



# **GOVERNANCE PROCEDURES**

Revised November 2021

**2021-22**

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## Purpose

These procedures detail the responsibilities and operating principles which follow from the Academy Articles of Association.

These Governance Procedures draw on the Academy Articles of Association: Model One, June 2021 DfE, and also on the *Governance Handbook for Academies, multi-academy trusts and maintained schools, October 2020*, and the revised *Academies Financial Handbook*.

Previous versions of the Procedures were based on the Instrument & Articles of Government for Further Education Colleges (2008), following the Learning and Skills Act (2000) and the Further Education Boards (Former Sixth Form Colleges) (Replacement of Instrument and Articles of Government) Order 2007, as amended by the Education Act 2011.

A separate HSFC Governor Handbook will summarise the procedures but also contains further information about the roles and responsibilities of Governors.

## Background

The College became an academy within a single academy trust formed in 2016 and subsequently established a multi-academy trust (MAT) in April 2019. Hereford Sixth Form College and other Colleges within the MAT have their own Local Governing Bodies, and are managed by this trust, the Heart of Mercia Trust.

- Business name: Heart of Mercia MAT
- Place of registration: UK
- Registered number: 10499174, registered on 28/11/2016
- Registered office: Hereford Sixth Form College, Folly Lane, Hereford. HR1 1LU

The Heart of Mercia multi-academy trust governing structure and its aims and responsibilities are detailed in its Governance Procedures. Local Governing Bodies are effectively committees of the MAT Board. Their responsibilities cover Strategy and leadership, Education and Curriculum issues. Financial and resource issues are detailed in the MAT scheme of delegation.

An Academy Trust is a charitable company limited by guarantee. It is an independent legal entity with whom the Secretary of State has decided to enter into a funding agreement on the basis of agreeing their Articles of Association with the DfE. The DfE sets very few requirements relating to the constitution of the Board of Trustees. The DfE's model Articles of Association set out the rules on how Boards of Academies must operate. Academy Trusts must also comply with the statutory duties arising from the Companies Acts and Charities Acts.

## 1. Terminology

These governance procedures are based on a legal document called the Academy Articles of Association: Model One. The objects, requirements of Directors, Governors and Trustees, proceedings and frequency of meetings, the calling of special meetings and the way they should be run (including the reconsideration of resolutions) are all set out in the Articles. All Academy Trusts, as charitable companies, have both Trustees and Members. Trustees are both charity trustees and company directors of the Academy Trust. Members are Trustees who were signatories to the Memorandum and Articles of Association of the Academy Trust. Members hold the Trustees to account and can appoint and remove Trustees.

Hereford Sixth Form College is overseen by a Board of Governors, the Local Governing Body. The Local Governing Body reports to the Trustees of the Heart of Mercia Trust.

*No Trustee/Director or Governor has power as an individual:* Governors can only act when they meet together as a Board. The various types of Governors are set out in Section 2, but all Governors have the same status and nominated Governors are not delegates of the group that nominated them. The Board of Governors is referred to as the Local Governing Body or sometimes simply the “Board”.

## 2. Categories of Board Membership

The Local Governing Body (LGB) or Board of the College shall consist of up to 20 governors according to the Articles, and is constituted as follows:

Independent Governors	15
Parent Governors	2 (elected)
Staff Governors	2 (elected)
Principal (ex-officio)	<u>1</u>
Total	<u>20</u>

The MAT Executive Principal or a nominated MAT senior postholder will normally be in attendance at LGB meetings. A MAT Trustee may attend an LGB meeting when appropriate.

## 3. Operating Principles and Procedures

### *Absence of Chair and Vice-Chair*

In the event of the absence of both Chair and Vice-Chair the Governors’ meeting will elect an acting chair, excluding the Principal, Staff and Student Governors.

### *Agendas*

All Board and any committee agendas will have standing initial items that:

- request any interest or gift to be declared that is relevant to that agenda;
- identify items on the agenda that will be deemed confidential to the Board.

Where possible agenda items will be marked for decision and papers will have a clear recommendation for the Governors to consider.

### *Chairs' and Vice Chairs' election and Chairs' Terms of Office*

The Chair and Vice-Chair of the Board will be elected/re-elected annually at the final meeting of the academic year. Committee Chairs are elected at the first committee Meeting of an academic year. However, there are limits on Chairs' tenure of office:

- i. A Governor may serve as Chair of the Board for a maximum of eight years, subject to annual re-election. The Search Committee may give consideration for re-nomination for a further term. A statement in support of re-election should be submitted to the Committee
- ii. Committee Chairs may hold the post for three years, subject to annual re-election

### *Chair of Board's Delegated Powers*

The Chair has the authority to act on behalf of the Board in cases of urgency on any significant matter where delay is likely to be seriously detrimental to the College, a student or member of staff. Wherever possible there would be consultation with at least one other Governor in these circumstances. Chair's action must be reported back to Governors no later than the next meeting of the full Governing Body.

### *Code of Conduct*

The Governors follow the Code of Conduct adopted by the MAT Trustees, and have adopted the Code of Conduct (Appendix 2) based on the Nolan Principles.

### *Complaints*

There is a procedure for dealing with complaints against Governors or the Board as a whole. It is Appendix 5 to this document. A separate procedure deals with complaints against the College.

Complaints addressed directly to the Board, the Chair's response and any further outcomes will be reported to Governors at the next scheduled Board meeting.

### *Decisions and Voting at Board and Committee Meetings*

- Decisions at meetings shall be passed on the basis of a majority decision taken by those who attend and vote at a quorate meeting.
- All members of a committee will comply with the doctrine of collective responsibility and stand by a decision even if it was not taken unanimously.
- In the case of an equality of votes, the Chair of the meeting (or in his or her absence, the Vice Chair or Acting Chair) shall have a second or casting vote.

### *Declaration of Eligibility*

All Governors, non-governor Co-opted Committee Members and Senior Postholders sign a declaration of eligibility on appointment and thereafter annually. (Appendix 4).

### *Declaration of Interests*

All Governors are asked on appointment and thereafter annually to sign a Declaration of Interests, a copy of which is to be found at the end of this document (Appendix 3). The Clerk will maintain a Register of Interests and

Governors must inform him of any relevant change in their circumstances. Non-governor Co-opted Committee Members, Senior Postholders and those dealing with the College finances must also sign a Declaration of Interests. (See also 'Agendas')

#### *Principles applying to connected party relationships*

Academy trusts must be even-handed in their relationships with connected parties by ensuring that Trustees, understand and comply with their statutory duties as company directors to avoid conflicts of interest, not to accept benefits from third parties, and to declare interest in proposed transactions or arrangements. These principles also apply to the Local Governing Body.

The College's register of interests must capture relevant business and pecuniary interests of members, trustees and senior employees.

The College must pay no more than 'cost' for goods or services provided to it by the following persons ('services' do not include services provided under a contract of employment):

- any governor or trustee of the academy trust
- any individual or organisation connected to a governor or trustee of the academy trust.

