

**Scheme of Delegation for the Governance of  
Southend Adult Community College  
(including the Instrument of Government and  
Articles of Government)**

**2 April 2020**

# Scheme of Delegation for the Governance of Southend Adult Community College

## 1. INTERPRETATIONS

In this document, unless the context otherwise requires, the following expressions shall have the meanings indicated in this paragraph:

- “*The Articles of Government*” means the Articles of Government for Southend Adult Community College at Annex B
  - “*The Authority*” means Southend on Sea Borough Council;
  - “*The College*” means Southend Adult Community College;
  - “*The Deputy Chief Executive & Executive Director of Growth and Housing*” means the postholder within the Authority, or any officer of the Authority nominated by him/her;
  - “The Director of Regeneration and Growth” means the Director of Regeneration and Growth of the Authority or any officer of the Authority nominated by him or her.
  - “*The Executive Director of Finance and Resources*” means the postholder within the Authority or any officer of the Authority nominated by him/her.
  - “*The Financial Scheme of Delegation*” means the College’s Financial Regulations and Scheme of Delegation (October 2015);
  - “*The Governors*” means the Governing Body of the College;
  - “*The Instrument of Government*” refers to the Instrument of Government shown in Annex A
  - “*The Scheme*” means Scheme of Delegation for the Governance of Southend Adult Community College
- 1.1. The headings are included for convenience only, and shall not affect the construction of this document.
- 1.2. This Scheme makes provision for the principles and procedures, which the Authority will use to plan adult community learning provision, the quality of provision, the determination of an annual budget, and the delegation by the Authority of the management of the budget to the Governors.

## 2. THE PLANNING PROCESS

- 2.1. The planning cycle is based on the Education and Skills Funding Agency (ESFA) business year, 1 August to 31 July, while taking account also of financial and calendar years.
- 2.2. The planning process embraces the entire provision made by the College, however funded.
- 2.3. The purpose of the planning process is to determine what changes are needed to the existing broad pattern of provision in order that it may meet

more effectively the changing needs of the economy and population of the Authority's area.

- 2.4. The planning process will have regard to the general educational character of the College as determined from time to time by the Authority in consultation with the Governing Body.
- 2.5. The Authority will determine each year, in discussion with the College, how in broad terms, the pattern of provision made by the College is to contribute to meeting the needs of the area.

### **3. THE BUDGET**

- 3.1. The Authority will determine the total gross funds required for the proposed level of activity of the College, based on the ESFA allocations. The College's budget shall be given as a cash limited net expenditure figure after a deduction for the cost of the Authority's core responsibilities. The cost of these core responsibilities shall be formally reported to the Chair of Governors on an annual basis, following approval from the Authority's budget by full Council. Support services, provided by the Authority, will be charged through the operation of Service Level Agreements.
- 3.2. This Scheme provides for surpluses, or deficits, in the delegated budget to be carried forward into the following financial and ESFA business years.
- 3.3. The scale of tuition fees and policies relating to the revision of fees for adult community learning are to be set by the Governing Body. In exercising these functions, the Governing Body may make different arrangements for the different kinds of provision. In setting tuition fee levels, the College shall have regard to the income target set by the College, and the anticipated effect of fee levels on numbers of enrolments.
- 3.4. This Scheme does not provide for a contingency fund. The Governors are expected to set aside funds from within the delegated budget to meet unforeseen in-year increases.

### **4. DELEGATION TO THE GOVERNING BODY OF THE COLLEGE**

- 4.1. The Authority prescribes rules and standards consistent with this Scheme to be observed in the conduct of the work of College e.g. financial regulations, standing orders for contracts; standards and specifications for the maintenance of premises; health and safety policies.
- 4.2. The Authority, as employer, determines terms and conditions of service for its employees, which must be adopted by the Governing Body.
- 4.3. The powers and responsibility of the Governing Body are limited to those specifically delegated to them by the Authority exercised in accordance with any conditions applicable. The Governing Body is not a body corporate and so, when acting under delegated powers, does so on behalf of the Authority.

