



Development materials for governors of further education colleges

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ACRA The Association of College Registrars and Administrators is a national organisation which is part of the Association of Colleges and which provides professional support to business managers and clerks. The services for clerks include seminars, conferences and network meetings to share good practice and become familiar with new initiatives.

fforwm The Association of Welsh Colleges is a national organisation representing all further education colleges in Wales and providing a range of services to its members

KPMG is the leading firm of auditors and advisers to the education sector in the UK. The national advisory practice for governance is based in the Birmingham office.

LSDA The Learning and Skills Development Agency is one of the leading research and development organisations operating in the field of post-16 education. Its mission is to be a strategic national resource for the development of policy and practice in post-16 education and training.

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Module 1 Introduction

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

Introduction

Welcome to the *Introduction* module of the *Governor Training Materials*. This module is for all new governors and for more experienced governors who wish to deepen their understanding of the role and responsibilities of the governing body and of individual governors. The module is divided into short sections. Each one can be studied independently. The module will take two to three hours to complete if you work through all of it. If you are an experienced governor, you may want to skim through this module to help you decide which topic areas to concentrate on in other modules.

Summary of changes to the 2002 edition

As a result of the Learning and Skills Act 2000, the Learning and Skills Council (LSC) was set up to plan, fund, monitor and improve post-16 education and training. It replaced the Further Education Funding Council (FEFC) and Training and Enterprise Councils (TECs) in April 2001. The new body was given a broader strategic brief to ensure that the learning and skills sector was re-crafted to deliver the skills that England would need to meet the needs of a high skills, knowledge-based economy. In addition, a new approach to inspection has been developed through the common inspection framework operated by the Office for Standards in Education (OFSTED) and the Adult Learning Inspectorate (ALI).

Much of the planning, funding and implementation at local level is undertaken by a network of 47 local LSC committees working closely with local education and training providers. The LSC's commitment to governor training is reflected in an investment in new training programmes and materials and, at local level, in a system of governance health checks.

New instruments and articles of government set out the powers and responsibilities of governing bodies. Governing bodies now have a broader membership enabling them to engage more effectively with local concerns.

These changes are reflected in the content of this module.

Aims

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

- explain the reforms in post-16 education and training introduced in April 2001
- describe the range of provision in post-16 education and training
- explain the role and responsibilities of college governors
- assess your own knowledge and skills and identify your training requirements

- know how to access the governor training programme
- know where to find more detailed information on particular topics or procedures
- play a full part in the work of the governing body.

Contents

Mark the sections you want to study and tick them off as you complete them

To do *Done*

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Section 1 Post-16 education and training |
| <input type="checkbox"/> | <input type="checkbox"/> | Section 2 The role and responsibilities of governors |
| <input type="checkbox"/> | <input type="checkbox"/> | Section 3 The powers of the governing body |
| <input type="checkbox"/> | <input type="checkbox"/> | Section 4 The composition of the governing body and its committees |
| <input type="checkbox"/> | <input type="checkbox"/> | Section 5 Integrity in working practices |
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| <input type="checkbox"/> | <input type="checkbox"/> | Section 7 The relationship between the governing body and the senior management team |
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Working on the self-study activities

These materials have been designed for flexible use. You can work through them with other governors in training and development sessions. You can also work through sections and activities in your own time and at your own pace if you find it difficult to attend organised training sessions. Governors who have used these materials point out how valuable it is to work on at least some of the suggested activities together with another governor or group of governors, as there is such potential to learn from each other's experience. For suggestions on how to organise this kind of support for yourself, see the booklet on *Using the materials*.

What you will need

To complete activities in this module you will need to get hold of the following documents from the clerk:

- *The College Governor* published by the Further Education Funding Council (FEFC)
- your college's instrument and articles of government (which set out the legal responsibilities of the governing body)
- your governing body's standing orders and code of conduct
- your governing body's training policy
- your college prospectus, annual report and publicity materials.

(Some or all of these documents may be included in your college's induction pack for new governors.)

Where you need to make notes in response to activity questions, we suggest you do this in a notebook or on separate sheets of loose-leaf paper, and store the information you compile along with the module for future reference.

Section 1 Post-16 education and training

This section provides a brief overview of changes in the post-16 education and training sector which came into effect in April 2001, looks at the range of different colleges available, and helps you to access information about your own college.

Reforms in post-16 education and training

The post-16 education and training sector embraces a wide range of education and training institutions including colleges, private training providers, voluntary organisations, adult education institutions and school sixth-forms. Colleges are by far the largest providers of post-16 education and training for young people and adults.

Up until 31 March 2001, the Further Education Funding Council (FEFC) provided the bulk of funding for further education colleges. It also employed an inspectorate to assess quality in FEFC-funded institutions.

Training and enterprise councils (TECs) were independent companies operating under a performance contract with the then Department for Education and Employment (DfEE), now the Department for Education and Skills (DfES). Their main aim was to foster economic growth and to contribute to the regeneration of their communities with a special focus on strengthening the skills base. TECs distributed government funding for programmes designed to meet local needs for education and training. Their funding was allocated to colleges, private training providers, companies and voluntary organisations. The most significant programmes in colleges funded by TECs were modern apprenticeships and national traineeships. The Training Standards Council (TSC) inspected TEC-funded programmes.

Until the reforms, local education authorities (LEAs) were responsible for ensuring adequate provision of further education for courses that fell outside the responsibilities of the FEFC – often described as 'non-vocational' or 'recreational' courses or as 'adult community education'. In addition they funded sixth forms in LEA-maintained schools.

From 1 April 2001, under the Learning and Skills Act 2000, the FEFC and TECs were replaced with a single body, the Learning and Skills Council (LSC), which took over their funding responsibilities. The LSC also took over the funding responsibility of LEAs for adult and community education. The FEFC inspectorate and the TSC were replaced by the Office for Standards in Education (OFSTED) and the Adult Learning Inspectorate (ALI). Sixth form provision in schools transferred from LEAs to the LSC on 1 April 2002.