More detail can be found at the end of this document (Appendix 3a)

#### *Expenses*

Although Governors are not paid, the MAT Board has agreed to reimburse them for necessary travelling, subsistence or other expenses at the College rates. Activities involving significant expense, e.g., travel abroad must be approved by the MAT Board in advance.

#### *Papers for Governors' and Committee Meetings*

Papers shall be made available to Governors at least a week before any meeting.

#### *Meetings: focussing discussion on important issues*

Governance necessarily involves consideration of long and complex College policy or procedural documents, and this consideration needs to be dealt with in an efficient manner. If an entirely new policy document has been prepared for any committee of the Board, there may be more points of detail than can be considered efficiently at a meeting. Examples of points of detail are errors of written English, lack of sense or factual mistakes. In this situation, a Governor should contact the Principal before the meeting, so as to resolve minor points beforehand. The Clerk should be contacted if he has prepared the document under consideration. Time at the meeting can then be devoted to unresolved issues and matters of substance.

A similar situation can arise for full Governors' Meetings, either when a document comes straight to the Board, rather than through a Committee, or where a Governor has concerns about a document that has already been considered by a Committee of which that Governor is not a member. In either case, points of detail or of a technical nature, if there are many of them, should be resolved before the meeting, either through the Principal or through the Chair of the appropriate Committee, if the document has already been

considered by that Committee. Again, the Clerk should be contacted if he is the author of the document being considered.

None of the above is intended to restrict Governors' comments on documents, either at Committees or at meetings of the full Board. On the contrary, Governors must feel able to comment on or challenge any document or issue: good governance relies upon this. The idea is to resolve points of detail efficiently so as to focus Governors' discussions on matters of substance.

#### *Mission Statement*

This will be reviewed annually.

#### *Public Access*

Attendance at Governors' meetings by persons who are not on the Board is at the Chairman's discretion. Agenda papers and minutes of Board meetings and of any Committees are available to the public through enquiry at the College Office during normal working hours. In addition, minutes of Board meetings (other than confidential minutes) are published on the College's website. Where papers are to be treated as confidential this will be decided at the appropriate committee or Board meeting. The College Policy on *Access to Information* is contained in Appendix 6.

#### *Quorum*

The Board consists of up to 20 members. Its meetings are quorate when there are at least one third, rounded to a whole number, of members present.

#### *Terms of office/re-election*

Appendix 1 shows when Governors' terms of office expire. Governors may be re-nominated for election, after scrutiny by the Search Committee. The Search Committee will decide which elements of the Appointment procedure shall apply, and will weigh the value of refreshing Board membership against experience.

#### *"Whistle blowing"*

Procedures have been circulated to all staff and are contained in Appendix 7.

Further information and guidance on the rules and procedures are available in the Academy Articles of Association, and in academy and college governance guidance for Trustees, Governors and Clerks produced by DfE, DBIS and the Funding Bodies. DBIS, part of DBEIS since 2016, was the principal regulator and sponsor department of FE and Sixth Form Colleges, with the DfE, alongside the Education and Skills Funding Agency (ESFA).

## **4. Procedures for Electing Governors**

This is a summary of the procedures for appointment of Governors which are detailed in a separate document. See section 2 of these procedures for the numbers of each category of Governor.

### *Independent Governors (15)*

Recommendations are made through the Search Committee, the Principal or other Governors. The Principal and Clerk follow up recommendations. The term of office is 4 years. Governors would normally serve for two terms. Independent Governors are ultimately approved by the MAT.

### *Parent Governors (2)*

When there is a vacancy, a parent Governor is nominated and is eligible to serve for four years. Parent Governors do not have to resign when their son/daughter leaves the College. If there are several candidates, the Clerk to the Governors organises a ballot.

### *Staff Governors (2)*

Nominations are received from staff and all staff (teaching and support staff) are eligible to vote. Staff Governors serve for 4 years, or until they leave College or resign, whichever occurs first.

### *Student Governors*

When there is a vacancy, one student Governor is nominated each year from first year students. Student Governors serve for 4 years or until they leave College, whichever occurs first. The Co-ordinator of Student Affairs (a Tutor) is the Returning Officer and organises student nominations and a ballot.

### *The Principal*

The Principal is senior executive leader and a Governor, whose term of office lasts throughout his service as Principal.

The Principal's responsibilities are summarised in a job description derived from the Academy Articles of Association, Academies Financial Handbook and Instrument and Articles of Government for Further Education Colleges (2008) (See Appendix 8). As well as managing the College, he/she is the Governors' chief professional adviser and the Accounting Officer of the College.

### *Clerk to the Governors*

The Clerk to the Governors, appointed by the Board, is independent and helps the Board understand its role, functions and legal duties and ensures that agendas and minutes are sent out, records kept and correct procedures followed in accordance with the Articles of Association. The Clerk supports the Chair in facilitating strategic debate and decision making. He/she meets with the Chair of the Board independently of the Principal and is accountable to the whole Board.

His/her job description derives from *College Governance: A Guide for Clerks* (FEFC 1996), *An Introductory Guide for New Clerks in College Governance* (LSIS July 2013) and *Governance Handbook for Academies, October 2020* (see Appendix 12).

### *Vice Principals*

Vice Principals will normally attend Governors' meetings.

## 5. **Governors' Committees**

### *Committees and clerking*

The Board has agreed to work through the following standing committees:

- Search

All Committees are advisory and none has financial powers, unless the Board resolves that they are needed for a specific purpose.

The Clerk to the Governors will clerk all committees, either in person or by delegation to a named individual.

### *Membership*

Committee membership is as stated in Appendix 9 unless amended by the Board. Membership of committees will be reviewed annually (Appendix 9).

The Chair of the Board is an ex-officio member of all committees with the exception of Audit where applicable.

The Principal can be a member of all committees with the exception of Audit and Remuneration where applicable.

Committees elect a Chair annually at the first meeting of an academic year. Vice Chairs are not elected, unless so resolved by individual committees. If the Committee Chair is absent from a meeting, the members of the committee who are present shall elect an Acting Chair for that meeting.

Any Committee of the Board may co-opt additional non-Governor members by a majority vote of all its members. Such members must, however, be approved by the Search Committee and appointed by the Board. They have a vote in the same way as other committee members but may not contribute to the quorum nor count within the Committee total in determining the size of the quorum, and may not be elected as Chair or Acting Chair. These co-options will be limited to two years unless the Board decides, exceptionally, to extend the co-option.

Attendance at Committee meetings by persons who are not committee members is at the invitation of the Committee Chair, e.g., committees may extend invitations to staff or auditors for information or consultation.

### *Quorum*

The quorum for committee meetings shall be 40% of the membership excluding co-opted members, unless the Board shall specify a higher quorum for a particular committee. The way this rule is currently applied is set out in Appendix 9.