## **5. POWERS OF THE GOVERNING BODY**

5.1. Subject to the duties set out in paragraph 16, the following are the main powers delegated to the Governing Body:

- To incur expenditure within the delegated budget set by the Authority;
- To exercise virement within the delegated budget across all revenue expenditure headings except those that relate to earmarked items;
- To determine, at a detailed level, the pattern of learning programmes to be provided by the College during the financial year, and to vary the pattern to take account of developing needs and circumstances;
- To regulate staffing matters in accordance with the Articles of Government and specifically:
  - to determine what staff are required for the purposes of the College, and to select such staff;
  - to determine the duties of staff so selected, and their grading according to the scale of grades currently applicable in relation to employment with the Authority;
  - to exercise any discretion of the Authority with respect to the remuneration to be paid to such staff;
  - to regulate matters relating to conduct, discipline and employment grievances of staff in accordance with arrangements specified by the Authority.
- To incur expenditure within the delegated budget, on such repairs, maintenance and minor alterations not categorised as capital expenditure, in accordance with the procurement procedures in the agreed Financial Scheme of Delegation.
- To purchase, using funds from the delegated budget, such supplies, equipment and services as are needed for the College in accordance with guidelines outlined in the agreed Financial Scheme of Delegation;
- To determine the use to which the premises of the College may be put, and the charges to be made for the use of those premises during the course of the financial year (subject to provision that the Governing Body shall not sell, lease or grant a tenancy of any part of the College premises or enter into any agreement for the occasional use of part of the premises over a period of more than one academic year without the Authority's written approval).

## **6. DUTIES OF THE GOVERNING BODY**

6.1. The main duties and responsibilities delegated to the Governing Body are as follows:

- To produce a strategic plan and annual operating statement with clear key performance indicators that outline how the college will deliver the Authority's Adult Community Learning programme across the Southend and South Essex area.

- To oversee the quality of the College's provision
- To manage efficiently, economically and effectively the delegated budget;
- To have regard, in exercising its functions, to the legal responsibilities of the Authority for the strategic planning and quality control of adult community learning, and to take account of the advice of the Director of Regeneration and Growth in the exercise of such functions;
- To avoid any action likely to put the Authority in breach of its statutory responsibilities;
- To avoid a budget deficit;
- To comply with the Authority's financial regulations and standing orders as outlined in the Financial Scheme of Delegation;
- To adhere to the policies of the Authority; and
- To provide the Authority with such information as it may require for the exercise of its statutory functions, including the return of information in connection with budget monitoring.

## **7. WITHDRAWAL OF DELEGATION**

7.1. Where the Authority considers that the Governing Body, within the delegation requirements

- a) Has been guilty of substantial or persistent failure to comply with any requirements applicable under the scheme; or
- b) Is not managing the appropriation of expenditure of the sum put to its disposal or granted to it for the purposes of the institution in a satisfactory manner

The Authority may take certain specified actions. These are:

- a) Complete suspension of the Governing Body's right to a delegated budget;
- b) The limitation of that right to part only of the budget for the College;
- c) The restriction, in any manner that appears to the Authority appropriate in the circumstances, of the discretion of the Governing Body to spend any sums available or granted to it in respect of the College's budget or any part of it;
- d) Closure of any bank account, which the Executive Director of Finance and Resources has approved for the management of College funds.

7.2. Except in the case of an emergency, where the Authority will suspend delegation without notice, the Authority will give the Governing Body a calendar month's notice of any proposal to suspend or restrict delegation, with reasons, and the Governing Body shall have the right of appeal to the Authority.

7.3. Any suspension or restriction of delegation will be reviewed before the beginning of every financial year, and revoked as soon as possible.

## **8. DELEGATION OF PRINCIPAL**

- 8.1. The Governing Body may delegate any of its powers to a committee or sub-committee of the Governing Body, or to the Principal, in accordance with the Articles of Government.