A key task of the LSC is to allocate around £6bn of government funding to education and training institutions in England. Its central mission is to raise levels of skills, knowledge and understanding for all adults and young people to world-class standards. The LSC is a national body assisted in carrying out these responsibilities through a network of 47 local LSC committees working closely with local providers of education and training. Local LSC committees carry out provider performance reviews of their colleges every four months to assess provision and promote continuous improvement.

Types of college

Colleges have a variety of titles such as further education college, college of technology, tertiary college, sixth-form college, institute, college of further and higher education, college of agriculture and horticulture, college of art and design or just plain college. They may generally be classified as:

- general further education colleges (offering a wide range of academic and vocational courses both full- and part-time)
- tertiary colleges (in areas where courses for people over the age of 16 were placed in one institution and schools did not have sixth forms)
- sixth-form colleges, offering mainly GCE 'A' level and GCSE courses, although increasingly offering a wider variety of vocational courses
- agricultural and horticultural colleges, offering courses aimed at land-based industries
- art and design colleges offering art and design courses
- specialist designated colleges established to serve particular purposes, usually serving an area well beyond the immediate locality of the college and often nationally.

A total budget of over £4 billion per year is allocated to around 420 colleges, of which over £3 billion comes from the LSC. Together these colleges cater for around 4 million students of whom 80% are funded by the LSC. Around 80% of students are part-time, usually adults, often in employment.

All colleges differ in the range of courses they offer, their size and their method of operation. However, all draw much of their funding from the LSC, are run by independent governing bodies and the attendance of students is voluntary.

Courses and other services

Colleges offer full- and part-time courses, which may be academic, vocational or job-related, including:

- higher education courses usually funded through the Higher Education Funding Council (HEFC)
- specialist courses for industry and commerce
- training for those on government-sponsored schemes, e.g. the New Deal and modern apprenticeships

- work-based assessment and collaborative provision with employers
- specific help for students wishing to improve their basic skills in literacy and numeracy or to learn English as their second language
- help for students with special learning needs or particular disability
- leisure and general interest courses, not necessarily leading to a qualification.

These are explored more thoroughly in *Module 3 Curriculum*.

In addition to courses, colleges may offer consultancy and advice to industry and commerce, and hire out their facilities such as halls and playing fields to external organisations. Some may have training restaurants or farm shops, providing a service to the general public. Colleges may set up their own separate company to market themselves and their services.

The powers of further education corporations are set out in the Further and Higher Education Act 1992 and it should be noted that colleges can only do those things which the Act empowers them to do. Their principal power is to provide education and while the Act allows them to do other things it also says that any other activities they undertake must be clearly related to carrying out their principal powers. There are limits on powers to set up companies. Colleges cannot participate in companies set up to conduct an educational institution. Nor can they participate in a company providing education and training funded by the LSC without the LSC's consent.

Your college will offer a wide range of courses. Some colleges offer over a thousand separate courses. As a governor you will not be expected to know about all of these courses, but you will be expected to set the overall educational direction of the college and determine the overall pattern of courses.

Size

The size of colleges varies. The smallest may take a few hundred students, the largest over 40,000 students. Budgets may vary from around £1 million to over £40 million. The proportion of funding received from the LSC will also vary considerably.

Partnerships and networks

Colleges work closely with other local organisations. They are members of their local learning partnership. These partnerships promote collaboration and higher standards by bringing together various local providers of education and training for people over the age of 16 such as colleges, schools, higher education institutions, private training providers, local industry and local community groups. Your college may also belong to an appropriate national or regional organisation representing its interests. The government strongly supports collaboration between institutions as a means of ensuring that the needs of college students are best met.

Some of the organisations with which the college has partnership arrangements might also be seen as competitors because they offer similar services to your college. To develop good working relationships with other organisations and build on your college's strengths, you need to be well informed about the college's character and what makes it unique. This is the purpose of the next activity.

Activity Information about your college

Your college is unique. Find out the following information by looking through your college's prospectus, annual report and publicity materials.

- 1 What is the total number of college students?
- 2 How many of these are full-time, part-time, evening only or attending full-cost courses?
- 3 What are the main programme areas in your college (i.e. sciences, agriculture, construction, engineering, business, hotel and catering, health and community care, art and design, humanities, basic education)?
- 4 What proportion of these courses are general education, vocational education or job-related?
- 5 How many students have learning difficulties and/or disabilities?
- 6 What is the annual budget of the college?
- 7 What proportion of overall funding is received from the LSC? Has the proportion of funding provided by the major funding body changed over the past three years (remember that the bulk of funding was provided by the FEFC prior to April 2001)?
- 8 Find out the membership of your local learning partnership. Which organisations are represented? How are governors informed on its progress?
- 9 With which organisations does your college have close links? Which of these might also be competitors?
- 10 Who are the members of your local LSC committee? What are their backgrounds? What are the key priorities for your area set by the local LSC?

Viewpoint

If you could not find out this information from college materials ask your clerk for help. This activity should have increased your awareness of your college's unique character, and helped you to familiarise yourself with useful sources of information for governors. Keep this information as it will be useful for work on other modules, especially *Module 2 Strategy and educational character* and *Module 3 Curriculum*.

You may need to speak to the principal and clerk to find out more about your local learning partnership and what it does, and about other organisations with which the college has close links. In addition, the principal and clerk will have information about the local LSC, its members, its executive director and other key staff, and its post-16 education and training plan.

Colleges often liaise closely with their local Small Business Service, business organisations and other education and training providers, such as local schools and higher education institutions. Some may provide similar services to those of your college.

Section 2 The role and responsibilities of governors

The main business of the governing body is to determine the educational character of the college and ensure its overall wellbeing and financial solvency. In brief, the responsibilities of the governing body are to:

- determine the educational character and mission of the college and ensure that there are effective means of monitoring whether college management is fulfilling the mission
- ensure the solvency of the college and the 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 governing body
- set a framework for the pay and conditions of service of all other staff.

What is the governing body responsible for?

