

EXETER AND NORTH DEVON COLLEGE GROUP CORPORATION

STANDING ORDERS

Status of these Standing Orders

These Standing Orders are subsidiary to the current Instrument and Articles of Government and should any conflict arise between the Instrument and Articles and the Standing Orders, the former shall always operate. The Standing Orders shall only be amended by decision of the Corporation and will be reviewed regularly.

Determination of Membership -

Category	Number permitted by Instrument	ENDC Member number
External member Members who appear to the Corporation to have the necessary skills to ensure that the Corporation carries out its functions.	No upper limit	No fixed number. Individuals identified by Search Committee as suitable governors having appropriate skills for current vacancy.
Parent member Parents of students under 19 years attending the institution nominated and elected by other parents or by a recognised association representing parents.	Up to 2	0
Principal/CEO	Up to 1	1
Staff members At least one and not more than three members who are members of the institution's staff and have a contract of employment with the institution and who have been nominated and elected	1 – 3	2 - nominated and elected by all staff from each main campus. 1- nominated and elected by all staff from all staff across the college. <i>On a transitional basis until the end of academic year 25-26, all previously appointed staff governors from both NDC and Exeter shall continue to serve.</i>
Student Members A minimum of one student member and not more than three who are students at the institution and have been	1 – 3	2 student governors, one from each main campus. Student members nominated and elected by fellow students.

nominated and elected by their fellow students, or if the Corporation so decides, by a recognised association representing such students ("student members").		If one only nominated at any given time, they will represent the whole student body. <i>On a transitional basis until the end of academic year 25-26, all previously appointed student governors from both NDC and Exeter shall continue to serve.</i>
TOTAL MEMBERSHIP		No fixed number but a working target of 20.

Responsibilities of the Corporation

Clause 3 of the Articles of Government sets out the Corporation's responsibilities:

- The determination and periodic review of the educational character and mission of the institution and the oversight of its activities;
- Publishing arrangements for obtaining the views of staff and students on the determination and periodic review of the educational character and mission of the institution and the oversight of its activities;
- Approving the quality strategy of the institution;
- The effective and efficient use of resources, the solvency of the institution and the Corporation and safeguarding their assets;
- Approving annual estimates of income and expenditure;
- The appointment, grading, suspension, dismissal and determination of the pay and conditions of service of Senior Postholders and the Head of Governance, including, where the Head of Governance is, or is to be appointed as a member of staff, the Head of Governance's appointment, grading, suspension, dismissal and determination of pay in the capacity as a member of staff; and
- Setting a framework for the pay and conditions of service of all other staff.

In addition the Accountability Agreement between the Funding Bodies and the College places responsibilities on the Corporation as a condition of its grant. Specifically the Corporation is responsible for ensuring that the College's funds are used appropriately.

The Corporation delegates to Committees and the Principal/CEO various functions relating to these responsibilities but in accordance with Article 9 and 10 cannot delegate the following:

- The determination of the educational character and mission of the institution;
- The approval of the annual estimates of income and expenditure;
- The responsibility for ensuring the solvency of the institution and the Corporation and for safeguarding their assets;
- The appointment of the Principal/CEO or holder of a senior post;
- The appointment of the Clerk (including, where the Clerk is, or is to be, appointed as a member of staff the Clerk's appointment in the capacity as a member of staff). (The Clerk at ENDC is *currently* referred to as the Head of Governance. *Any future title used for this post will continue to include the same duties and responsibilities*) ; and

- The modification or revocation of the Articles of Government.

Committee structure

The Corporation has established the following committees:

- Appeals Committee
- Audit and Risk Assurance Committee
- Business Services Committee
- Quality and Standards Committee
- Remuneration Committee
- Search and Governance Committee
- Special Committee
- Executive Committee

The Terms of Reference for these Committees are available on the College's website.

The Corporation Chair, Vice Chair and Principal/CEO are not permitted to serve on the Audit and Risk Assurance Committee. A member of the Business Services Committee may serve on the Audit and Risk Assurance Committee but may not Chair the Committee.