## **9. TIMING OF IMPLEMENTATION**

- 9.1. This Scheme shall take effect from 2 April 2020, after approval by the Council and Governing Body

## **INSTRUMENT OF GOVERNMENT FOR SOUTHEND ADULT COMMUNITY COLLEGE**

In exercise of the powers conferred upon it by section 85 of the Further and Higher Education Act 1992, Southend on Sea Borough Council, acting as Local Authority, hereby orders as follows:

### **1. INTERPRETATION**

In this Instrument of Government, unless the context otherwise requires, the following expressions shall have the meanings indicated in this paragraph:

- “The Authority” means Southend on Sea Borough Council acting as local authority and, where any function has been delegated to a committee of the Authority, or office of the Authority, includes in relation to that function of the committee or office to whom it exercise has been delegated;
- “The College” means the Southend Adult Community College;
- “*The Deputy Chief Executive & Executive Director of Growth and Housing*” means the postholder within the Authority, or any officer of the Authority nominated by him or her;
- “The Executive Director of Finance and Resources” means the Executive Director of Finance and Resources or any officer of the Authority nominated by him or her;
- “The Governors” means the Governing Body of the College;
- “*The Scheme*” means Scheme of Delegation for the Governance of Southend Adult Community College;
- “*Senior Staff*” means the Principal and Senior Management Team of the College.

1.2 The Interpretation Act 1978 shall apply for the interpretation of this Instrument as it applies for the interpretation of an Act of Parliament.

### **2. COMPOSITION OF THE GOVERNING BODY**

2.1 The Governing Body of the College shall consist of twelve members to be selected and appointed as follows:

- i. One elected member of the Authority nominated and appointed by the Authority following the processes outlined in 2.4;
- ii. One member representing and elected by the staff of the College;
- iii. Nine members co-opted by the other Governors from amongst persons who are able to make substantial contribution to the effectiveness of the College in the local community;
- iv. The Principal of the College.

- 2.2 The Governing Body will seek to recognise and respond to the breadth and diversity of the student body through Learner Engagement Monitoring to seek valuable feedback and insight from learners on their progress, aims, and ambitions and to inform future strategy development. This will aid the Governing Body in tracking learner progress and holding the senior leaders to account on the outcomes of learners, with the overarching aim of continuous quality review and development. Learner Engagement Monitoring will take place three times each academic year.
- 2.3 The Governing Body shall appoint a person to act as a Clerk.
- 2.4 Nominations for the Local Authority governor will be made by Deputy Chief Executive & Executive Director of Growth and Housing in consultation with members of the Authority's Appointments and Disciplinary Committee. If any of the said Committee objects to the proposal by the Deputy Chief Executive & Executive Director of Growth and Housing the matter shall go to the above Committee for determination.
- 2.5 Appointment of the staff governor and co-opted governors will be made by the Governing body following recommendation by a panel comprising a representative of The Deputy Chief Executive & Executive Director of Housing & Growth, the Chair of Governors and an existing governor following scrutiny of the applications and a short interview carried out by the panel.

### **3. APPOINTMENT OF CHAIR AND VICE-CHAIR**

- 3.1 At the first full meeting of the Governing Body constituted in accordance with this Instrument, the Governors shall appoint a Chair and Vice-Chair from amongst their number.
- 3.2 Any Governor appointed under paragraph 2.1 (ii) or 2.1 (iv) above shall not be eligible to be appointed Chair or Vice-Chair.
- 3.3 The Chair and Vice-Chair shall hold office for one year.
- 3.4 If both the Chair and Vice-Chair are absent from any meeting of the Governing Body, the Governors present shall choose one of their number to act as Chair for the meeting, provided that the Governor chosen shall not be Governor appointed under paragraph 2.1 (ii) or 2.1 (iv) above.
- 3.5 The Chair and Vice-Chair may at any time, by notice in writing to the Clerk to the Governing Body, resign their respective offices.
- 3.6 At the first meeting following expiry of the term of office of the Chair and Vice-Chair, or following the resignation of the Chair or Vice-Chair, the Governors shall appoint a new Chair or Vice-Chair, as the case may be, from amongst their number.
- 3.7 The Chair and Vice-Chair, retiring at the end of their respective terms of office, shall be eligible for re-appointment.