### *Rules for Meetings*

At least 10 days written notice will be given for committee meetings, and papers will be circulated at least a week before each meeting.

Minutes will be taken at each committee meeting by the Clerk to the Governors or a substitute. They will be made available, whenever possible, to all Governors before their next full meeting, when approval of the Committee's minutes will be sought and decisions made on any recommendations. If a Governors' meeting decides that an item in the Minutes is confidential, it shall

also decide when the item shall be reconsidered, either for release as a non-confidential item or to remain confidential for a further specified period

Attendance at the meeting will be recorded in the minutes.

Meetings will take place at least once per term with the exception of the Search Committee (as appropriate).

The Chair will discuss agendas with the Clerk. Informal discussion will also take place with the Principal when appropriate.

The rules governing decisions and voting at Committees will be the same as those of the Board meetings.

## **6. Structure and Terms of Reference of Committees**

### *Search Committee*

#### Membership

- The Search Committee shall consist of the Chair of the Board, the Principal and a minimum of two other Governors.
- Specific Quorum: three Governors

#### Co-option

- The Search Committee shall have power to employ the services of such external advisors as it deems necessary. The committee can co-opt any Governor who shall, when present, count towards the quorum.

#### Terms of Reference

- To be responsible for nominating candidates for the approval of the Board to fill vacancies, and for determining the process whereby candidates are nominated;
- to consider and make recommendations to the Board on its composition and balance, and on the procedures for appointment to the Board;
- to consider the contribution of individual Governors before proposing re-appointment;
- to review the 'Procedures for Appointment of Governors' at least every two years.

#### Servicing Officer

- Clerk to the Governors

## **7. The Role of Governors**

In a multi-academy trust, the MAT Board of Trustees is legally accountable for the decisions made in all its academies, but this does not mean the MAT Board is required to make them all itself; it can delegate decisions to the Executives and to the Local Governing Bodies. An LGB is well placed to assess whether a college is working within agreed policies, meeting agreed

targets and managing its finances well, and governors have the ability to scrutinise delegated areas in greater depth than the MAT Board and to 'feed' information up to the Trustees in a timely and succinct manner.

MAT and Academy Trustees are also charity trustees and as such they must comply with the following duties under charity law:

- ensure the charity is carrying out its purposes for the public benefit
- comply with the charity's governing document and the law
- act in the charity's best interest
- manage the charity's resources responsibly
- act with reasonable care and skill
- ensure the charity is accountable

and also, as company directors, must comply with their statutory duties as set out in the Companies Acts:

- act within their powers
- promote the success of the company
- exercise independent judgement
- exercise reasonable care, skill and diligence
- avoid conflicts of interest
- not to accept benefits from third parties
- declare any interest in proposed transactions or arrangements

The LGB Governor's role reflects the MAT Scheme of Delegation, but within the framework aims:

- to provide the College with corporate leadership within a framework of prudent and effective controls which enables risk to be assessed and managed. Governors through the Board should set the College's strategic aims, and values set by the MAT, and ensure that its obligations to its stakeholders and others are understood and met;
- to provide soundness and independence of judgement in the stewardship of public funds so that a quality service may be provided and legal statutory duties are discharged;
- to ensure that arrangements are in place for the appointment of senior postholders and provide a framework for pay and conditions of all College staff as determined by the MAT.

In order to discharge this role effectively, Governors should:

- adhere to the Seven Principles of Public Life derived from the Nolan Report on Standards in Public Life (see Appendix 2);
- comply with the Requirements for Good Governance, as defined by the Independent Commission on Good Governance in Public Services and requirements of DfE Governance Handbook for Academies October 2020(see below);
- be aware of potential conflicts of interest and how to act when such conflict arises or threatens to arise;
- make their specialist and/or professional knowledge available to the decision-making processes of the Board and its Committees, but avoid giving direct professional advice to the College management;
- act in the best interests of the College at all times;
- understand and observe the requirements for confidentiality with respect to the governance and interests of the College;

- act as an ambassador for the College, and not compromise the good name of the College by any action;
- attend all meetings of bodies of which they are members unless there are compelling personal reasons why attendance is not possible, in which case apologies should be submitted to the Clerk in advance;
- participate in an annual review of the Board's own performance; and
- attend training sessions and development events, including any Governors' Conference which may be arranged.

### *Requirements for Good Governance*

Governors are expected to comply with the Requirements for Good Governance, which are described in the Report published by the Independent Commission on Good Governance in Public Services, in January 2005, and with the DfE Governance Handbook for Academies October 2020 (see Appendix 2).

The DfE Governance Handbook for Academies October 2020 defines six key features of effective governance:

- Strategic leadership that sets and champions vision, ethos and strategy
- Accountability that drives up standards and financial performance
- People with the right skills, experience, qualities and capacity
- Structures that reinforce clearly defined roles and responsibilities
- Compliance with statutory and contractual requirements
- Evaluation to monitor and improve the quality and impact of governance

### *Responsibilities of Governors and Principal*

The Board is ultimately responsible for everything in the College, but to make matters workable, management is delegated to the Principal and staff.

The distinction between the roles of the Board and the Principal are summarised below (and more formally in Appendix 11). This makes clear the Governors' high level, strategic decision making and monitoring role, working in close partnership with the Principal and his team. In addition to the responsibilities shown, the MAT Board also takes certain high-level financial decisions itself. For example, it approves building plans, financial accounts and the appointment and pay of Senior Postholders.

Briefly the responsibility is split:

<b>BOARD</b>	<b>PRINCIPAL</b>
Determines framework/policy	Manages
Takes strategic decisions	Prepares strategic plans
Monitors/oversees	Proposes
Challenges assumptions	Implements
Evaluates information	Informs
Forms independent judgement	Gives professional advice

## *The Role of Governors in Quality Assurance*

### *Aims*

- To ensure Governors have the information to perform their statutory duties
- To provide information to allow Governors to determine whether the mission and strategic aims of the College are being met through agreed performance indicators
- To provide information to inform strategic planning
- To provide evidence through agreed performance indicators to allow Governors to assess the quality of work and resources of the College
- To provide opportunities for Governors to participate in the life of the College
- To provide an opportunity for Governors to review their work and identify training or information needs
- To enhance communication between Governors, staff and students.

### *Procedures*

The Board and all Governors' committees will have a quality assurance remit determined by their terms of reference.

The Governors will review the *Quality Assurance Policy and Procedures* on an annual basis.

The major sources of information for the Board will be the annual Report and Financial Statements, financial forecast, strategic plan and annual self-assessment report which will contain summaries and analysis of information derived from the quality assurance procedures covering all aspects of the College.

The Board or appropriate Committee will approve the annual Financial Statements, strategic plan and financial forecasts at the appropriate times.

### *Supporting documents*

Information on the following will be made available to all Governors, with additional material for committees where applicable.