Generally, the governing body is responsible for the overall functioning of the college. It is responsible for the quality of the service to its students and their welfare, the financial health of the college, 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. In carrying out these responsibilities, the governing body will need to take account of the local post-16 education and training plan drawn up by the local LSC. This plan will cover strategies for improving skills, participation and learning and set targets for performance.

A governing body is also responsible for monitoring its own performance to ensure it operates to a high standard. A good governing body will carry out a regular review of all aspects of its work and operation. Your governing body may have carried out an assessment of its performance through the use of the *Governance healthcheck questionnaire*, published by the Learning and Skills Development Agency (LSDA) and funded by the LSC from the Standards Fund. Under the healthcheck, members of governing bodies are invited to complete a questionnaire on a range of indicators affecting performance, with the support of an external consultant. An important outcome will be an action plan to address weaknesses and to review progress.

The legal responsibilities of governing bodies are set out in the instrument and articles of government. The instrument of government covers membership of the governing body, appointment of the chair, vice-chair and clerk, the eligibility of members and proceedings of meetings. The articles of government cover the responsibilities of the governing body, the role of committees, the employment of senior postholders and staff, student matters and audit arrangements. Other responsibilities are agreed with the LSC as a condition for receiving public funds. A successful college is one which provides a high quality educational service and which is financially secure.

Voluntary members of the governing body may be compared to non-executive directors of the 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 governing body may give an account of its activities to its local community but is not accountable in the way a board is to its shareholders. Colleges receive considerable amounts of public funds and governors are responsible for ensuring that funds received from the LSC are used in accordance with the financial memorandum agreed with the LSC. The Secretary of State has powers to intervene in the affairs of the governing body in certain circumstances. The Secretary of State may remove some or all of the members of a governing body or give it directions to take action. This occurs very rarely but might happen if a governing body has mismanaged the affairs of the college, has proposed or is intending to act unreasonably or has been subject to a critical report from the inspectorate.

Thus, although colleges are local institutions, primarily serving the needs of their local communities, they receive the bulk of their funding from the LSC and have to take account of the educational policies of national government.

Activity Differences between a college governing body and other institutions

- 1 Write down five key differences between a college and an institution with which you are familiar (e.g. a private sector company, a local authority, a trade union or another public body).
- 2 What implications might these differences have for the role and responsibilities of college governors?

Viewpoint

- 1 These are some of the differences that you might have noted:
 - colleges are charities and no-one owns them
 - a college is accountable to the public and largely funded by the taxpayer through funding from the LSC
 - a college has a unique legal status set out in the Further and Higher Education Act 1992 and confirmed in the Learning and Skills Act 2000
 - college aims and objectives differ from those of other organisations, e.g. a college's core business is to deliver high quality education and training to young people and adults
 - measuring the success of a college is complex
 - the board of a private company quoted on the stock market is directly accountable to its shareholders. It seeks to ensure profitability by providing high standards of service to its customers. A local authority is run by councillors directly elected by the local population, and is administered by appointed officers. A trade union is a voluntary body funded by subscriptions from its members, who may work in the same or similar industry or profession, and represents its members' interests. A community organisation is a voluntary body, often a charity, which may have a membership base, represent certain interests or provide a specific service.

- 2 These differences have important implications for governors. The skills, expertise and experience of individual governors are crucial in ensuring a successful governing body. It is essential for governors to:
- clarify their accountabilities
 - set out clear indicators for measuring the performance of their college
 - recognise the college's key contribution to providing lifelong education and training, which will in the long term benefit UK business and economic performance.

Individual governors should ensure they attend meetings of their governing body; prepare adequately for meetings, for example by reading appropriate papers; seek to keep up to date with relevant developments in post-16 education and training generally; and get to understand the business of the college.

Section 3 The powers of the governing body

The governing body – the legal term is corporation – 'conducts' the college. The governing body has the power to:

- provide further and higher education
- provide secondary education to 14–16 year olds in school
- supply goods or services in support of the provision of education
- conduct an educational institution
- subscribe for or acquire shares in or securities of a company
- acquire and dispose of assets
- borrow money
- invest money.

It also has powers to enter into contracts and make other arrangements to support its main powers.

The legal power of the governing body resides with the governing body as a whole, not with individual governors. This places constraints on what you can do as a governor:

- as a corporate body, governors should support decisions taken collectively at formal meetings
- no governor should speak on behalf of the governing body unless specifically authorised by the governing body
- all governors share responsibility for decisions
- all governors must respect confidentiality.

Activity The duties and powers of governing bodies

To determine the duties and powers of your governing body, you need to look at your college's instrument and articles of government. Governors are not expected to know the detail of the instrument and articles. Your clerk will advise you where necessary, but some general knowledge is helpful. Drawing on the instrument and articles, answer the questions set out below.

Does the governing body have the power to:	Yes	No
1 appoint the college principal	<input type="checkbox"/>	<input type="checkbox"/>
2 appoint a vice-chair	<input type="checkbox"/>	<input type="checkbox"/>
3 appoint the clerk of the governing body who is also a member of staff	<input type="checkbox"/>	<input type="checkbox"/>
4 ask the principal to act as temporary clerk in the absence of the clerk	<input type="checkbox"/>	<input type="checkbox"/>
5 invite members of the public to attend a meeting of the governing body	<input type="checkbox"/>	<input type="checkbox"/>
6 authorise payments of travelling and subsistence to governors	<input type="checkbox"/>	<input type="checkbox"/>
7 determine the pay of individual members of staff	<input type="checkbox"/>	<input type="checkbox"/>
8 instruct the principal which courses to run	<input type="checkbox"/>	<input type="checkbox"/>
9 set fee levels for courses	<input type="checkbox"/>	<input type="checkbox"/>
10 determine the retention and achievement rates for the college	<input type="checkbox"/>	<input type="checkbox"/>
11 set up task groups to advise on estates or quality	<input type="checkbox"/>	<input type="checkbox"/>
12 make the minutes of all governing body meetings confidential	<input type="checkbox"/>	<input type="checkbox"/>
13 decide to introduce performance-related pay for senior postholders	<input type="checkbox"/>	<input type="checkbox"/>
14 delegate approval of the annual estimates of income and expenditure to a committee	<input type="checkbox"/>	<input type="checkbox"/>
15 put out to tender the catering contract for the college's refectory	<input type="checkbox"/>	<input type="checkbox"/>
16 dismiss a governor for failing to attend meetings for six months	<input type="checkbox"/>	<input type="checkbox"/>
17 appoint the same company to carry out the internal and external audit	<input type="checkbox"/>	<input type="checkbox"/>
18 dismiss the principal	<input type="checkbox"/>	<input type="checkbox"/>
19 dismiss a member of staff	<input type="checkbox"/>	<input type="checkbox"/>
20 decide not to have an audit committee	<input type="checkbox"/>	<input type="checkbox"/>
21 decide not to have a finance and general purposes (or equivalent) committee	<input type="checkbox"/>	<input type="checkbox"/>
22 appoint a governor aged over 70	<input type="checkbox"/>	<input type="checkbox"/>
23 appoint a business, local authority or staff governor without the advice of the search committee	<input type="checkbox"/>	<input type="checkbox"/>
24 decide to have a governing body with less than 12 members	<input type="checkbox"/>	<input type="checkbox"/>
25 decide to use video-conferencing for a meeting of the governing body?	<input type="checkbox"/>	<input type="checkbox"/>