#### **4. PERSONS INELIGIBLE TO BE GOVERNORS**

- 4.1 No person who has not attained the age of 18 years shall be eligible for appointment as a Governor.
- 4.2 No person who is a member of staff of the College shall be eligible for appointment as a Governor except in accordance with paragraph 2.1 (ii) or 2.1 (iv) above.
- 4.3 A person shall be disqualified for holding, or continuing to hold, office as a Governor if, in summary, that person:
- a) Is the subject of a bankruptcy restrictions order; an interim bankruptcy restrictions order; debt relief restrictions order; an interim debt relief restrictions order; or their estate has been sequestrated and the sequestration has not been discharged, annulled or reduced;
  - b) Is subject to a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1976; a disqualification order under the Companies (Northern Ireland) Order 2002; a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002; or an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order);
  - c) Has been removed from the office of Trustee for a charity by an order made by the Charity Commission or Commissioners or High Court on grounds of any misconduct or mismanagement in the administration of the charity, or under section 34 of the Charities and Trustee Investment (Scotland) Act 2005 from being concerned in the management or control or any body;
  - d) Has been removed from office as an elected governor within the last five years;
  - e) Is included in the list of people considered by the Secretary of State as unsuitable to work with children or young people;
  - f) Is barred from any regulated activity relating to children;
  - g) Is subject to a direction of the Secretary of State under section 142 of the Education Act 2002 or section 128 of the Education and Skills Act 2008;
  - h) Is disqualified from working with children or from registering for child-minding or providing day care;
  - i) Is disqualified from being an independent school proprietor, teacher or employee by the Secretary of State;
  - j) Subject to certain exceptions for overseas offences that do not correlate with a UK offence, has been sentenced to three months or more in prison (without the option of a fine) in the five years ending with the date preceding the date of appointment/election as a governor or since becoming a governor;
  - k) Subject to certain exceptions for overseas offences that do not correlate with a UK offence, has at any time received a prison sentence of five years or more;
  - l) Has been convicted and fined for causing a nuisance or disturbance on school or educational premises during the five years ending with the date

immediately preceding appointment/election or since appointment or election as a governor;

m) Refuses a request by the Clerk to make an application to the Disclosure and Barring Service for a criminal records certificate.

4.4 Anyone proposed or serving as a governor who is disqualified for one of these reasons must notify the Clerk to the Governing Body.

## **5. TERM OF OFFICE**

5.1 Governors appointed under paragraphs 2.1 (i) and 2.1 (iii) shall serve for a period of four years. Governors appointed under paragraphs 2.1 (ii) and 2.1 (iv) shall serve a period of four years provided they remain employed at the College in the relevant capacity.

5.2 Governors retiring at the end of their first term of office shall be eligible for re-appointment. If they wish to continue they should write to the Chair requesting consideration of a second term. This will be followed by an interview with the Chair to determine their suitability in the context of the skills needs of the Governing Body at that time. It would not normally be expected that a Governor would serve more than two terms.

## **6. DETERMINATION OF GOVERNORSHIP**

6.1 A Governor may at any time resign his or her office by notice in writing to the Clerk to the Governing Body.

6.2 Any Governor who is absent for four or more meetings during a period of six months, unless the reason for his or her absence is approved by the Governing Body, will thereupon cease to be a Governor.

6.3 Any Governor may by notice in writing be removed from that office by the body which appointed or elected him or her in accordance with paragraph 2.1 above.

6.4 Where a Governing Body has any concerns over the effectiveness or behaviour of a Governor appointed by another body, they will bring their concerns to the attention of that body. It would then be for that body to consider where the information brought to light is sufficient to change their opinion of whether the individual concerned continues to have the skills required to contribute to effective governance.

6.5 The Authority governors may be removed from office by the local authority that nominated them. The Authority must give written notice of the removal to the Clerk to the governing body and to the governor concerned.

6.6 The Governing Body may remove co-opted Governors following the guidance provided in The Constitution of Governing Bodies of maintained schools, August 2017, Regulation 25 (section C.6).

6.7 Any Governor who is a Governor by virtue of being a member of the staff (including the Principal) shall cease to be a Governor if he or she ceases to be a member of staff of the College.

## **7. VACANCIES**

7.1 Upon the occurrence of a vacancy or expected vacancy amongst the Governors appointed under paragraphs 2.1 (i), 2.1 (ii) and 2.1 (iv) above, that vacancy shall be notified as soon as possible to the body by whom the outgoing Governor was nominated or elected. It shall be for that body to nominate or elect, as the case may be, a person to fill the vacancy. For governors appointed under 2.1(i), the process outlined in 2.3 should be followed.