Membership of these Committees is reviewed by the Corporation annually and at other times as necessary. Chairs of Committees will relinquish the chair in their final academic year in order to mentor an incoming Chair. The office of Vice Chair of a Committee will usually but not automatically be regarded as a stepping stone towards office as Chair of that or another Committee. Governors might serve on more than one Committee subject to skills audit and gender balance considerations.

The Corporation and each functional Committee is empowered to establish ad hoc task and finish groups, with agreed terms of reference, as required.

A Selection Panel to identify and recommend to the Corporation for appointment an applicant for a Senior Postholder position will be established by the Corporation when required.

Principal/CEO

The Principal/CEO's responsibilities are specified in Clause 3(2) of the Articles of Government. In addition the Corporation has specifically delegated certain powers to the Principal/CEO and may, subject to Articles 9 and 10, do so at any time. The Principal/CEO is responsible for the organisation, direction and management of the College. The Funding Bodies' Accountability Agreement identifies the Principal/CEO as the Accounting Officer; as such they are personally accountable for the use of college funds and responsible for assuring the Corporation that the College complies with the Accountability Agreement.

Senior Postholders

The Corporation has determined three Senior Post Holder positions: the Principal/CEO, Deputy CEO, and Chief Operating Officer. In addition the Head of Governance will be treated as a Senior Postholder.

Head of Governance

The Head of Governance's responsibilities are specified in Clause 3(3) of the Articles of Government and detailed in their job description. The Head of Governance is a College employee but is directly responsible to the Chair and Corporation. In brief, the Head of Governance is responsible for ensuring that the Corporation operates within its powers, follows agreed and proper procedures and that the business of the Corporation is conducted smoothly and efficiently. Additionally the Head of Governance should ensure that the governors receive appropriate information on the College's finances, curriculum and student performance, set appropriate performance targets and regularly monitor progress against those targets.

In the event that the Head of Governance believes that the Corporation or any of its members is acting, or seeking to act, inappropriately or beyond their powers the Head of Governance will follow the procedure included in the Policy on Complaints against the Board, Board members and the Head of Governance.

Delegation

The Corporation delegates authority to its Committees to act on behalf of the Corporation within the framework of their terms of reference and subject to Clauses 9 and 10 of the Articles of Government.

The Corporation may also delegate authority to the Principal/CEO, Chair, Vice Chair and Head of Governance subject to Clauses 9 and 10 of the Articles.

The Scheme of Delegation detailing these powers is included in the Policy on Scheme of Delegation.

Complaints

Any complaints regarding the operation of the Corporation should be addressed in accordance with the Policy on Complaints against the Board, Board Members and the Head of Governance and the Whistleblowing Procedure.

Self Assessment

In order to promote effective governance, and as a part of a continuing process of self evaluation and improvement, governors review their performance annually producing a self assessment report and quality improvement plan which is incorporated into the College's Self Assessment Report. The College's Self Assessment Report is available on the College's website.

The Seal

The Seal will be signed by the Chair and Principal/CEO or Principal/CEO and any other governor.

Governors

The following provisions will apply equally to co-opted committee members.

Role and Person specification

It is essential that the Corporation has the necessary mix of skills to undertake its responsibilities and accordingly the Search and Governance Committee will review potential governors' skills to ensure that the Corporation maintains the necessary skills to ensure that the Corporation carries out its functions.

Essential Characteristics and qualities needed:

- A strong sense of demonstrable commitment to the community the College seeks to serve.
- An interest in wider educational matters.
- Integrity consistent with public service and accountability.
- Broad experience of life to aid balanced judgement and a common sense approach.
- A specific skill, professional qualification and/or experience to contribute to the mix and range of members' abilities.
- An ability to assess complex issues including those involving finance.
- Active links with community groups and/or industry.
- Sufficient time to give to meetings and events.

Selection

Potential governors are identified by a variety of methods including personal recommendation by existing governors, approaching key organisations or sectors for recommendations and direct approach from interested parties. The College website includes an invitation to potential governors to contact the Head of Governance, who will maintain a register of interested candidates. Potential governors are invited to submit a curriculum vitae, completed skills audit and an equality and diversity questionnaire. Skills and experience are matched against the skills and diversity needs of the Board. The Search and Governance Committee will consider the merits of advertising a specific vacancy. Following a meeting with the Principal/CEO, Chair/Vice Chair/Committee Chair and the Head of Governance, the Search and Governance Committee will make recommendations to the Board.