Viewpoint

The instrument and articles of government set out the governing body's responsibilities for the employment of senior postholders, the determination of the educational character and mission of the college, the importance of openness, and the key financial responsibilities.

Answers to questions 1–3, 5, 6, 10, 11, 13, 15, 16, 18, 21, 22 and 25 are 'yes' – these are the responsibilities of the governing body. Answers to 4, 7, 8, 12, 14, 17, 20 and 24 are 'no'. Concerning question 7, the governing body sets the overall framework for the pay and conditions of staff rather than determining the pay of individual staff. It does however determine the pay of senior postholders. Similarly, the governing body sets the overall policy by which tuition and other fees are determined rather than the actual fees (question 9). Question 12 is not straightforward. In general, the governing body must make public the agenda, minutes and documents of every governing body meeting. However, items concerning a named member of staff or student can be made confidential and the governing body can also decide to treat other items confidentially **if there are good reasons** (e.g. a sensitive business transaction). On question 19, the dismissal of a member of staff who is not a senior postholder is the responsibility of the principal although the person concerned has the right to appeal to the governing body. In the case of a senior postholder or the clerk, only the governing body has the power to dismiss. With regard to question 22, the previous upper age limit of 70 has now been removed. Question 23 is also not straightforward. The governing body must seek the advice of the search committee about the appointment of a business, local authority or community governor. This advice need **not** be sought for elected staff, student and parent governors.

For more information on questions 1, 3, 7, 13, 18 and 19 see *Module 6 Human resources*; on questions 3 and 4 see *Module 7 The clerk to the corporation*; on questions 8 and 9, see *Module 3 Curriculum*; on questions 12, 14 and 17 see *Module 5 Financial management*; on questions 17 and 20, see *Module 8 The audit committee*; on question 23, see *Module 9 The search committee*.

Activity Putting legal responsibilities into practice

Let's now look at some practical situations where you might need to act on these responsibilities. Read through these examples and note down your responses.

Example 1: Corporate decisions

The governing body – after long and serious debate to which you contributed – comes to a decision that you strongly oppose and which you think is not in the best interests of the college. What action might you take?

Example 2: Monitoring

Between meetings of the governing body, you have received data issued by the college showing an increase in the number of drop-outs from some programme areas and a small reduction in the number of exam passes of students. This matter is not included on the next agenda of the governing body. What might be your response?

Viewpoint

Example 1: Corporate decisions

The governing body may on occasions come to a decision with which you disagree. An effective governing body is one where individuals are encouraged to express their views forcibly and with vigour. But assuming that everyone has an opportunity to participate and that their views have been heard, then a decision of the governing body should be binding on all governors.

If a governor feels unable to support a decision on a matter of principle, e.g. a decision to open discussions on merging with another college, or selling a college playing field, there are several possible steps. The governor can:

- record their dissent in the minutes
- ask to have the matter raised as a separate agenda item at the next meeting
- as a last resort, resign.

Note that no resolution of the governing body can be overturned at a subsequent meeting unless the matter is a specific item of business. It is not acceptable for a governor to seek to change the decision of the governing body by, for example, airing the disagreement in public, or by lobbying hard to get the decision overturned. The interests of the college and governing body come first. But if the governor considers that the governing body has acted outside its powers in making a decision, the matter would need to be reported to the LSC, usually through the chair, the principal as accounting officer, or the clerk. This happens very rarely but your college should have a procedure in place, just in case.

Example 2: Monitoring

On the question of an increase in the numbers of students dropping out, and a reduction in exam passes, the governing body will have set targets for student retention and achievement as part of its annual cycle of meetings. The governing body would expect regular reports on progress against targets. If you have a concern about an item not included on the agenda, the proper course of action is to raise the matter with the chair or clerk, and ask for the item to be included. It is a serious matter if important information is deliberately being withheld from a governing body. The chair should consider disciplinary action in such a case.

Section 4 The composition of the governing body and its committees

There are variations in categories of members for different types of college. These are summarised below. The aim of these membership categories is to ensure that the governing body includes people from a range of backgrounds reflecting the community that the college serves. The size of a governing body varies between 12 and 20 members.

Figure 1 Membership of the governing body

Category	General post-16 colleges		Sixth-form colleges	
	Minimum	Maximum	Minimum	Maximum
Business	4	7	4	7
Co-opted	0	3	0	3
Staff	1	3	1	3
Students	1	3	1	3
Parents	0	2	1	2
Local Authority	1	3	1	3
Community	1	3	1	3
Principal	1*	1*	1*	1*

* Note that the principal (chief executive) is normally a member of the governing body but can choose not to be.

The LSC has the power to appoint governors in special circumstances, for example where there are serious concerns about the governance of the college.