## **8. VALIDITY OF PROCEEDINGS**

8.1 The validity of proceedings of the Governing Body, or any committee of the Governors, shall not be affected by any vacancy amongst the members, or by any defect in the nomination, election or appointment of a member.

## **9. GOVERNORS NOT TO BE FINANCIALLY INTERESTED IN THE COLLEGE**

9.1 Except with the approval in writing of the Authority, no Governors shall take or hold any interest in any property held or used for the purpose of the College, nor receive any remuneration for his or her services as a Governor; provided that a Governor who is a member of the staff of the College (including the Principal) may receive remuneration in that capacity.

A Governor who has any financial interest in:

- a) The supply of work materials, goods or services to or for the purposes of the College; or
- b) Any contract or proposed contract concerning the College; or
- c) Any other matter relating to the College

and is present at a meeting of the Governors at which the supply, contract or other matter is to be considered, shall at the meeting disclose and have minuted the fact and shall not take part in the consideration or vote on any question with respect to it.

## **10. MEETINGS**

10.1 The Governing Body shall meet at least ten times in an academic year, and shall hold other such meetings as may be necessary. A meeting of the Governing Body is required formally to approve the budget of the College prior to the final date for notifying the Authority of its approved budget.

10.2 All meetings shall be summoned by the Clerk to the Governors, who shall send to the Governors written notice of the meeting and a copy of the agenda at least seven days in advance of the meeting.

10.3 A special meeting of the Governors may be called at any time by the Chair of the Governors or at the request in writing of any four Governors. Where the Chair, or in his or her absence, the Vice-Chair, so directs on the grounds that there are matters demanding urgent consideration, it shall be sufficient if the written notice convening the meeting and the agenda are given within such period, being less than seven days, as he or she specifies.

- 10.4 The ability to undertake virtual approvals and delegations as the need arises as a group or under Chair's action. Any virtual approvals must meet the same requirements as face-to-face meetings set out in the rest of Annex A sections 11-16.

## **11. QUORUM**

- 11.1 The quorum for a meeting of the Governing Body shall be one third (rounded up to a whole number) of the membership thereof when complete.
- 11.2 The quorum for the purpose of appointing co-opted governors pursuant to paragraph 2.1 (iii) shall be any three quarters (rounded up to a whole number) of the Governors concerned.
- 11.3 If the number of Governors assembled for a meeting of the Governing Body does not constitute a quorum, the meeting shall not be held. If in the course of a meeting of the Governing Body the number of members thereof present ceases to constitute a quorum, the meeting shall be terminated forthwith.
- 11.4 If for lack of a quorum a meeting cannot be held or, as the case may be, cannot continue, the Chair shall, if he or she thinks fit, cause a special meeting to be summoned as soon as conveniently may be.

## **12. PROCEEDINGS OF MEETINGS**

- 12.1 Every question to be decided at a meeting of the Governing Body shall be determined by a majority of the votes of the Governors present and voting on the question. Where there is an equal division of votes the Chair of the meeting shall have a second or casting vote.

## **13. MINUTES**

- 13.1 At every meeting of the Governing Body the minutes of the last meeting, if agreed to be accurate, shall be signed as a true record.

## **14. PUBLIC ACCESS TO MEETINGS**

- 14.1 The Governing Body will decide whether any person who is not:
- a) A member of the Governing Body;
  - b) The Clerk to the Governing Body;
  - c) The Executive Director of Finance and Resources or his/her representative.

should be allowed to attend a meeting of the Governing Body.

## **15. PUBLICATION OF MINUTES AND PAPERS**

- 15.1 Subject to paragraph 15.2, the Governing Body shall ensure that a copy of:
- a) The agenda for every meeting of the Governing Body;

- b) The draft minutes of every such meeting, if they have been approved by the Chair of the meeting;
- c) The signed minutes of every such meeting and
- d) Any report, document or other paper considered at any such meeting shall, in each case as soon as may be, be made available at the locations of the College to any person wishing to inspect them.

15.2 There may be excluded from any item required to be made available in pursuance of paragraph 15.1 above, any material relating to:

- a) A named tutor or other person employed at or proposed to be employed at the College;
- b) A named student at, or prospective student at the College;
- c) Any matter which, by reason of its nature, the Governing Body is satisfied should be dealt with on a confidential basis.