- *Strategic Plan.*
- Student data on applications, enrolments, retention, absence, destination.
- Responses to student questionnaires.
- *Curriculum Policy* - summary of proposed curriculum
- Department and College reports
- Summary of performance in extra-curricular activities and evaluation of programme
- Analysis of examination results - raw and value added
- *Quality Assurance Policy and Procedures*
- Self-Assessment Report
- Annual Report and Financial Statements
- Financial forecast, budget, Treasury management policy
- Accommodation strategy and space utilisation data

- Staff/student ratios and set sizes
- Prospectus

#### *Governors' Self Assessment.*

Governors will review their work on an annual basis and will produce a report based on the Ofsted inspection framework, and with reference to the knowledge, skills and behaviours needed for effective governance.

The DfE's guidance on the knowledge, skills and behaviours needed for effective governance in maintained schools, academies and multi-academy trusts is set out in *A Competency Framework for Governance, DfE January 2017*.

The guidance is non-statutory but nonetheless outlines DfE thinking on the essentials of effective governance and the expectation is clearly that governing bodies and academy trust boards should be mindful of these competencies both in recruiting governors and trustees and in shaping the development and training priorities for governance in their college or trust.

The Governors' Self Assessment report will be incorporated into the College's Self-Assessment Report, and will summarise evidence indicating:

- Governors' role in strategic planning
- Extent to which Governors meet their responsibilities
- Attendance at meetings
- Use of specific skills of Governors
- Quality and frequency of Governor training

## Appendix 1

### Governors of the Hereford Sixth Form College, Local Governing Body 2021-22

Name	Category	First appointed to Board	Appointed as LGB Governor	Expiry of term as Governor
Mr Adrian Allan	Independent	11.10.18	01.04.19	31.03.23
Mr Graham Biggs	Independent		21.05.20	10.09.21 (R )
Mr Andy Clarke	Staff		16.01.20	15.01.24*
Mr Peter Cooper	Principal	01.09.17	01.04.19	On leaving
Miss Lois I V Knight	Student		21.10.21	On leaving
Dr David Langley	Independent		19.11.20	18.11.24
Mr James Miller (C)	Independent	19.03.09	01.04.19	31.03.23
Mrs Vicky Orsmond	Staff		26.09.19	25.09.23*
Mr Andy Roberts	Parent		21.05.20	20.05.24
Rev Kina Robertshaw	Independent		21.01.21	20.01.25
Ms Beth Rudolf	Parent		21.05.20	20.05.24
Mr Felix Smithson	Student		19.11.20	On leaving
Mrs Danielle Thompson	Independent	11.10.18	01.04.19	31.03.23
Mrs Catriona Ward	Independent	11.10.18	01.04.19	31.03.23
Sarah Woodall	Independent		01.06.19	31.05.23

\*The terms of office of staff governors automatically end when they leave the College.

#### Non-Governor co-opted on to Governors' Committees

None.

The Clerk to the Governors is Mr Robert Gorman.

### Code of Conduct for Governors of Hereford Sixth Form College

Individual members of the Board share equally the responsibilities and accountabilities of the Board. Each Governor is asked to subscribe to this Code of Conduct based on the Seven Principles of Public Life.

A Governor should:

- support the aims and objectives of the College and promote the interests of the College and its students in the wider community;
- work co-operatively with other Governors in the best interests of the College;
- acknowledge that difference of opinion may arise in discussion of issues but, when a majority decision of the Board prevails, it should be supported.
- base his or her view on matters before the Board on an honest assessment of the available facts, unbiased by partisan or representative views;
- acknowledge that as an individual Governor, he or she has no legal authority outside the meetings of the Board and its committees;
- understand that an individual Governor does not have the right, other than through the Chairman and Board's agreement, to make statements or express opinions on behalf of the Governors;
- resist any temptation or outside pressure to use the position of Governor to benefit himself or herself or other individuals or agencies;
- declare openly and immediately any personal conflict of interest arising from a matter before the Governors or from any other aspect of Governorship;
- respect the confidentiality of those items of business which the Board decides from time to time should remain confidential;
- take or seek opportunities to enhance his or her effectiveness as a Governor through participation in training and development programmes and by increasing his or her knowledge of the College;
- give priority, as far as practicable, to attendance at meetings of the Board and its committees;
- have regard to his or her broader responsibilities as a Governor of a public institution, including the need to promote public accountability for the actions and performance of the Board.
- never use his or her position to develop a personal relationship with any student, either within College or outside it.
- feel able to visit the College at any time, but should let the Principal know when they arrive.
- not make statements to the press or media or at any public meeting relating to the proceedings of the Board or its Committees without first having notified the Chair or, in his or her absence, the Vice Chair.
- not publicly criticise, canvass or reveal the views of other members which have been expressed at meetings of the Board or its Committees.

## **The Seven Principles of Public Life**

### *Selflessness*

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

### *Integrity*

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

### *Objectivity*

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

### *Accountability*

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

### *Openness*

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

### *Honesty*

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

### *Leadership*

Holders of public office should promote and support these principles by leadership and example.

## Requirements for Good Governance

The following requirements are an extract from those published by the Independent Commission on Good Governance in Public Services, in January 2005.

Good governance means:

(1) focusing on the organisation's purposes and on outcomes for citizens and service users -

- being clear about the organisation's purposes and its intended outcomes for citizens and service users;
- making sure that users receive a high quality service; and
- making sure that taxpayers receive value for money;

(2) performing effectively in clearly defined functions and roles -

- being clear about the functions of the Board;
- being clear about the responsibilities of the non-executives and the executive, and making sure that those responsibilities are carried out; and
- being clear about relationships between the Governors and the public;

(3) promoting values for the whole organisation and demonstrating the values of good governance through behaviour -

- putting organisational values into practice; and
- individual Governors behaving in ways that uphold and exemplify effective governance;

(4) taking informed, transparent decisions and managing risk -

- being rigorous and transparent about how decisions are taken;
- having and using good quality information, advice and support; and
- making sure that an effective risk management system is in operation;

(5) developing the capacity and capability of the Board to be effective -

- making sure that appointed and elected Governors have the skills, knowledge and experience they need to perform well;
- developing the capability of the people with governance responsibilities and evaluating their performance, as individuals and as a group; and
- striking a balance, in the membership of the Board, between continuity and renewal;

(6) engaging stakeholders and making accountability real -

- understanding formal and informal accountability relationships;
- taking an active and planned approach to dialogue with accountability to the public;
- taking an active and planned approach to responsibility to staff;
- engaging effectively with institutional stakeholders.

## Effective Governance

The following is an extract from the DfE Governance Handbook for Academies October 2020.

Effective governance is:

- Ensuring clarity of vision, ethos and strategic direction;
- Holding executive leaders to account for the educational performance of the organisation and its students, and the effective and efficient performance management of staff; and
- Overseeing the financial performance of the organisation and making sure its money is well spent.

And is based on six key features:

- Strategic leadership that sets and champions vision, ethos and strategy.
- Accountability that drives up educational standards and financial performance.
- People with the right skills, experience, qualities and capacity.
- Structures that reinforce clearly defined roles and responsibilities.
- Compliance with statutory and contractual requirements.
- Evaluation to monitor and improve the quality and impact of governance.

