Governor Induction, Training and Development
- Governor Handbook

The elected governor will then complete a 'declaration on appointment' (Appendix 5) accepting the governorship for a fixed term.

### **3. Appointment of Staff Governors**

When a vacancy arises nomination forms are distributed to all teaching and support staff.

All teaching and support staff are entitled to stand as governor, nominate a governor and to vote

The Returning Officer is the Deputy Principal (Staff and Students) who organises a ballot in conjunction with the Clerk. The Clerk and a Senior Tutor (who is a senior member of staff but not designated a senior postholder) are the scrutineers.

The successful candidate will be formally appointed as a member of the Governing Body at the next governors' meeting, unless ineligible under Clauses 5 (4) or 8 of the Instrument of Government. He/she will then be given a governors' information pack and forms to be completed, as for Business Governors (see above).

#### **4. Procedures for the Appointment of Student Governors**

There are two student Governors. In October, provided there is a vacancy, a first year student will be elected to serve throughout his/her course at the College. The Co-ordinator of Student Affairs (a member of staff) is the Returning Officer in conjunction with the Clerk, and organises student nominations and a ballot. The Clerk and the Chairman of the Student Common Room are the scrutineers.

The successful candidate is formally appointed as a member of the Governing Body at the next governors' Meeting. He/she will then be given a governors' information pack and forms to be completed, as for Business Governors (see Page 2).

#### **5. Appointment of Parent Governors**

When a vacancy arises, nominations from parents will be sought through letters sent to all parents.

If there is more than one candidate, the Clerk to the Governors will organise a postal ballot. He/she and a Deputy Principal act as scrutineers. All parents are eligible to vote.

The successful candidate will be formally appointed as a member of the Governing Body at the next governors' meeting. He/she will then be given a governors' information pack and forms to be completed, as for Business Governors (see Page 2).

#### **6. Procedures for considering the re-appointment of Governors**

Governors will be informed of the impending expiry of their terms of office and be asked whether they wish to be considered for re-nomination by the Search Committee (Appendix 6).

The criteria for consideration of new governors will be followed if a governor seeks re-election, see Page 1. The Search Committee will decide which elements of the procedure shall apply.

#### **7. Procedures for taking action in the event of non-attendance**

The Clerk or Chair of Governors will raise the matter informally with the governor who has not been attending.

If attendance does not improve, a formal letter raising the issue will be then sent to the governor concerned (Appendix 7).

In the event of continued non-attendance the issue will be considered at a governors' meeting.

Non-attendance for a period of six months or more will result in a request that the governor resign or face exclusion from the Governing Body.

Date

Dear

At its recent meeting the Governor' Search Committee discussed your application to become a governor. This will now be considered at the next meeting of the Governing Body on .....(date). At that meeting your election will be proposed by the Search Committee.

I was extremely pleased that you were willing to be considered and I shall contact you again after the meeting to tell you the Governing Body's decision.

Please complete the enclosed forms and return them as soon as possible, and in any event before the meeting takes place.

Best wishes,

Yours sincerely

Clerk to the Governors

Enc: Governor nomination form  
Declaration of Eligibility

HEREFORD SIXTH FORM COLLEGE  
PROSPECTIVE GOVERNOR'S BRIEF CURRICULUM VITAE

Candidate's Name ..... Date of birth .....

Home address: .....

.....

Email: .....

Tel (home) ..... Tel (work) .....

Qualifications/Awards after age of 17 .....

.....

Present post:.....

Employing organisation: .....

Size of organisation: .....

Previous roles .....

.....

.....

Skills/expertise/interests

.....

.....

.....

.....

.....

**Annual Declaration of Interests by Governors,  
other Co-opted Committee members and by Senior Postholders**

Governors must agree to conduct business in a spirit of openness and in a way that is socially responsible. This Declaration will form part of a Register of Interests which is intended to assist the identification of any possible or perceived conflict of interest which may arise between service as a Governor and any personal interests. Please note that all aspects of this declaration apply to other co-opted committee members and Senior Postholders in exactly the same way as they do for Governors.

All Governors should act impartially and should not be influenced by social or business relationships. No-one should use their public position to further their private interests. Where there is a potential for private interests to be material and relevant to College business, the relevant interest should be declared as early as possible and recorded in the appropriate Minutes, whether or not that interest is listed on this form. When a conflict of interest is established the Governor should withdraw and play no part in the relevant discussion or decision. Members are reminded that this Register is open to public inspection.

**Please declare overleaf** those personal interests and also those of your close family/friends, which have the potential to conflict with your role as Governor of Hereford Sixth Form College. THEN, IF YOU HAVE ANSWERED 'YES' TO ANY QUESTION, PLEASE GIVE DETAILS BELOW. Continue on a separate sheet if necessary.

**Declaration**

I accept the principles stated above and have declared those personal and close family/friend interests which have the potential to conflict with my role as Governor/Co-opted Committee Member/Senior Postholder of Hereford Sixth Form College. [*Please delete title which does not apply*]

Name .....(Block Capitals)

Signature ..... Date .....