## **16. ATTENDANCE OF THE EXECUTIVE DIRECTOR OF FINANCE AND RESOURCES**

16.1 The Executive Director of Finance and Resources or his/her representative may attend any meeting of the Governing Body or any Committee or Sub-Committee thereof and may speak at any such meeting for the purpose of advising on financial matters.

16.2 The Clerk to the Governors shall send to the Executive Director of Finance and Resources, at the same time as they are sent to the Governors, copies of the agenda and other papers, and the minutes of meetings of the Governing Body and of any committee or Sub-Committee thereof.

16.3 The Executive Director of Finance and Resources shall be entitled at any time to submit to the Governing Body, through the Clerk to Governors, such reports and recommendations as he or she considers appropriate.

## **17. COPIES OF INSTRUMENT**

17.1 A copy of this instrument shall be given to every Governor and every permanent member of staff on appointment, and shall be available upon request to every other member of staff and every student.

## **18. REVIEW, ALTERATION OR REVOCATION**

18.1 This instrument is to be reviewed every two years by the Governors to ensure that it reflects best governance practice and may be varied in agreement with the Authority or revoked by a further order made by the Authority.

## **19. DATE OF INSTRUMENT**

19.1 This instrument shall come into operation on 2 April 2020.

## **ARTICLES OF GOVERNMENT FOR SOUTHEND ADULT COMMUNITY COLLEGE**

### **1. INTERPRETATION**

In these Articles, unless the context otherwise requires, the following expressions shall have the meanings indicated in this paragraph:

- In this document, unless the context otherwise requires, the following expressions shall have the meanings indicated in this paragraph:
  - *“The Authority”* means Southend on Sea Borough Council;
  - *“The College”* means Southend Adult Community College;
  - *“The Director of Regeneration and Growth”* means the Director of Regeneration and Growth of the Authority or any officer of the Authority nominated by him or her;
  - *“The Financial Scheme of Delegation”* means the College’s Financial Regulations and Scheme of Delegation (October 2015);
  - *“The Governing Board”* means the governing body of the College;
  - *“The Governors”* means the governors in the Governing Body of the College;
  - *“The Scheme”* means the Scheme of Delegation for the Governance of Southend Adult Community College;
  - *“Senior Staff”* means the Principal and Senior Management Team of the College.

The interpretation Act 1978 shall apply for the interpretation of these Articles as it applies for the interpretation of an Act of Parliament.

### **2. CONDUCT OF THE COLLEGE**

- 2.1 The institution shall be conducted in accordance with the provisions of the Instrument of Government, these Articles, any rules or bye-laws made under these Articles and any trust deed regulating the institution.
- 2.2 The Authority, in consultation with the Governors, shall be responsible for determining, in accordance with the Scheme, the general character of the College and its place in the local education system
- 2.3 The Governors shall be responsible, in accordance with the Scheme, for the strategic direction of the College, together with oversight of the quality of education and training provision.
- 2.4 Subject to the responsibilities of the Authority and the Governors as specified above, the Principal shall be responsible for the executive management of the College, including its financial management and internal organisation.

### **3. APPOINTMENTS: GENERAL**

- 3.1 It shall be for the Governing Body to delegate to the Principal the determination of what staff, both full-time and part-time, are for the time being required for the purposes of the College, and to select all such staff for appointment by the Authority, having regard to the advice of the Director of Regeneration and Growth. The Governing Body shall review, via the Principal, the College staff arrangements regularly, and shall approve an Annual Staffing Plan. The review and Annual Staffing Structure would normally be linked to the budget setting process.