**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. Governors and others 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*

<b>Category of Interest</b>	<b>Is there any actual or potential interest for self, spouse, partner, close relative or friend?</b>	
	<b>Yes</b>	<b>No</b>
Remunerated employment, office, profession or other activity		
Governorships 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 Trustee/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		

**IF YOU HAVE ANSWERED 'YES' TO ANY OF THE QUESTIONS ABOVE, PLEASE GIVE DETAILS IN THE SPACE PROVIDED ON THE PRECEDING PAGE**

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

## Principles applying to connected party relationships

(Extracted from the Academies Financial Handbook)

Academy trusts must be even-handed in their relationships with connected parties by ensuring that:

- trustees understand and comply with their statutory duties as company directors to avoid conflicts of interest, not to accept benefits from third parties, and to declare interest in proposed transactions or arrangements
- all members, trustees, and senior employees have completed the register of interests retained by the trust, and there are measures in place to manage any conflicts of interest
- no member, trustee, employee or related individual or organisation uses their connection to the trust for personal gain, including payment under terms that are preferential to those that would be offered to an individual or organisation with no connection to the trust
- there are no payments to any trustee by the trust unless such payments are permitted by the articles, or by express authority from the Charity Commission and comply with the terms of any relevant agreement entered into with the Secretary of State. Trusts will in particular need to consider these obligations where payments are made to other business entities who employ the trustee, are owned by the trustee, or in which the trustee holds a controlling interest
- the Charity Commission's prior approval is obtained where the trust believes a significant advantage exists in paying a trustee for acting as a trustee
- any payment provided to the persons outlined below satisfies the 'at cost' requirements below.

### Register of interests

The academy trust's register of interests must capture relevant business and pecuniary interests of members, trustees and senior employees, including:

- Governorships, partnerships and employments with businesses
- trusteeships and governorships at other educational institutions and charities
- for each interest: the name of the business; the nature of the business; the nature of the interest; and the date the interest began

### Goods or services provided by individuals or organisations connected to the academy trust - the 'At Cost' requirements

A trust **must** pay no more than 'cost' for goods or services provided to it by the following persons ('services' do not include services provided under a contract of employment):

- any member or trustee of the academy trust
- any individual or organisation connected to a member or trustee of the academy trust.

For these purposes the following persons are connected to a member, or trustee:

- a relative of the member or trustee. A relative is defined as: a close member of the family, or member of the same household, who may be expected to influence, or be influenced by, the person. This includes, but is not limited to, a child, parent, spouse or civil partner
  - an individual or organisation carrying on business in partnership with the member, trustee or a relative of the member or trustee
  - a company in which a member or the relative of a member (taken separately or together), and/or a trustee or the relative of a trustee (taken separately or together), holds more than 20% of the share capital or is entitled to exercise more than 20% of the voting power at any general meeting of that company
  - an organisation which is controlled by a member or the relative of a member (acting separately or together), and/or a trustee or the relative of a trustee (acting separately or together). For these purposes an organisation is controlled by an individual or organisation if that individual or organisation is able to secure that the affairs of the body are conducted in accordance with the individual's or organisation's wishes
- 
- any individual or organisation that is given the right under the trust's articles of association to appoint a member or trustee of the academy trust; or any body related to such individual or organisation
  - any individual or organisation recognised by the Secretary of State as a sponsor of the academy trust; or any body related to such individual or organisation

A body is related to another individual or organisation if it: is controlled by the individual or organisation; or controls the organisation; or is under common control with the individual or organisation. For these purposes control means:

- holding more than 20% of the share capital (or equivalent interest), or
- having the equivalent right to control management decisions of the body, or
- having the right to appoint or remove a majority of the board or governing body

The 'at cost' requirement does not apply to the trust's employees unless they are also one of the parties described above.

While these provisions do not apply to contracts of employment, the same principles of securing value for money and using public money properly, including managing conflicts of interest, will still apply. Salaries paid should be appropriate to the individual's skills and experience and the salary rates paid in the wider market

The 'at cost' requirement applies to contracts for goods and services from a connected party agreed by the academy trust on or after 7 November 2013.

The 'at cost' requirement applies to contracts for goods and services from a connected party exceeding £2,500, cumulatively, in any one financial year of the trust. For these purposes, where a contract takes the trust's cumulative annual total with the connected party beyond £2,500, the element above £2,500 must be at no more than cost.

Academy trusts **must** ensure that any agreement with an individual or organisation referred to above to supply goods or services to the trust is properly procured through an open and fair process and is:

- supported by a statement of assurance from that individual or organisation to the trust confirming that their charges do not exceed the cost of the goods or services, and
- on the basis of an open book agreement including a requirement for the supplier to demonstrate clearly, if requested, that their charges do not exceed the cost of supply

For these purposes the cost will be the 'full cost' of all the resources used in supplying the goods or services. Full cost includes:

- all direct costs (the costs of any materials and labour used directly in producing the goods or services)
- indirect costs (comprising a proportionate and reasonable share of fixed and variable overheads)

Full cost **must not** include an element of profit.

**Declaration of Eligibility to act as a Governor, a co-opted member of a Governors' Committee or for service as a Senior Postholder of Hereford Sixth Form College and Disability Declaration**

*Persons Ineligible to be Governors/Trustees/Directors*

- (1) A person who is under the age of 18 years shall be ineligible for appointment as a Governor except as a Student Governor.
- (2) A person who is a member of staff of the institution shall only be eligible for appointment as a Staff Governor or in his/her capacity as Principal.
- (3) A student at the institution shall only be eligible to be elected as a Student Governor. A Governor who is not a *Student Governor* shall not be required to resign if during his/her term of office he/she enrolls on a part-time course at the institution *but if he/she enrolls on a full-time course at the institution he/she shall cease to be a Governor.*
- (4) The Clerk to the Corporation shall be ineligible to be a member of the Board.
- (5) A person shall be disqualified from being a Governor/ Trustee/ Director if that person has been adjudged bankrupt and/or his/her estate has been seized from his/her possession for the benefit of his/her creditors and the declaration of seizure has not been discharged, annulled or reduced;

or is the subject of a bankruptcy restrictions order or an interim order

or has made a composition or arrangement with creditors, including an individual voluntary arrangement.

Disqualification shall cease on the date of that person's discharge, annulment or rescission from bankruptcy or on the date on which the payment is completed.