Eligibility

Eligibility criteria are detailed in the Instrument (Clause 8). On appointment, and annually thereafter, governors are required to confirm their eligibility to serve as a governor of Exeter College.

In the event that a governor becomes ineligible they should inform the Head of Governance immediately.

Appointment

Governors are appointed by the Corporation Board following detailed consideration of their suitability by the Search and Governance Committee, except for the Principal/CEO, staff and student governors.

The appointment of staff and student governors, elected by their peers and subject to satisfying appropriate criteria as detailed in the Instrument (Clause 5 (3)), will be noted by the Corporation. Their appointment will not be considered by the Search and Governance Committee. Staff elections will be organised by the Head of Governance and student elections will be organised by the Department for Teaching, Learning and Development for FE and the Adult Student Lead for HE.

Term of Office

The term of office for external members will usually be four years, with a maximum of two terms, save in exceptional circumstances detailed below. In the case of *any* secondary school member the term of office will be two years, with a maximum of two terms, *thus enabling a reasonable rotation of the role amongst local Headteachers.*

At the end of their first term of office, members may be reappointed for a further term subject to recommendation by the Search and Governance Committee. To protect the best interests of the Corporation and College the following will be taken into account when considering a second term of office:

- i. a history of good attendance and effective contribution to Corporation business will be a material factor;
- ii. where a Governor has been appointed to their first term of office and their employment at that time has been a significant material factor in that appointment then cessation of that employment shall not be regarded as a negative factor when a possible second term of office is under consideration, subject to that individual retaining the appropriate skills and experience.

Having regard to good governance, a Governor will not be permitted to serve more than two consecutive four year appointments save that in exceptional circumstances, and in the best interests of the College and Corporation, they may be appointed for a third term (or for an agreed fixed period up to but not exceeding a four year term), to commence on the expiry of the second four year term.

When a Governor has completed two terms of office any further term of office, except in circumstances set out in the paragraph above, shall not commence until a period of two years has passed from the end of the second term. Where a Governor has served an additional consecutive term of office set out in the paragraph above, they shall not be eligible for further reappointment.

The term of office of a student governor will be *for the duration of their course*. The term of office for a staff governor will be four years. Staff governors will serve one term and be eligible for one further term, to commence on expiry of the first term, subject to the normal election process of nomination and election by their peers.

The term of office for other Governors will be as specified on appointment.

DBS Checks

Governors will be required to undergo an Enhanced DBS check, or whatever check is the current requirement for staff recruits to undertake on appointment. The cost of any check will be borne by the College. Should any governor be subject to any criminal charges or proceedings during their tenure as a governor of the College they must declare this to the Head of Governance immediately.

Declaration of Interests

Governors will be required to complete a declaration of interests, both financial and personal, on appointment and to review this with the Head of Governance annually. Any interest which could, if publicly known, be perceived as influencing their judgement should be included. The interests of connected persons must also be declared.

The Head of Governance will maintain a Register of Interests which is available for public inspection and which includes a register of gifts and hospitality over the value of £100. Governors should not accept gifts, hospitality or benefits in kind from a third party which might be seen as compromising their objectivity.

In addition Governors must declare and explain their interest in any agenda item which might, if publicly known, be perceived as influencing their judgement at the start of a committee or Board meeting. Governors declaring an interest may, in accordance with the Instrument of Government (Clause 11), not take part in the discussion and may at the discretion of the meeting be required to withdraw from the meeting.

Governors should inform the Head of Governance if they are planning to enrol on a course with the College.

Governors, with the exception of staff and student governors, should not apply for a staff position with the College during or within one year of completing their term of office as a governor of the College.

Code of Conduct

Governors will be required to sign up to the Corporation's Code of Conduct on appointment and to review this with the Head of Governance annually.

Nolan Committee Seven Principles of Public Life

Governors will also be expected to conduct themselves in accordance with the highest ethical standards and embrace the seven principles of public life laid down by the Nolan Committee.

- Selflessness - holders of public office should take decisions solely in terms of the public interest.

- 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 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.
- 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.