The DfES has drawn attention to possible flexibility of membership where, for example, a governing body wishes to include several members from the same partner organisation such as a local university. Any proposed changes in membership have to be submitted to the Department for the approval of the Secretary of State.

In former voluntary controlled sixth-form colleges, there are some governors nominated from foundations or trusts ('foundation governors'). The constitution of other institutions designated to receive LSC funds – known as designated colleges (e.g. the Workers Education Association and the Working Men's College) – will vary but the membership of governing bodies will be broadly similar to those of other colleges.

Staff, student and parent governors are elected by their constituent groups. In the case of students and parents, governors may be nominated from the appropriate students' union or association and parents' association. Local authority and community governors are nominated by the appropriate organisation.

Why this range of membership?

The balanced membership of the governing body ensures that the governing body has the benefit of views from the community served by the college, its students and staff, its local authority and the business community. Governors are not representatives of the organisations from which they come. All governors are appointed as individuals – including governors who are elected (e.g. by the staff or student body). They are required to put the interests of the governing body and the college first. They are not allowed to accept a mandate from any other organisation.

Activity The membership and composition of your own governing body

Find out the composition and categories of membership of your governing body. If your college is a former voluntary controlled sixth-form college or a designated institution, find out its membership and how governors are appointed.

In what ways do you think this membership will have an impact on the operation and work of your governing body? Bear in mind that before August 1999 at least 50% of college governors had to be selected from the business sector.

In answering this question, try to find out **why** the governing body has decided on the number of governors from each category. In addition, how were community governors agreed and which local authorities have representatives on the governing body?

Viewpoint

The membership allows for a wide range of categories of governor. In making membership decisions, the governing body should seek to reflect the local context and the type of courses and other services offered by the college. The new wider accountability should mean that meetings focus on issues such as responsiveness to the needs of local communities – and bear less resemblance to business meetings.

Wider membership may also mean that the governing body has individual members whose expectations or styles of working differ considerably from each other. However, broader representation improves the governing body's capacity to gather information, understand different local interests and communicate with the community it serves.

Committees

Governing bodies are required to have an audit committee, a search committee and, when the occasion arises, a special committee, and to appoint the members of these committees. They are also entitled to set up any other committee and to appoint its members. With the exception of the special committee, members can be drawn from within and outside the governing body and college. Governing bodies are able to delegate a wide range of matters to these committees. The governing body must not, however, delegate the following:

- the determination of the educational character and mission of the college
- the approval of the annual estimates of income and expenditure
- the responsibility for ensuring the solvency of the college and safeguarding of its assets

- the appointment or dismissal of the principal or the clerk to the governing body (including the clerk who is also a member of staff for any other duties performed as a member of staff)
- the modification of the articles of government.

The **audit committee** advises on matters relating to the governing body's audit arrangements and systems of internal control. The committee must consist of at least three people, including one person with relevant financial/audit expertise and may include college employees other than senior postholders. (See *Module 8 The audit committee.*)

The **search committee** advises the governing body on the appointment of business, community and local authority governors, and on the co-opting of members onto the governing body, as well as advising on any other matters relating to membership and appointments that a governing body delegates to it. No business, community or local authority governor can be appointed by the governing body, or any person be co-opted onto it, unless the advice of the search committee has first been heard. Under the revised articles of government, the advice of the search committee is not required for staff, student or parent governors or for the principal (who is eligible to serve as a result of the post). Each governing body is expected to produce terms of reference for its own search committee and to make rules for its conduct which must be available for inspection by the public during normal office hours. (See *Module 9 The search committee.*)

The **special committee** is convened where it is considered appropriate to dismiss a senior postholder. The special committee must consist of at least three governors (excluding the chair, vice-chair, principal, and staff and student members). (See *Module 6 Human resources.*)

Some governing bodies prefer to have as few committees as possible to ensure that the governing body as a whole is involved in all decisions. Others prefer to set up committees and working/task groups that can carry out more detailed work remitted to them by the governing body.

Activity How effective are governing body committees?

- 1 List the committees set up by your governing body. Note their remits. Set out three ways in which they report to the governing body.
- 2 In your view, is it better for a governing body to have a wide range of committees, or would you prefer there to be fewer committees with more detailed work being allocated to task groups?

Viewpoint

- 1 Apart from audit, search and special committees, each governing body will vary in the number of its committees, their remits, and the way in which they report. Committees might feed back to the governing body through an official written report by the chair, or by an overall presentation made by members of the committee. Some governing bodies may receive only the minutes of committees; others might receive a short report with recommendations or direct advice.
- 2 There is no right or wrong answer here – both approaches have benefits and drawbacks. Some governing bodies prefer to have a large number of working or

task groups because it enables individual governors to contribute their expertise on specific topics. These task groups may be wound up once their task is completed. Others prefer a large number of standing committees in which governors can become involved in a more detailed way in the work of the college and provide specific advice and support to the senior management team. The disadvantage of too many committees is the amount of time spent by governors in attending, and the clerk and senior managers in servicing, the meetings. It is important to avoid small groups of governors having a disproportionate influence on the work of the governing body.

Section 5 Integrity in working practices

The Committee on Standards in Public Life chaired by Lord Nolan identified seven key principles for those serving in public life. These are selflessness, integrity, objectivity, accountability, openness, honesty and leadership. All governors must uphold high standards of public conduct. They are custodians of large amounts of public money and have a key role in determining the education and training of the UK workforce. Inspection reports on governance have shown that governors in most colleges act with integrity. However, there are always a few cases where standards fall below those that might be expected.

Governors must ensure that there are no conflicts of interest on any matters being considered by the governing body. The clerk may be alerted to likely conflicts of interest through the register of interests. However it is the duty of every governor to declare an interest when the occasion arises. Conflicts of interest do not only cover financial matters. The test is whether the governor's independent judgement is affected in any way.

Code of conduct and register of members' interests

All governing bodies are required to draw up, and all governors to sign, a code of conduct and register of members' interests. Agreement to sign both these is a condition of appointment as a governor.

Activity How is the code of conduct applied?