- (6) A person shall be disqualified from holding, or from continuing to hold, office as a Governor/Trustee/Director if;
  - a) at any time he/she is subject to a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986 or to an order made under the Insolvency Act 1986, by the Charity Commission or by virtue of any provision of the Companies Act 2006
  - b) he/she has been removed from the office of charity trustee for a charity by an order made by the Charity Commission or the High Court
  - c) at any time he/she has been convicted, whether in the United Kingdom or elsewhere, of any criminal offence, excluding any that have been spent under the Rehabilitation of Offenders Act 1974 as amended, and excluding

any offence for which the maximum sentence is a fine or a lesser sentence except where a person has been convicted of any offence which falls under section 178 of the Charities Act 2001

- d) he/she is a designated person for the purposes of anti-terrorism legislation
- e) he/she is on the sex offenders register
- f) he/she has been found in contempt of court for making (or causing to be made) a false statement

## DECLARATION

I confirm that:

- none of the above exclusions is applicable to me.
- I shall inform the Clerk immediately if I become disqualified from being a Governor as a result of bankruptcy, criminal conviction or any other Disqualification reason
- I am eligible for :  
membership of the Board of Governors of the College  
**OR** for co-option onto a Committee of the Board of the College  
**OR** for service as a Senior Postholder at the College.  
*(delete as necessary)*
- I hereby authorise checks being made on any qualification that I have offered to secure (or with a view to securing) the above position.
- I hereby authorise statutory DBS checks being made.
- 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.

NAME ..... (Block Capitals)

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

### Complaints against the Board

#### *Introduction*

Anyone can make a complaint about the College if they have a relevant interest. There is a full procedure for dealing with such complaints which is freely available from the College Office. It is expected that complaints about teaching, guidance, resources or management decisions thought to be unreasonable would normally be dealt with through this procedure which provides for appeal to the Board and if necessary to the Department for Education.

However, should there be a complaint against the decisions or behaviour of a Governor or the Board there is a separate procedure which is explained below.

The College and Governors will be unable to deal with complaints that fall outside their authority or if there is a more appropriate form of redress such as a complaint against an external agency or if the issue is subject to legal proceedings.

#### *Informal Complaints*

An informal complaint should be notified to the Chair of the Board who will make a full analysis of the nature of the complaint and give either a full or a preliminary explanation within ten working days.

It is intended that complaints would normally be dealt with at this level. Complainants that are not satisfied by the initial response should make a formal written complaint.

#### *Formal complaints*

Formal complaints will be in written form, will be acknowledged within ten working days and investigated fully.

Formal complaints will be the responsibility of a sub-committee of the full Board which will, if necessary, constitute a special meeting to consider the complaint once all available evidence has been collected.

The decision and proposed actions of the sub-committee will be communicated to the complainant within fifteen to twenty working days of the complaint and it will be established whether the complainant is satisfied with the outcome.

An individual can complain to the Regional School Commissioner (RSC) if they believe that an Academy Board is acting 'unreasonably', or is failing to carry out its statutory duties properly. RSCs act on behalf of the Secretary of State for Education and work with the ESFA to provide oversight and scrutiny of academy trusts' performance

If the complainant is still dissatisfied, the matter will be referred for independent review with the Department of Education, which may be contacted on-line at [www.gov.uk](http://www.gov.uk).

Complaints to the DfE or the ESFA about schools (including academies) or sixth form colleges can be made using an online form. Guidance is available explaining complaints procedures through the Department's website.

Using the enquiry form is the quickest way to contact, but the ESFA can accept hard copy documents sent to:

ESFA – Academies Complaint and Customer Insight Unit  
Cheylesmore House  
Quinton Road  
Coventry  
CV1 2WT

Before escalating a complaint to the ESFA, it should first be taken up with the College, and the College's complaints procedure followed.

The ESFA cannot change an academy's/college's decision about a complaint. Its role is to make sure the institution handles the complaint properly. The ESFA will only be able to consider a complaint if evidence has been provided that the institution:

- does not have a complaints procedure
- did not provide a copy of its complaints procedure when requested
- does not have a procedure that complies with statutory regulations
- has not followed its published complaints procedure
- has not allowed its complaints procedure to be completed

The ESFA is not able to:

- overturn the governing body's decision
- re-investigate your original complaint
- review the accuracy of minutes taken or documents provided
- order the academy to pay you compensation
- direct the academy to discipline / exclude pupils
- force the academy to discipline / dismiss staff
- instruct the academy to apologise to you

Records of any complaint and its hearing will be kept in the College Office for a minimum of three years.

### *Conclusion*

It is intended to deal with complaints as speedily and effectively as possible and the above procedures are designed to achieve this. There is the possibility of further referral to the Department for Education and the Secretary of State.

### **Hereford Sixth Form College - Access to College Information**

#### *Introduction*

This framework sets out the policy of Hereford Sixth Form College in relation to access to information.

Information about College activities is generally available to the public on request. In particular, the documents listed at Appendix A are readily available for inspection.

Use of information will comply with the Data Protection Act 1988.

#### *Access to College Documentation*

Any person wishing to inspect the documents listed at Appendix A, below, may do so by enquiring at the College Office.

Copies of some of these documents are available free of charge - prospectus (including examination results), Charter and Inspection Report.

The remaining documents are available for inspection only.

#### *Confidential Information*

Some information held by the College is confidential and will be withheld from any documentation or other information generally provided. Information falling into the categories listed in Appendix B would normally be withheld.

If any request is turned down on grounds of confidentiality, the College will give the reason for denying access.

#### *Response to Enquiries*

The College will endeavour to provide information other than that listed in Appendix A on request, and to do so within 15 working days. Where the information can be collated easily, it will be provided. Where significant work is involved, the College reserves the right to charge for this time and any other costs incurred. Any such charge will be notified in advance to the person making the request to check that they wish to proceed. Where possible, alternative information or information sources will be given. Where the work involved is excessive the College reserves the right to decline to provide information requested.

#### *Complaints*

The College has established a procedure for dealing with complaints. Any person with a complaint about the availability of information should raise their complaint under this procedure. Copies of the procedure can be obtained from the College Office.

### *Appendix A: Documents Generally Available*

- Agendas, paper, and minutes of Board meetings
- Governance of the College - summary of policies and procedures (including Code of Conduct)
- Mission Statement and Corporate objectives
- Annual Report and Financial Statements
- The College prospectus (including information on examination results)
- Summary of the College Inspection Report
- Register of interests
- Articles of Association
- Policy on access to information

### *Appendix B: Criteria for Confidentiality*

- Personal information relating to an individual
- Information provided in confidence by a third party who has not authorised its disclosure
- Financial or other information relating to procurement decisions, including that relating to the College negotiating position
- Information relating to the negotiating position of the College in industrial relations matters
- Information relating to the financial position of the College where disclosure might harm the College or its competitive position, as determined by the Board
- Legal advice received from or instructions given to the College legal advisors
- Information planned for publication in advance of that publication

## Hereford Sixth Form College “Whistleblowing” Procedures

### *Introduction*

These procedures are intended to provide a structure for the handling of allegations of suspected malpractice by members of staff within the Multi Academy Trust (commonly known as “whistle blowing”).