Induction

Governors are inducted by the Head of Governance, one or two Senior Postholders and any Manager who has been identified as critical to supporting the effectiveness of the Governor, as soon as practicable following their appointment.

Attendance

The Corporation has agreed an overall attendance target of 80%. Accordingly governors should endeavour to attend as *many* appropriate meetings as *possible* and at least 80% of the committee and Board meetings expected. Attendance will be monitored by the Search and Governance Committee and reported to the Corporation.

Inevitably individual circumstances may prevent attendance at particular meetings, in which case governors should tender their apologies to the Head of Governance as soon as possible in advance of the meeting. Repeated absences or failure to tender apologies for absence will be explored by the Head of Governance and Chair.

Governors should seek leave of absence from the Corporation if they are aware that they will be unable to attend Board and Committee meetings for a period of time due to a sabbatical or ill health. Absences during these exceptional circumstances will not be considered as part of the attendance reporting.

The Instrument empowers the Corporation to remove governors who have not attended meetings for a period of six months.

Attendance at Corporation and Committee meetings will be limited to members, the Head of Governance and Senior Postholders who will present and support reports on work and offer advice to governors when requested. Other contributors may be invited to attend meetings to present reports and respond to specific agenda items. Subject to the meeting Chair's discretion, contributors will attend for that specific item only.

Allowances to Governors

Governors and co-opted committee members may be reimbursed for travel expenses and other expenses incurred on College business at the same rates as those approved for staff. Claims for expenses should be submitted to the Head of Governance for approval and processing.

Governors excluding the Principal/CEO and Staff governors, will not be remunerated for their services to the College, unless in accordance with Charity Commission guidance.

Training and development

Governors are encouraged to obtain a thorough grounding in their duties and responsibilities by participating in induction, visits, governor training and development events and other relevant seminars and to maintain a good level of understanding of the further and higher education sectors.

Termination of Office

Governors may resign from office at any time by notifying the Head of Governance. The Principal/CEO and Staff governors will cease to hold office on ceasing to be a member of staff. Student governors will cease to hold office if they cease to be a student. In addition governors may be removed from office in accordance with Instrument Clause 10 (2).

Chair and Vice Chair

Appointment and term of office of the Chair and Vice Chair (Officers)

Nominations, including self-nomination, (with the support of a seconder in each instance) for the post of Chair and Vice Chair will be invited from the current Governing Body in the first term of the final year of the current Officers' respective terms, in readiness for the newly elected individuals to be appointed on completion of the previous Officers' respective terms, and in order to facilitate an effective transition. In the event that more than one nominee stands for election, there will be a secret ballot of the Board with the Officer chosen on the basis of a simple majority of those having voted in the election. In the event of a tie, the decision will be made by tossing a coin. If there is a single nominee, the Board will undertake an open vote, with the nominee having withdrawn during the discussion and vote. In the event that the outcome of the open vote does not support the single nominee for Chair, the Board will nominate its own replacement who can command the support of the majority of Governors. In the event that the incumbent Vice Chair is elected as Chair, there will be a subsequent election for a replacement.

Appointment of both the Chair and Vice Chair respectively will normally be for two year terms and either may be reappointed for a further term subject to recommendation by the Search and Governance Committee. If the relevant individual's term of office as a governor is due to be completed before the conclusion of their term of office as Chair/Vice Chair, that term of office as governor may be extended subject to Standing Orders relating to the terms of office for a governor.

Having regard to good governance, the Chair and Vice Chair will not be permitted to serve more than two consecutive two year terms save that in exceptional circumstances they may be appointed for a third term - which shall be for a fixed period and which shall under no circumstances exceed a period of 12 months in duration commencing on the expiry of the second four year term.

The Chair or Vice Chair may resign their respective offices by giving written notice or notices to the Head of Governance, such notice or notices to take effect upon delivery. Vacancies for the office of Chair or Vice Chair will be filled as soon as possible using the process set out above. In the absence of the Chair, the Vice Chair will chair Corporation Meetings. In the absence of both the Chair and Vice Chair, the Corporation will elect another chair for that meeting.

Staff, student members, the Principal/CEO and co-opted members are not eligible for appointment as the Chair or Vice Chair of the Corporation.