### **4. APPOINTMENTS: SENIOR POST HOLDERS**

- 4.1 Upon the occurrence of a vacancy or expected vacancy in a senior full time post, i.e. Principal, Assistant Principal or Head of Finance and Operations, the Governing Body shall:
- a) Notify the Authority in writing;
  - b) Advertise the vacancy in such publications as they think appropriate;
  - c) Appoint a selection panel consisting of three or more Governors. One shall be the Principal except where a Principal is being appointed in which case outgoing Principal shall not take part in the appointment procedure; the others should be Governors appointed under paragraph 2.1 (i) and (iii) of the Instrument of Government. The Governing Body shall seek advice from the Director of Regeneration and Growth in making appointments.
- 4.2 The selection panel shall:
- a) Determine arrangements for selecting applicants for interview;
  - b) Interview those applicants;
  - c) Where they consider it appropriate to do so, recommend to the Authority for selection one of the applicants interviewed by them.
- 4.3 If the Authority approves the selection panel's recommendation, it shall notify the Governing Body.
- 4.4 If the selection panel are unable to agree on a person to recommend to the Authority, or if the Authority does not approve its recommendation, the Governing Body may require the panel to repeat the steps mentioned in paragraph 4.1, with or without first re-advertising the vacancy.
- 4.5 The Director of Regeneration and Growth shall have the right to attend, for the purpose of giving advice, any proceedings of the Governing Body or the selection panel, relating to the selection of full time senior post holders.

### **5. APPOINTMENTS: PART-TIME TEACHERS AND OTHER STAFF**

- 5.1 Subject to the provision of this section, the Principal shall have general responsibility for selecting for appointment any other members of the staff not covered by section 4 above and for notifying the Authority accordingly. He or she shall exercise that responsibility in accordance with arrangements made



by the Governors after consultations with representatives of staff. Details of such arrangements shall be notified to the Authority.

- 5.2 Upon the occurrence of a vacancy or expected vacancy in any post not covered by section 4 or 5.1 above, the Principal shall:
- a) Determine a specification for the post;
  - b) Except in cases or categories of cases where the Authority has agreed otherwise, send a copy of the specification to the Authority;
  - c) In cases or categories of cases where that is required under the arrangements made under paragraph 5.1, advertise the post by whatever means are specified in those arrangements.

## **6. GRADING AND CONDITIONS OF SERVICES**

- 6.1 The Governors shall be responsible, via the Principal, for:
- a) Determining the duties to be performed by members of staff appointed under sections 4 and 5 above, including, in the case of part-time staff, their hours of work;
  - b) Determining the grading of such staff, consistent with the approved Annual Staffing Plan, according to the scale of grades currently applicable in relation to employment with the Authority;
  - c) Exercising any discretion of the Authority with respect to the remuneration to be paid to such staff.
- 6.2 Subject to the provision of these Articles, all staff shall be appointed to specified posts in the College in the service of the Authority on such terms and conditions of service as the Authority may determine.

## **7. CONDUCT, DISCIPLINE AND GRIEVANCE**

- 7.1 Matters relating to discipline and grievance shall be regulated in accordance with arrangements specified by the Authority.

## **8. FINANCE**

- 8.2 The financial administration of the College shall be conducted in accordance with the provisions made in the Financial Scheme of Delegation and all relevant financial regulations and standing orders made by the Authority and subject thereto in accordance with the terms of the Scheme.

## **9. DELEGATION**

- 9.1 The Governors may delegate their functions under these Articles to a Committee established under Section 3 above, to two or more Governors or the Principal.

- 9.2 In any case where urgent action is required in a matter, which would otherwise have fallen to the Governors, or their Chair, to determine, the Principal or the Vice-Principal in his or her absence, shall take such action as he or she judges appropriate. He or she shall notify the Governors in writing of such action at the earliest opportunity.

## **10. CONSULTATION**

- 10.1 The Governors or the Principal or both may at any time seek advice from the Director of Regeneration and Growth on any matter relating to the college.
- 10.2 The Director of Regeneration and Growth may at any time offer advice to the Governing Body or the Principal or both on any matter relating to the College.

## **11. COPIES OF ARTICLES**

- 11.1 A copy of these Articles shall be given to every Governor and every permanent full-time member of the staff on appointment, and shall be available upon request to every other member of staff and student.

## **12. REVIEW, AMENDMENT AND REVOCATION OF ARTICLES**

- 12.1 These Articles are to be reviewed every two years by the College's Governing Body to ensure they reflect best governance practice and may be amended or replaced in agreement with the Authority, or revoked by order of the Authority.

## **13. DATE OF ARTICLES**

- 13.1 These Articles shall come into operation on 2 April 2020.