The procedures are designed to assist in investigating, and where appropriate, acting upon, a complaint by any person or persons within the Trust about any of the following matters, whether it is by the Trust management in its wider sense, or a member of staff of the Trust:

- commission of a criminal offence
- failure to observe a legal obligation or comply with an instrument of governance
- miscarriage of justice
- endangering health and safety or the environment
- administrative malpractice
- financial malpractice
- fraud
- academic or professional malpractice
- improper conduct or unethical behaviour
- suppression or concealment of any matters relating to the above.

These procedures are in addition to the grievance procedures agreed by Trust staff, which should be used to raise grievances about an employee’s personal employment situation.

Any employee who raises a concern will have the right to have the matter treated confidentially. No detrimental action of any kind will be taken against a person within the Trust making a complaint of the nature described above, provided that it is done without malice and in good faith, reasonably believing it to be true. In addition, members of staff have statutory protection. A malicious complaint, however, could result in disciplinary action.

### *Procedures*

Employees may raise concerns verbally or in writing with any of the senior postholders (Executive Principal, Local Principal and Clerk to the Governors). Employees with a concern about a senior member of staff (Executive Principal or Local Principal) should raise it directly with the Chair of the trust or the Chair of the Audit Committee.

The complainant has the right to raise concerns through their line manager in the event of them being unwilling to or uncomfortable with reporting direct to senior management.

The person hearing the complaint is under an obligation to respect the confidentiality of the complainant and prompt a full investigation. They will acknowledge the concern expressed, in writing, and report back in writing, the outcome of the investigation (subject to third party rights) and any proposed action. If the

investigation is prolonged the concerned employee will be informed as to the progress of the investigation and when it is likely to be concluded.

The person or persons against whom the allegation is made must be informed, without revealing the identity of the complainant, of the allegation and the evidence supporting it, and must be allowed to respond to the allegation before the investigation is concluded.

The identity of any person making an allegation under the above paragraphs will be kept confidential until a formal investigation is launched. Thereafter, the identity of the person making the allegation will be kept confidential unless this is incompatible with a fair investigation, or unless there is an overriding reason for disclosure.

If, following investigation, a complainant is not satisfied that their concerns have been properly dealt with, they may raise it in confidence with the Chair of the MAT Board or the Chair of Audit Committee who will follow the procedures outlined above.

If the complainant remains dissatisfied with the outcome of the investigation for the following reasons, they have a right of appeal:

- if they believe that procedures have not been properly followed
- if they believe that the decision is one which no reasonable person could have reached.

The Chair of the MAT Board or the Chair of Audit Committee will then appoint an independent person to hear the appeal. This would be a person or persons not employed by the Trust who holds, or has held judicial office, or is an experienced practicing barrister or solicitor. One member of the Trust and one member of senior staff (against whom no complaint has been made) will sit with the appointed person on the appeal panel.

If the Trust finds the allegation unsubstantiated, or to have been handled in a satisfactory manner by senior staff, the employee may still pursue the matter with an external agency (normally the Regional Schools Commissioner). This recourse should only be used when internal procedures have been exhausted.

Deliberately false and malicious accusations will be dealt with under the College's disciplinary procedures.

## Hereford Sixth Form College Job Description of the Principal

### 1 PRINCIPAL RESPONSIBILITIES

1. As Head of the College, to act as the Governors' chief professional adviser.
2. As Head of the College to manage the College within the College's Articles of Association, subject to any further directions of the Secretary of State, towards the objectives set by the Governors and within the limits they have prescribed.
3. As Chief Executive and Accounting Officer of the College take personal responsibility for funds distributed to the College under 16-19 Academy Single Funding Agreement and ESFA Financial Memorandum.
4. To represent the College in liaising with significant local and national institutions.

### 2 SPECIFIC RESPONSIBILITIES

#### 1 Acting as the Governors' Chief professional adviser:

- 1.1 for making proposals to the Board about the educational character and mission of the College;
- 1.2 for preparing the College's Strategic Plan, submitting it to the Board, for executing the Plan once it has been passed to the Board, for monitoring the College's performance against the targets set in the plan and for reporting back to the Board twice yearly on performance against targets set;
- 1.3 for submitting the College's annual Self Assessment Report to the Board and for carrying out the Action Plan with its targets as set out in the Report.
- 1.4 for submitting a report on the performance of each senior postholder other than the Principal (against targets previously set) during the past year;
- 1.5 for preparing a Principal's report for each Governors' meeting.

#### 2 Managing the College within the College's Articles being responsible;

- 2.1 for implementing the decisions of the Board;
- 2.2 for the organisation, direction and management of the institution and leadership of the staff;

- 2.3 for the appointment, assignment, grading, appraisal, dismissal, and determination of the pay and conditions of service of staff other than the holders of senior posts subject to a framework established by the Board.
- 2.4 for the determination of the College's academic activities; and for the determination of its other activities;
- 2.5 for preparing annual estimates of income and expenditure, for consideration and approval by the Board, and for the management of budget and resources, within the estimates approved by the Board; and
- 2.6 for the maintenance of student discipline and, within the rules and procedures provided for within these Articles, for the suspension or expulsion of students on disciplinary grounds and for implementing decisions to expel students for academic reasons;
- 2.7 as a member of the Governors' Committees, to advise these committees, and through them the Board, on such matters relating to the employment policy and/or finance as the Board may remit to them;
- 2.8 for misconduct or other good and urgent cause, to suspend from duty, with pay, any member of staff other than the holder of a senior post.

### **3 RESPONSIBILITY AS CHIEF EXECUTIVE AND ACCOUNTING OFFICER OF THE COLLEGE**

- 3.1 To ensure that any funds from the Funding Bodies are used only for the purpose for which they are given, and in accordance with any terms and conditions laid down by the funding body.
- 3.2 To appear before the parliamentary Committee of Public Accounts as required, alongside the Chief Officer of the funding body, on matters relating to the funds paid by the Council to the College and the use made by the College of such funds. [16-19 Academy Single Funding Agreement and ESFA Financial Memorandum].
- 3.3 To advise the Board if at any time any action or policy under consideration by them is incompatible with these terms and conditions.
- 3.4 To ensure the proper and effective operation of the controls established by the Board to safeguard public funds and that such controls are appropriate and sufficient.
- 3.5 To give effect to the Board's policies for securing the efficient, economical and effective management of all the College's resources and expenditure to achieve the agreed aims and objectives of the College's plans.
- 3.6 Where the Board determines to proceed with any action or policy which it believes infringes the terms of its financial memorandum with the funding body, the Chief Executive shall, after due consideration and advice, e.g., from the College Solicitor, professional association etc,

advise the Chief Officer of the Funding Body in writing of the situation at the College.

3.7 To sign and date the balance sheet and the corporate governance statement on the same day or shortly before the auditors sign their audit report.

3.8 To sign the Principal's Certificate within Funding Bodies' Financial returns, and those in accordance with the Academies Financial Handbook.