- 1 Look over the code of conduct drawn up for your own governing body and note down the key elements.
- 2 How can individual governors best ensure that they uphold the principles of your code?
- 3 In what circumstances and to whom would you be expected to declare a conflict of interest?

Viewpoint

- 1 Your code of conduct is likely to include the seven Nolan principles. It may also make reference to the roles and responsibilities of governing bodies, how to

behave in meetings, the meaning of openness and confidentiality, and the importance of a collective and corporate view.

- 2 Governors need to be aware of the principles of the code, perhaps by keeping a copy of the code close to hand during meetings. It will be important that the governing body provides an account of how governors have upheld the principles contained in the code and that the code of conduct is regularly reviewed and monitored.
- 3 If governors feel that their independence and judgement might be affected on any item, then they should report this before the meeting to the clerk or to the chair, or during a meeting to the chair. If the chair rules that there is a conflict of interest, the governor may be required to take no further part in the discussion on the item or to leave the meeting for the duration of the agenda item. When in doubt, a governor should always declare an interest. Not all conflicts of interest are financial. For example, you may know or be related to a candidate for a senior postholder's position or to a person seeking membership of the governing body; you may be a member of a trade union seeking recognition in the college; or you may be in a position as a local authority member to use information as a governor to shape decisions affecting the college.

Section 6 Rules and procedures of the governing body

Most governing bodies have standing orders. These determine how business is conducted. They might include rules covering membership, the quorum, the holding and organisation of meetings, the appointment of the chair, the procedure for drawing up the agenda, the work of committees, and how members should behave at meetings. Standing orders are not there to act as a bureaucratic check on what governors do. Rather they help the smooth running of meetings. Governors should ensure that they have a copy of their standing orders and are familiar with their contents.

Activity How useful are standing orders?

- 1 What are the key elements of the standing orders for your governing body? When were they last reviewed?
- 2 Standing orders should give you some guidance on the right procedure to deal with the situations on the next page. Read them through and note down what you would do.

Example 1

As a new governor, you are unhappy with the way meetings are conducted. They go on for far too long in your judgement and are dominated by one or two governors. What steps might you take?

Example 2

You wish to raise a matter at the next meeting of the governing body but it is not covered by the agenda or the papers. How might you do this?

Example 3

A local community group asks you to raise an important matter with the governing body (perhaps a desire for the college to set up a local learning centre or concern over unavailability of public transport to the college). What is the appropriate way of dealing with this request?

Viewpoint

- 1 Standing orders vary from college to college. They normally cover the rules and procedures to help the meetings of your governing body and committees work smoothly. If they include the remit of various committees, they should clarify the purpose of the committee, whether it has an advisory or decision-making role, and whether any powers have been delegated to it from the governing body. The standing orders should be regularly reviewed in the light of experience and to ensure they take account of legislative changes and requirements of bodies such as the LSC.
- 2 The right procedures are outlined below.

Example 1

If you are concerned about the way meetings are conducted, you should raise this concern with the chair and/or the clerk. You may wish to suggest that the governing body evaluates its own performance, which might include the effectiveness of meetings.

Example 2

If you wish to raise a matter at a meeting, you should approach the clerk or the chair well before the time when papers are due to be sent out. It is not appropriate for an item to be tabled (unless it is an emergency item or concerns an unforeseen event requiring decision that has occurred since the sending out of the papers) as this will not allow governors time to give the topic careful consideration before the meeting.

Example 3

If you are approached by an outside group to raise an issue with the governing body, the appropriate way of dealing with it is to inform the chair. It will then be for the chair to determine how to deal with the issue or whether it should be referred to the principal.

Section 7 The relationship between the governing body and the senior management team

An effective working relationship between the governing body and the senior management team (led by the principal) is crucial for the success of the college. The responsibilities of the principal complement those of the governing body (see Section 2). The principal makes proposals to the governing body about the educational character and mission of the college, prepares annual estimates of income and expenditure and determines the pay and conditions of service of staff within the framework set by the governing body (apart from senior postholders and the clerk – see below). The principal has the responsibility for the day-to-day management of the college and for maintaining student discipline.

The principal is appointed and employed directly by the governing body, and is its professional adviser and the college's accounting officer. The principal is also a full voting member of the governing body if he or she chooses to be. The governing body appoints senior postholders and the clerk, determines their pay and conditions, and arranges their appraisal. The governing body will usually delegate to the principal the line management and appraisal of senior postholders. The clerk will report directly to the governing body and be appraised by the chair, governor or governors appointed to carry out the appraisal by the governing body. (For more information about the governing body's direct responsibilities for senior postholders see *Module 6 Human resources*, Section 3 'The governing body and senior postholders'.)

Governance and management

Each governing body needs to define its working relationship with the principal and senior management team – what some call the 'grey area' between governance and management. Because of the pace of change in post-16 education and training, governors might consider annually reviewing their working relationship with the senior managers. This review might cover the general style of working, information requirements and key tasks. It might also be useful for the senior management team to clarify what it expects from the governing body.

This exercise might help avoid misunderstandings over the respective roles of governance and management. Effective management is likely to be hindered by governor interference in the day-to-day affairs of the college. On the other hand, a governing body that is completely detached from the work of the college will not be able to carry out its responsibilities effectively. An appropriate balance between interference and detachment needs to be found. Key features of a successful relationship are good communication, clarity of roles and responsibilities, mutual trust and respect, and regular review and monitoring.

Activity Relationship between governing body and principal

- 1 Write down what you think are the key elements of an effective working relationship between a governing body and college principal and senior managers.

- 2 What, in your view, are the key differences between interference in the work of the college and taking an interest in the business of the college?

Viewpoint

- 1 Your list of key elements might include some of the following:
 - a shared common purpose and vision
 - a written statement setting out respective roles and responsibilities
 - an annual review of working relationships
 - appropriate information received by governors
 - mutual trust and respect
 - governors acting as a critical friend and not being afraid to reject management proposals should the occasion arise
 - scrutiny of management organised so as not to jeopardise effective working relationships with senior managers
 - governors being willing to challenge managers in a way which sharpens management actions.
- 2 There is a fine line to be drawn between interference and taking an interest in the work of the college. Governors need to be clear about what is the province of senior managers and what are their own responsibilities. Governors are unpaid volunteers. Senior managers are paid professionals. Governors need to understand the core business of the college and to ensure that the college is meeting the needs of its prime stakeholders – including students, staff, local business, the community and the taxpayer.

