



Governance at the City of Wolverhampton College.

Introduction to the College

City of Wolverhampton College operates from three campuses across the City; at Paget Road on the outskirts of Wolverhampton; Wellington Road in Bilston; and at Metro one in the City Centre. The College also has a specialist training academy in Telford.

The College delivers over 300 different qualifications, a wide range of full time and part time courses and has over 4,500 students. The College's apprenticeship provision is well established, and the college also has a dedicated Sixth Form Centre and a Higher Education Centre.

You can find out more about our Mission, Vision, and Strategic Priorities on the College website at www.wolvcoll.ac.uk/our-mission/

How FE and Sixth Form College Corporations are regulated and sources of support

The City of Wolverhampton College is an organisation which is incorporated by virtue of the Further and Higher Education Act 1992. Whilst Further Education Colleges are charities they are exempt from registration with the Charity Commission as the chief regulator is the Secretary of State for Education who has a statutory duty to promote compliance with charity law.

The Department for Education in England is responsible for education in England, including further and higher education, apprenticeships and wider skills. In addition to regulating the sector, the Secretary of State also has powers to remove or appoint governors and to direct the Corporation to take certain action in prescribed circumstances.

The primary funder of FE College Corporations is the Education and Skills Funding Agency. The role of the ESFA includes setting financial reporting, audit and assurance requirements and to ensure compliance with its funding agreements. In addition however, the ESFA are able to intervene in Colleges where there are concerns about financial management and/or college educational quality

Members of the Corporation may be compared with non-executive directors of a board of a public company. A board of directors is however, accountable to the company's shareholders - its owners - who can appoint and dismiss the directors. A College's Corporation may give an account of its activities to its local community but is not accountable in the way a board is to its shareholders.

Further information about how Colleges are regulated and sources of support is available on the Gov.UK website at www.gov.uk/guidance/fe-governance/regulation-and-support

Governance at FE Colleges

Colleges are led by independent boards of governors (also referred to as Corporations) whose role it is to set the college mission and strategic direction, oversee quality and financial performance, challenge the executive on delivery and hold the Principal to account. All colleges have an Instrument and Articles of Government setting out how the College is governed.

The term Board of Governors and Corporation are interchangeable as are the terms Governor and Corporation member in this context.

The principal powers of FE Corporations are set out in the Further and Higher Education Act 1992 (the Act). The principal powers are that a further education corporation may:

- Provide further and higher education.
- Provide secondary education to those aged fourteen years and above.
- Participate in the provision of secondary education at a school.
- Supply goods or services in connection with their provision of education.

FE Colleges also have a wide range of supplementary powers that they can exercise for the purpose of, or in connection with, their principal powers.

The Act requires every college to have an Instrument and Articles of Government setting out how it will conduct its business. The Act (as amended) states what the Instrument and Articles must include. A copy of the Instrument and Articles for the City of Wolverhampton College are available on the College website at www.wolvcoll.ac.uk/governance/

As every College has charitable status, they are subject to the requirements of the Charities Act and Governors are trustees and are therefore required to:

- Apply the property and income of the college only for the purpose of the charity.
- Act only within their legal powers – not ‘ultra vires.’
- Manage and protect the property of the college.
- Exercise the same degree of care in dealing with the administration of a charity as a prudent business person would in managing their own affairs or those of someone else for whom they are responsible.

Guidance on the key duties of all trustees of charities in England and Wales is available on the Charity Commission for England and Wales web site

www.gov.uk/government/publications/the-essential-trustee-what-you-need-to-know-cc3/the-essential-trustee-what-you-need-to-know-what-you-need-to-do

As Colleges are charities, governors are only eligible to serve if they meet the criteria for appointment as charity trustees. Reasons for disqualification include unspent convictions for dishonesty or deception; specified terrorism offences; money laundering; offences of misconduct in public office; being on the sex offenders register; insolvency and being disqualified as a director.

Full details about the disqualification rules are available at

www.gov.uk/guidance/automatic-disqualification-rules-for-charity-trustees-and-charity-senior-positions

It is the role of the Board of Governors to decide how many members it has and how they are appointed. For FE College's the Board must include at least one member of staff and one student. Usually the Principal is also a governor.

The members of the Board of Governors at the City of Wolverhampton College are:

- 5 Governors nominated by the City of Wolverhampton Council
- 5 Business Governors
- 5 independent Governors
- 1 Staff Governor
- 1 Student Governor
- The Principal

Further information about the Board of Governors is available on the College website at www.wolvcoll.ac.uk/governance/

The Role and Responsibilities of Governors

The main business of the Board of Governors is to determine the educational character of the college and ensure its overall well-being and financial solvency. In brief, the responsibilities of the Board of Governors are to:

- Determine and periodically review the educational character and mission of the college and ensure that there are effective means of monitoring whether college management is fulfilling the mission.
- Approving the quality strategy of the college.
- Ensuring the solvency of the college and safeguarding of its assets.
- Approve annual estimates of income and expenditure.
- Oversee the appointment, grading, suspension, dismissal and the determination of pay and conditions of senior postholders and the Clerk to the Board of Governors.
- Set a framework for the pay and conditions of service of all other staff.

As such the Board of Governors is responsible for the overall functioning of the College. It is responsible for the quality of the service to its students and their welfare, for the financial health of the College, for the proper use of public funds and for ensuring effective management. It also has responsibility for setting and monitoring targets for the retention and achievement of students - ensuring that students continue their studies and achieve their learning goals.

The Board of Governors is also responsible for monitoring its own performance to ensure it operates to a high standard. A good Board of Governors will carry out a regular review of all aspects of its work and operation.