#### **4 REPRESENTING THE COLLEGE IN LIAISING WITH SIGNIFICANT LOCAL AND NATIONAL INSTITUTIONS**

4.1 including local partner schools, nearby FE colleges, the Sixth Form Colleges' Association, the Association of Colleges, national Funding Bodies etc.

#### **5 OTHER RESPONSIBILITIES**

5.1 To take part in the College's Appraisal system for senior postholders.

5.2 To be responsible for all teaching and non-teaching activities of the College, and where he so wishes, to act as line manager for certain Heads of Department and/or to undertake a teaching role.

5.3 To be the College's Accountable Person under the Health and Safety at Work Act 1974 as amended.

5.4 To respond positively and effectively to other needs, planned or unplanned, as they arise and as requested by the Board.

### Hereford Sixth Form College Composition of Committees – 2020/21

<b>Search (4)</b> (Specific quorum 3) Peter Cooper James Miller (acting Chair) Danielle Thompson Catriona Ward  In attendance: Clerk to the Governors	
--	--

<b>Committee membership numbers, excluding co-opted non-Governors</b>	<b>Quorum</b>
3, 4 or 5	2
6 or 7	3
8	4

### Appendix 10

#### Contacting Hereford Sixth Form College Governors

All Governors (listed in Appendix 1) may be contacted by telephoning Stephanie Berry (PA to Principal) at the College on 01432 346914. The enquirer's telephone number will then be passed on to the Governor, who will then make direct contact.

Alternatively, members of the public may write to Governors as follows:

*Name of Governor*  
 c/o The Clerk to the Governors  
 Hereford Sixth Form College  
 Folly Lane  
 Hereford  
 HR1 1LU

## Powers and Responsibilities

The DfE Governance Handbook for Academies October 2020 describes three core functions of the Board:

- Ensuring clarity of vision, ethos and strategic direction
- Holding executive leaders to account for the educational performance of the College and its students, and the performance of management of staff
- Overseeing the financial performance of the College and making sure its money is well spent

### *Responsibilities of the Board*

The Board shall be responsible:

- for the determination of the educational character and mission of the institution and for oversight of its activities;
- for the effective and efficient use of resources, the solvency of the institution and the Board and for safeguarding their assets;
- for approving annual estimates of income and expenditure;
- for the appointment, grading, suspension, dismissal and determination of the pay and conditions of service of the holders of senior posts and the clerk (including, where the clerk is, or is to be appointed as, a member of staff), his appointment, grading, suspension, dismissal and determination of pay in his capacity as a member of staff; and
- for setting a framework for the pay and conditions of service of all staff.

### *Responsibilities of the Principal*

Subject to the responsibilities of the Board, the Principal shall be the Chief Executive of the Academy and shall be responsible:

- for making proposals to the Board about the educational character and mission of the institution, and for implementing the decisions of the Board;
- for the organisation, direction and management of the institution and leadership of the staff;
- for the appointment, assignment, grading, appraisal, suspension, dismissal, and determination, within the framework set by the Board, of the pay and conditions of service, of staff other than the holders of senior posts;
- for the determination of the institution's academic activities, and for the determination of its other activities;
- for preparing annual estimates of income and expenditure, for consideration and approval by the Board, and for the management of budget and resources, within the estimates approved by the Board; and
- for the maintenance of student discipline and, within the rules and procedures provided for within these Articles, for the suspension or expulsion of students on disciplinary grounds and for implementing decisions to expel students for academic reasons.

### **Duties and Responsibilities of the Clerk**

The National Governance Association state the purpose of the clerk's role is to:

- Provide advice to the governing body on governance, constitutional and procedural matters.
- Provide effective administrative support to the governing body and its committees.
- Ensure the governing body is properly constituted.
- Manage information effectively in accordance with legal requirements.

The clerk is the 'constitutional conscience' of the governing body and s/he should be accountable to the governing body. It is therefore important that there is a clear separation of functions and lines of reporting. The main responsibility for managing the relationship between the clerk and the governing body should rest with the chair of governors. Governing bodies need to make sure that the clerk receives adequate remuneration, is annually appraised, and receives appropriate training/support.

National guidelines for duties - taken from 'College Governors - A Guide for Clerks' (Further Education Funding Council, March 1996) include:

- To advise the Board and its committees on the proper exercise of their powers and on the application of laws and guidance affecting its work.
- In consultation with the Chair and the Principal, to plan the forward programme of meetings of the Board and its committees; identify the main items to be taken at those meetings and liaise with those preparing papers for forthcoming meetings.
- To facilitate communication on Board matters between the Chair, Principal and senior staff in the College.
- In consultation with the Chair and Principal, to summon meetings and prepare and despatch agenda and papers for Board and committee meetings.
- Either in person, or by delegation to a named individual, to attend all meetings of the Board and its committees, giving advice on procedure at such meetings and prepare draft minutes of the proceedings.
- To ensure compliance with the law as regards public access to Governors' papers.
- To make arrangements for the safe custody of the official record of the Board's business.
- To draw up for approval, and keep under review, governance procedures for the conduct of business of the Board and its committees.
- To maintain a record of membership of the Board, notifying it of any vacancies, and advising the Board on strategies for recruiting Governors.
- To maintain an attendance record of Governors, notifying any Governors whose membership lapses as a result of non-attendance or who become disqualified for some other reason.
- To maintain a Code of Conduct for the Board and a register of interests of Governors and advising Governors on declaration of interest.
- To facilitate, in conjunction with the College, induction and training programmes for Governors.
- To take appropriate action if and when the Board, its Chair or one of its committees appears to be at risk of acting outside their powers or to be proposing actions that may be unlawful.
- To undertake any other duties commensurate with this post as the Chair of Governors/Principal may from time to time decide.
- To undertake any other task that is reasonable in the context of the Clerk's role.

## **Duties and Responsibilities of the Clerk at Hereford Sixth Form College** (see also the note on page 6)

The Clerk, as administrative officer of the Board, would normally cover the following responsibilities and tasks.

- To work with the Chair of the Board and the Principal on the contents of the agenda and the supporting papers for each full meeting of the Board. This includes liaising with the College to arrange punctual receipt of their supporting papers.
- To check with the Chair on any actions that have been taken by him/her between meetings and that they are reported to the Board.
- To ensure papers are available to the Board seven working days before the meeting.
- To attend Governors' meetings and to take accurate notes from which to prepare the minutes.
- To write, produce and send copies of the draft minutes to the Chair and the Principal.
- To record the attendance of Governors at meetings and notify the Chair of excessive non-attendance.
- To ensure that the Board annually fixes the dates of future meetings for the coming academic year.
- To check on the dates of expiry of terms of office and warn Governors at least six months in advance.
- To inform the Chair of any resignations or appointments and ensure that action is taken to fill a vacancy.
- To deal with correspondence on the appointment of Governors.
- To maintain relevant files and records of correspondence and documents.
- To attend and support meetings of committees of the Board when requested to do so.
- To advise the Board on law, standing orders and procedural matters where necessary during the meeting.