It is not appropriate for governors to tell the principal what courses to run or to instruct a member of staff to carry out a task. It is important to emphasise that the legal authority of the governing body resides in the governing body as a whole and not with individual governors. (The chair has certain additional responsibilities – see *Module 6 Human resources*.)

Section 8 Governor training

Being a governor is a highly responsible position. A governing body has major legal and financial responsibilities. Governors will help determine the future education and training of young people and adults, the success of which makes a vital contribution to the UK economy. The government therefore believes it is important for all governors to undertake some training to clarify their roles and responsibilities and improve their performance. New governors are expected to take part in training. Training programmes are provided by national bodies and regional and local providers. Your clerk will have details of these.

The LSC is keen to ensure high standards of governance performance. To this end, the LSC has invested in:

- revised governor training materials

- programmes of governor training at college level
- the governance healthcheck which helps a governing body to review its performance
- training materials for clerks and the associated training programme.

In addition, OFSTED and ALI (the common inspection framework) inspect and report on the contribution of governance to the leadership and management of colleges, with particular focus on how the decisions of the governing body help student achievement.

Every governing body should draw up a training policy for its governors. This might include a focused programme for new governors with specific modules on finance, curriculum, and human resources, and which may involve attendance at external courses. The policy might also include:

- induction for new governors, including an induction pack
- special training sessions held at the college
- briefing sessions held before meetings of the governing body
- input from curriculum leaders in the college at or before meetings
- residential awaydays or weekends, which provide an opportunity for governors and senior managers to look at the long-term direction of the college, or for personal development
- a mentor system in which experienced governors provide support and advice to newly appointed governors
- individual governors linking up with curriculum areas in order to become more familiar with the work of the college
- training for governors who have taken on specific roles such as chair or member of the audit or finance committee.

The governing body might find it helpful to set an overall budget for investing in its development and carrying out an annual review of the success of the programme.

Activity What can governor training offer?

- 1 If you are a new governor, what do you think are your major training needs? If you have a busy schedule, how best can these be met?
- 2 Obtain a copy of your governing body's training policy. Are there any ways in which you feel you can contribute to governor training?

Viewpoint

- 1 If you are a new governor you will find it useful to identify your own development needs. For example, if you are a governor with financial expertise from the business world, you may need to know more about the college's academic work and the services it provides. A staff governor may know a lot about the work of the college but need to learn more about budgets and balance sheets. Governors from the local authority or the community, those elected by students, or those co-opted because they have specific skills and experience to contribute, all have different training needs. To ensure the governing body is effective, each governor needs to

think of their training needs as part of the development of the governing body as a whole.

- 2 Most governors are busy people and your governing body should aim to offer a range of flexible training and development options. You can select modules in this pack for self-study. Some modules may be offered through facilitated training. If you are a newly appointed governor, you could ask the clerk to find an experienced governor willing to act as your mentor.

If you are a longstanding governor, it is likely that you will be able to contribute some of your own experience and expertise in helping the development of other governors, for example, by doing a presentation on a subject you are knowledgeable about, or acting as a mentor to a less experienced governor.

Your clerk will be a useful source of advice in finding out about training opportunities and relevant publications and papers.

Section 9 Knowledge and skills of governors

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

The personal qualities which governors may be expected to have include strategic awareness, individual responsibility, sound judgement and communication skills. They should be able to work in a team. Governors will be expected to ensure that they have sufficient time available to devote to the work of the college.

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

Activity What skills and experience does the governing body need?

- 1 What, in your judgement, are the skills and experience required for your own governing body?
- 2 Which of the following areas of experience and expertise can you contribute?
 - knowledge of the local community
 - managing personnel
 - financial management

- property management
 - running a company
 - employers' training needs
 - experience as a student of the college
 - knowledge of the college's academic and vocational work
 - knowledge of the needs of students with learning difficulties and/or disabilities
 - other
- 3 How best can your governing body ensure that the views of groups not represented on the governing body are taken into account in its work?

Viewpoint

- 1 Every governor contributes areas of experience, knowledge and skills to the governing body. What is important is that there is a balance of expertise within the governing body as a whole. If you have a strong view about weaknesses in expertise in your governing body, consider raising this issue with the clerk or chair, who might bring this to the attention of the search committee or full governing body.
- 2 What matters is not the number of areas that you can tick in the checklist, but that each governor is clear about what they can contribute, and that the clerk and chair know what the strengths of individual governors are. Personal qualities will be as important as specific areas of experience and expertise.
- 3 To take on board the views of groups in the wider community, the governing body might set up advisory groups of local stakeholders. These could act as a sounding board for ideas. Governors may participate in an annual public meeting at which the governing body presents the college's annual report and is available to answer questions. The college may also hold open days and student awards presentations, which are also useful opportunities to meet members of the community. In addition, individual governors, through their local contacts, will be able to obtain useful feedback on the overall performance of the college that can be passed on to the college senior management team.

Section 10 Governors' information needs

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

Information may be received as part of the agenda for a full governing body meeting, produced for members of committees and task groups, or be general information distributed between meetings.

The type of information given to governors varies from one governing body to another, depending on discussions between the governors and senior managers. It also depends on the time of year because of the annual cycle of business. However, governors can expect to receive information on the financial health of the college, its academic performance, and other matters relating to the work of the college such as its building and estates.

Information must be presented in a way that enables governors to monitor the overall performance of the college. Many governing bodies prefer papers to be presented in the form of an executive summary clarifying whether the paper is for decision, for information or for noting, and setting out a number of clear options. To these summaries may be attached more detailed information. Some governing bodies divide the agenda into items requiring decision, reports from committees and working groups, and papers for noting.

The agenda and papers should be sent out well in advance of meetings. Unless there are exceptional circumstances, papers should never be tabled.