## DECLARATION OF INTERESTS

For each category of interest, please tick either the 'Yes' or 'No' box in answer to each question

**Is there any actual or potential interest for self, spouse, partner, close relative or friend?**

### Category of Interest

Yes                  No

Remunerated employment, office, profession or other activity \_\_\_\_\_

Directorships of companies \_\_\_\_\_

Shareholdings in companies, except where shareholding is less than 1% of all company shares \_\_\_\_\_

Partnerships in business or professional partnerships \_\_\_\_\_

Consultancies (whether or not remunerated) \_\_\_\_\_

Trusteeship of a trust where a Governor or his/her partner or spouse or a member of his/her family may be a beneficiary \_\_\_\_\_

Gifts of hospitality offered by outside bodies and arising from the person's position as Governor \_\_\_\_\_

All known financial interests with the College, such as provision of goods or services or remuneration for lectures or academic consultancies \_\_\_\_\_

Membership of another public body (eg. a school) \_\_\_\_\_

Honorary positions and other positions that might give rise to a conflict of interest or of trust \_\_\_\_\_

Membership of closed organisations (eg. Freemasons, private investment club)

Any other interest which could lead to a conflict of interest \_\_\_\_\_

**PLEASE REMEMBER TO COMPLETE THE DECLARATION ON THE FRONT OF THIS FORM**

**Declaration of Eligibility for Membership of the Governing Body, or for co-opted membership of a Governors' Committee or for service as a Senior Postholder**

*Persons Ineligible to be Members*

- (1) A person who is under the age of 18 years shall be ineligible for appointment as a member except as a student member.
- (2) A person who is a member of staff of the institution shall be ineligible for appointment as a member except as a staff member or in his capacity as Principal.
- (3) A student at the institution shall be ineligible to be appointed as a member except as a student member. A person who is already a member *other than a student member* shall not be required to resign if during his term of office he enrolls on a part-time course at the institution *but if he enrolls on a full-time course at the institution he shall cease to be a member of the Corporation and thereupon the office shall become vacant.*
- (4) The Clerk to the Corporation shall be ineligible to be a member.
- (5) Subject to paragraphs (8) and (9), a person shall be disqualified for holding, or for continuing to hold, office as a member if that person has been adjudged bankrupt or has made a composition or arrangement with his creditors.
- (6) Where a person is disqualified by reason of his having been adjudged bankrupt, that disqualification shall cease:
  - (a) on his discharge from bankruptcy, unless the bankruptcy order made against that person is previously annulled, and
  - (b) if the bankruptcy order is so annulled, on the date of the annulment.
- (7) Where a person is disqualified by reason of his having made a composition or arrangement with his creditors and he pays his debts in full, the disqualification shall cease on the date on which the payment is completed and in any other case it shall cease on the expiration of three years from the date on which the terms of the deed of composition or arrangement are fulfilled.
- (8) A person shall be disqualified for holding, or for continuing to hold, office as a member if, within five years before his appointment, he has been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine.

**DECLARATION**

I confirm that:

- none of the above exclusions is applicable to me
- I am eligible for membership of the Governing Body of the College\*  
**OR** for co-option onto a Committee of the Governing Body of the College\*  
**OR** for service as a Senior Postholder at the College\*  
*(delete as necessary)*
- I am, if being nominated for membership, eligible to be considered for that nomination
- I have read the Code of Conduct for Governors of the College and agree to abide by it

(\* refers to Hereford Sixth Form College)

NAME ..... (Block Capitals)

SIGNATURE..... Date .....

**DECLARATION ON APPOINTMENT AS A GOVERNOR OF  
HEREFORD SIXTH FORM COLLEGE FOR A FIXED TERM**

I have completed the following Governors' forms

- Nomination form and brief curriculum vitae
- Declaration of interests
- Declaration of eligibility

I accept the appointment as a Business/Co-opted/Parent/Local Authority/Community Governor of the College for a term of four years from

..... subject to remaining eligible

Name (in block capitals, please) .....

Signed ..... Date .....

Date

Dear

Your term of office as a Governor of the College expires on .....

Would you please indicate on the detachable slip below if you wish to submit your name for a further four year term of office or to retire.

The Search Committee of Governors will be meeting on ....., so I should be grateful if you would, please, return the slip to me at your earliest convenience in the enclosed envelope.

Yours sincerely

Clerk to the Governors

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I wish to retire from Governorship of Hereford Sixth Form College.

I wish to submit my name for consideration for a further four year term of office.

Name: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Date

Dear

**Attendance at Governors' Meetings**

The Chairman has asked me to draw your attention to the fact that you have not attended a meeting of Governors nor a Committee meeting since \_\_\_\_\_ (*date*).

Non-attendance puts your Governorship in jeopardy under Clause 10 (2a) of the Articles and Instrument of Government. It also puts full meetings of Governors at risk of being inquorate.

Would you please let me know if you are willing to continue as a Governor of the College? I enclose a stamped addressed envelope for your reply.

Yours sincerely

Clerk to the Governors