Nothing in this standing order is intended to preclude the removal of the Chair or Vice Chair from office by the Corporation in accordance with Instrument Clause 6.

Role of the Chair

The Chair or, in the Chair's absence, the Vice Chair will be empowered to act between Corporation meetings on matters requiring urgent attention. Actions taken by the Chair or Vice Chair must be reported to the next meeting of the Corporation. No material financial decision will be taken by the Chair or Vice Chair unless specifically delegated by the Corporation.

In addition to specific duties of the Chair detailed in the Instrument and Articles the Chair will be responsible for:

- Providing effective leadership to the Corporation and ensuring that the governing body fulfils its responsibilities.
- Jointly with the Principal/CEO establishing, maintaining and developing a constructive working relationship based on mutual trust and a shared understanding of their respective roles.
- Ensuring with the Head of Governance the efficient conduct of meetings and that all governors comply with the code of conduct, achieve agreed attendance targets and participate fully in decision making.
- With the Vice Chair appraising the Principal/CEO, Head of Governance and Senior Postholders annually.
- Investigating complaints or allegations against the Head of Governance or Principal/CEO.
- Approving the Principal/CEO's expenses claims and any overseas travel on College business by the Principal/CEO and other Senior Postholders.

Co-opted Committee Members

The Corporation may appoint individuals to serve as members on Corporation Committees. Co-opted members will be subject to the same rules and requirements as governors and will be appointed on similar terms which will be detailed in their letter of appointment.

Co-opted Governors will have voting rights equal to full members on the Committee to which they are appointed but have no voting rights at Board meetings, which they may attend as observers.

Where a Committee has delegated authority there shall not be a majority of voting co-opted members, and for the meeting to be quorate for that item there must be the requisite number of full members present.

Associates of the College

The Corporation may appoint retiring governors as Associates of the College in order to acknowledge the exceptional contribution of a retiring governor and to allow the Corporation to continue to benefit from the accumulated knowledge and experience of that governor. Appointment will be on the recommendation of the Search and Governance Committee and will be based entirely on merit.

Patrons of the College

The Corporation may appoint a limited number of Patrons of the College in order to acknowledge the exceptional achievement of alumni and other distinguished friends of the College and to allow the Corporation to benefit from the accumulated knowledge and experience of those designated. Appointment, on the recommendation of the Search and Governance Committee, will have no fixed term, but be subject to review every four years or as required, and will be based entirely on merit.

Meetings

The Corporation will meet at least once a term and at other times as determined by the Chair or as requested by the Corporation Board. Committees will meet as specified in their terms of reference.

Convening

All meetings will be summoned by the Head of Governance, who will send to all governors written notice of the meeting and the agenda at least seven days in advance of the meeting.

A special meeting of the Corporation may be called at short notice by the Chair if there are matters that require urgent consideration or at the request in writing of five governors. In exceptional circumstances papers may be issued at shorter notice to provide governors with the most up-to-date information.

Agendas and minutes

The agenda and supporting reports will be collated and circulated by the Head of Governance. Any member wishing to submit an item to be considered as part of the agenda should contact the Head of Governance at least 14 days in advance of the meeting.

The Head of Governance will be responsible for producing minutes of meetings. Minutes will be circulated to members as soon as possible after the meeting following approval of the draft minutes by the Chair of the meeting.

Approved minutes will be signed by the Chair (electronically or physically) and kept securely by the Head of Governance. Confidential minutes will be signed by the Chair and kept separately and securely by the Head of Governance. Confidential minutes will be reviewed annually and released only if the information is no longer deemed to be confidential.

Quorum

The Quorum for Board and Committee meetings will be 40% of the determined membership. If a quorum is not present within 15 minutes of the scheduled time, or if during the meeting it becomes inquorate, the meeting will be adjourned and a special meeting will be called.

Decisions and Voting

Every Board and committee resolution will be decided by a majority vote by the members present and voting. In the event of equal votes the Chair will have a second or casting vote. There will be a record of voting at meetings recorded in the minutes.

A decision of the Corporation or Committee, even when it is not unanimous, is a decision taken by the members collectively and each individual member has a duty to stand by it whether or not they were present at the meeting when the decision was taken or were supportive of it.