Activity What is the quality of papers presented to the governing body?

Read through the minutes of the last two meetings of your governing body.

- 1 How much of the agenda is devoted to the academic work of the college and to its financial health?
- 2 Comment on the style of the papers. Are they written in a way that you can understand?
- 3 Write down three key features of an effective governing body paper.
- 4 What information does your governing body require to be effective? What information do you need to be effective as a governor?

Viewpoint

- 1 The matters considered by the governing body will vary between meetings depending on the time of year and the annual cycle of meetings. The governing body will expect at every meeting a report on the financial health of the college and progress with respect to meeting achievement and retention targets. The cycle of meetings will set out when the annual budget has to be agreed and the previous year's accounts approved, when the strategic plan has to be approved and arrangements for monitoring progress in financial and academic matters. Governors need to ensure that there is an appropriate balance between academic and financial matters.
- 2 If you have a problem with style and presentation of the papers – they may be full of jargon – you should raise this with the chair or the clerk. If governors cannot understand the content of papers or are unable to understand what it is they are expected to do with the papers, their effectiveness is reduced.
- 3 A governing body paper should be clearly written and jargon-free and be well presented with an executive summary. It should set out whether the content is for decision, noting or information. If it is for decision, then there should be a number of clear options set out. Generally it should be as short as possible although it may be lengthened by the addition of relevant appendices.

- 4 The governing body needs information that will enable members to know whether the college is performing to a high standard. Information will be available on finance and academic performance. Financial data should show clearly whether the budget is on target as measured against certain key indicators (see *Module 5 Financial management*). The governors will also need to know whether the college is meeting targets for the enrolment, retention, achievement and progression of students.

The information that governors receive may be influenced by their governing body's committee structure. For example, the governing body may have set up a finance and/or quality committee. These committees will be able to look in more detail at financial and academic information although there must be effective reporting to the governing body. A task group set up to consider the college's estates strategy may also provide specific information to the full governing body.

The governing body needs to agree on information requirements outside the normal cycle of information. In some colleges, governors are able to access a special governors' page on the college website. Others send governors copies of college newsletters or special updates.

An individual governor will need to receive information relevant to any positions they hold or to membership of committees. The chair of the governing body or of a committee will need to receive information to enable them to carry out their duties. Members of committees may require background information on the work of the committee. A new governor will require induction material and briefing materials about the duties of a governor.

Papers are an essential source of information for the effective working of the governing body but they are not the whole picture. It is useful to think about other ways in which you can quickly get a feel for how the college runs on a day-to-day basis.

Activity Developing your understanding of how the college operates

- 1 List what you feel are the important things you need to know about your college.
- 2 What steps do you need to take to ensure you have a good understanding of the way the college operates?

Viewpoint

- 1 It is important for governors to find out about the work of their college, and to be well informed about its mission and educational character, the extent of its land and estates, its students and its general curriculum offer. However, governors will not be expected to know the detail of what the college does. The governing body will be most effective if every governor has an appropriate knowledge of the work of the college.
- 2 Examples of steps you could take to find out more about how the college operates include:
 - attend college functions such as speech days, annual public meetings, open days and student awards presentations

- link up with curriculum departments/faculties within the college to enable you to meet staff and students in one part of the college
- ask to receive regular newsletters or bulletins distributed in the college
- attend presentations by senior staff to the governing body on curriculum areas of the college
- attend any briefing sessions by senior management (often before meetings of the governing body) on issues affecting the college.

If this list has given you useful ideas for developing your own knowledge, discuss them with the clerk or chair.

Module review

This module has outlined the changes in post-16 education and training arising from the Learning and Skills Act 2000 and briefly reviewed the work of the governing body and the role and responsibilities of governors. If you have worked through all the sections in the module you should now be confident that you can:

- explain the reforms in post-16 education and training introduced in April 2001
- describe the range of provision in post-16 education and training
- explain the role and responsibilities of college governors
- assess your own knowledge and skills and identify your training requirements
- know how to access the governor training programme
- know where to find more detailed information on particular topics or procedures
- play a full part in the work of the governing body.

If you are not sure that you have achieved a particular goal, look back at the contents list in the Introduction to the module. You may find it useful to reread the relevant section.

Summary of key learning points

As a result of the Learning and Skills Act 2000, the LSC was set up to plan, fund and monitor post-16 education and training with a broad strategic brief to ensure that provision would meet the changing needs of the economy.

Colleges vary considerably in type, size and curriculum offer. They make a key contribution to the effective education and training of young people and adults.

The responsibilities, powers and duties of governing bodies are set out in your college's instrument and articles of government.

The main responsibilities of the governing body are to determine the educational character of the college, ensure its overall wellbeing and financial solvency and monitor its performance.

Governing bodies comprise members from business, staff, students, local authority and the community. Sixth-form colleges also have parent members and former voluntary controlled sixth-form colleges have foundation members. The principal is a member of the governing body (although he or she can choose not to be) and other members can be co-opted on the basis of their experience and skills.

Governing bodies are required to have an audit committee, a search committee and, when the occasion arises, a special committee. They are also entitled to set up other committees to help in their work

Governors are expected to uphold high standards of public conduct and to sign a code of conduct and register of members' interests.

Governors should be familiar with their governing body's standing orders.

An effective working relationship between the governing body and senior managers is crucial for the success of the college. Governing bodies should consider annually reviewing their working relationship with senior managers.

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

Governors bring a wide range of experience, skills and knowledge. The overall expertise within the governing body needs to be well balanced.

Governors should get to know their college.

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

Where next?

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

If you cannot find the information you need within these materials, turn to the 'Action planner' in *Using the Materials*. Note down what further information, support or guidance you would like. The *Action planner* gives advice on who may be able to help, and how.

Putting it into action

We hope that working through this module has raised useful questions, increased your awareness of issues and given you ideas for practical action that you would like to follow up. The 'Action planner' in *Using the Materials* contains a section where you can note down any questions or action points that you want to follow up within your own college.



Development materials for governors of further education colleges