Important legal responsibilities of the Board are set out in the Instrument and Articles of Government. However the Board has other responsibilities as agreed with the Education and Skills Funding Agency (ESFA) as a condition for receiving public funds, and has statutory responsibilities e.g in relation to safeguarding and health and safety.

A successful college is one which provides an effective educational service and which is financially secure.

Expectations

Prior to appointment, all Governors (except staff and student governors) are expected to complete an application form which includes information relating to an individual's skills and expertise.

Recommendations on appointment are made to the Board of Governors by the Search and Governance Committee on the basis of merit and the skills and expertise of the individual. The Board of Governors is committed to promoting equality of opportunity.

Attendance

The Board of Governors meets on a monthly basis and all Governors are expected to maintain high levels of attendance with the target being 80%. The Board of Governors has also established an Audit Committee, a Search and Governance Committee, and a Remuneration Committee, these Committees meeting approximately 3 times per annum.

Time commitment

Meetings of the Board of Governors last between 2-2.5 hours and are held on a Monday evening commencing at 5 pm. Papers for meetings are sent out the week before and as a result, Governors will also need to set aside sufficient time to enable the papers to be read.

There are two Governor strategy/development afternoons per year and Governors are also expected to take part in the Governor link scheme which enables them to develop their knowledge and understanding of a designated area of the College.

Governors are also invited to attend College events and take part in relevant induction and training activities.

Whilst it is difficult to quantify the level of commitment that is required this is likely to be up to the equivalent of two working days over each monthly period.

Declarations of interest and Related Party Transactions

All Governors are required to complete a declaration of interests form on appointment and on an annual basis disclosing any financial or other interests of themselves and/or close family members. Governors should also inform the Clerk of any changes in interest that occur during the year.

At the start of each meeting of the Board of Governors or its Committees, Governors are also requested to declare any relevant interests.

On an annual basis, Governors are also required to disclose any related party transactions as part of the Regularity Audit undertaken by the College's External Auditors.

DBS

The Board of Governors has decided that its members must be subject to a DBS check. The requirement is that this is completed within 6 weeks of appointment.

Induction and Training

New Governors will be supported via an Induction Programme which will include meetings with the Clerk, the Principal, and the Chair.

Governors are also expected to complete appropriate training modules relating to Safeguarding and Prevent within three months of their appointment.

Ongoing training and development opportunities will be identified as appropriate for Governors who are responsible for ensuring that they maintain the necessary skills and expertise to enable them to discharge their responsibilities.

Code of Conduct

All members of the Board of Governors must agree to comply with the approved Code of Conduct which sets out the standards of conduct and accountability which are expected of them.

A copy of the approved Code of Conduct is available on the College website at www.wolvercoll.ac.uk/governance/

Chair of the Board of Governors

The Chair is responsible for the leadership of the Governing Body. As Chair of its meetings the Chair is responsible for ensuring that the necessary business of the Governing Body is carried out efficiently, effectively and in a manner appropriate for the proper conduct of public business.

The Chair also ensures that the business of the Board of Governors is conducted in accordance with the Instrument and Articles of Government, the Board of Governor's Standing Orders, Codes of Governance and recognised good practice, and that the 'Seven Principles of Public Life' are observed in all aspects of the Board's business.

Role of the Principal

The Principal has the responsibility for the day to day leadership and management of the College and for maintaining student discipline. The Principal is appointed and employed directly by the Board and is its professional advisor and the college's accounting officer.

The functions of the Principal are:

- To make proposals about the educational character and mission of the Institution and implement the decisions of the Corporation.
- To determine the institutions academic and other activities.
- To prepare annual estimates of income and expenditure for consideration and approval by the Corporation, and the management of budget and resources within the estimates approved by the Corporation.
- The organisation, direction and management of the institution and leadership of the staff.
- The appointment, assignment grading, appraisal, suspension, dismissal and determination, within the framework set by the Corporation, of the pay and conditions of service of staff, other than Senior Post Holders or the Clerk.
- The maintenance of student discipline.

Role of the Clerk

The role of the clerk and the relationship with the Governors is analogous to that of company secretary and the board of directors of a company. Central to the Clerk's role is to advise the Governing Body and its Committees on whether the college has the power to do what may be proposed.

Some aspects of the Clerks role are set out in the Instrument and Articles of Government as:

- Advising the Corporation with regard to the operation of its powers.
- Advising the Corporation with regard to procedural matters.
- Advising the Corporation with regard to the conduct of its business.
- Advising the Corporation with regard to matters of governance practice.

The Clerk must work with the Governing Body in developing them to improve their effectiveness and to monitor their performance. The Clerk also leads, advises and supports the work of the Governing Body in ensuring that it operates within its powers and abides by procedures appropriate to a public body, planning governing body business and leading, developing and implementing improvements or changes in governance practice.

Governance and Management

It is important that the balance between governance and management is maintained but this may vary from time to time according to the particular situation of the College.

However, in brief, governing boards set corporate aims and objectives and monitor their achievement and it is the role of the senior management team to work out what has to be done to achieve these aims and objectives.

Of particular importance is the role of the Board of Governors in bringing an external perspective, challenging assumptions, testing ideas and asking the 'what if' questions.

Contact

Being the Governor of a Further Education College is a challenging but rewarding role and we would like to hear from any individuals who may be interested in being appointed to the Board.

If you would like to find out more, please contact the Clerk to the Board of Governors Mrs Elizabeth Ball:

Email: balle@wolvcoll.ac.uk

Tel: 01902 317687