A decision of the Corporation or Committee may not be rescinded or varied unless specifically identified on the agenda for the meeting.

Withdrawal

The Instrument and Articles of Government provide that Staff and Student governors may be required by a Corporation or Committee decision to withdraw when matters relating to individual staff, groups of staff or prospective staff members are considered. Subject to Clause 14 (5) (c) of the Instrument Staff members will not be required to withdraw from discussions relating to pay and conditions of all staff.

Governors will be required to withdraw from the meeting when their reappointment is considered.

Papers relating to items which individual governors may not be permitted to attend will not be circulated to these governors.

Subject to the Instrument of Government the meeting may invite the governor declaring an interest to withdraw from the meeting. That governor may brief a colleague in advance of the meeting to present any relevant information.

Written Resolutions

A resolution in writing or by email agreed by a simple majority of the members who would have been entitled to vote upon it, had it been proposed at a meeting, and providing the number of members responding is quorate, shall be effective provided that –

- a) A copy of the proposed resolution has been sent to every member eligible to vote on it; and
- b) A simple majority of those members have signified agreement to the resolution, providing that the number of members responding is quorate; and
- c) Such agreement is contained in a document, which has been received and authenticated by the Head of Governance, within the period of 28 days beginning with the circulation date of the resolution.

A resolution in writing may comprise several copies to which one or more members have signified their agreement.

A resolution in writing will lapse if it is not passed before the end of the period of 28 days beginning with the circulation date. For the purpose of this paragraph “circulation date” is the day on which copies of the written resolution are sent or submitted to members, or if copies are sent or submitted on different dates, the first of those dates.

The written resolution may be circulated and voted upon by electronic or hard copy means. The result of the written resolution will be circulated to members after the closing date and time and recorded in the minutes of the next Corporation meeting.

Calendar of Meetings

A schedule of Corporation and committee meetings will be produced by the Head of Governance following consultation with the management team and shared with governors and staff at the earliest opportunity.

Public Access to Meetings of the Corporation and Committees

The Corporation has decided that attendance by the public or by the media at meetings of the Board and its committees is not permitted. In exceptional circumstances the Corporation may decide by a majority vote to allow members of the public or media to attend for all or a specific part of a particular Corporation or Committee meeting.

Subject to the Instrument and Articles of Government, governors who are not members of the Business Services Committee and Quality and Standards Committee may attend meetings of those Committees as observers, with the

advance consent of the Committee Chair, but may only participate in discussion at the invitation of the Committee Chair.

Potential Governors will be invited to attend, as an observer, the meeting of the Committee on which they are recommended to serve, prior to the Board meeting at which their appointment is ratified.

Publication of Corporation and Committee meeting minutes

Draft minutes of Corporation and Committee meetings will be published on the College's website and made available for inspection at the College's premises following approval by the Chair of the Corporation or Committee as appropriate. The Chair of the Corporation or Committee, as appropriate, will agree draft minutes for circulation to governors or Committee members for comment within seven days. Subject to comments the draft minutes will be approved by the Chair or Committee Chair. Minutes will be published on the College's website after having been formally approved at the next meeting of the Corporation or Committee as appropriate.

Publication of Committee Terms of Reference

Following review and approval by the Corporation Board, the terms of reference of the Board Committees will be published on the College's website and made available for inspection at the College's premises.

Confidentiality

Any material relating to the following will be deemed confidential and will be excluded from information made available for inspection:

- a named person employed at, or proposed to be employed at, the college;
- a named student at, or candidate for admission to, the College;
- any matter which, by reason of its nature, the Corporation has agreed should be should be dealt with on a confidential basis including:
 - Financial or other information relating to procurement decisions during the course of negotiations.
 - Information provided in confidence by a third party.
 - Information relating to employment relations matters during negotiations.
 - Information relating to the financial position of the College where the Corporation is satisfied in good faith that disclosure might harm the College.
 - Legal advice received from solicitors or instructions given to legal advisors.
 - Information planned for publication in advance of the publication.
 - Any other personal or commercially sensitive information.

In exercising its discretion under this policy the Corporation will act within the principles and requirements of the Freedom of Information Act 2000.

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