

Eligibility Policy & Rules and Procedures for appointment to serve as a Corporation Member

July 2016



Eligibility Policy

Governors are appointed to an initial term of office that lasts for three years from the date at which they are formally approved and appointed by the Corporation. At the end of that time they are eligible, under the Corporation's Standing Orders, to serve for further terms of office, subject to the Corporation policy and rules regarding re-appointments and recommendation by the Search and Governance Committee.

The Statutory Instrument of Government requires the Corporation to draw to your attention that persons who are ineligible to be Members are detailed below as per section 8 of the Instrument of Government:

- 1) No one under the age of 18 years may be a member, except as a student member.
- 2) The Clerk may not be a Member
- 3) A person who is a member of staff of the institution may not be, or continue as, a member, except as a staff member or in the capacity of Principal (paragraph (3) does not apply to a student who is employed by the Corporation in connection with the student's role as an officer of a students' union)
- 5) Subject to paragraphs 5) & 6), a person shall be disqualified from holding, or from continuing to hold, office as a member, if that person has been adjudged bankrupt or is the subject of a bankruptcy restrictions order, an interim bankruptcy restrictions order or a bankruptcy restrictions undertaking within the meaning of the Insolvency Act 1986 (3), or if that person has made a composition or arrangement with creditors, including an individual voluntary arrangement.
- 6) Where a person is disqualified by reason of having been adjudged bankrupt or by reason of being the subject of a bankruptcy restrictions order, an interim bankruptcy restrictions order or a bankruptcy restrictions undertaking, that disqualification shall cease -
 - a) On that person's discharge from bankruptcy, unless the bankruptcy order has before then been annulled; or
 - b) If the bankruptcy order is annulled, at the date of that annulment; or
 - c) If the interim bankruptcy restrictions order is discharged by the court, on the date of that discharge; or
 - d) If the bankruptcy restrictions order is discharged by the court, on the date of that discharge; or
 - e) If the bankruptcy restrictions undertaking is annulled, at the date of that annulment.
- 7) Where a person is disqualified by reason of having made a composition or arrangement with creditors, including an individual voluntary arrangement, and then pays the debts in full, the disqualification shall cease on the expiration of three years from the date on which the terms of the deed of composition, arrangement or individual voluntary arrangement are fulfilled.
- 8) Subject to paragraph (9), a person shall be disqualified from holding, or from continuing to hold, office as a member if-
 - a) Within the previous five years that person has been convicted, whether in the United Kingdom or elsewhere, of any offence and has received a sentence of imprisonment, whether suspended or not, for a period of three months or more, without the option of a fine; or
 - b) Within the previous twenty years that person has been convicted as set out in sub-paragraph (a) and has received a sentence of imprisonment, whether suspended or not, for a period of more than two and a half years; or
 - c) That person has at any time been convicted as set out in sub-paragraph (a) and has received a sentence of imprisonment, whether suspended or not, of more than five years.

- 9) For the purpose of this regulation there shall be disregarded any conviction by or before a court outside of the United Kingdom for an offence in respect of conduct which, if it had taken place in the United Kingdom, would not have constituted an offence under the law then in force anywhere in the United Kingdom.
- 10) Upon a member of the Corporation becoming disqualified from continuing to hold office under paragraphs (5) or (8), the member shall immediately give notice of that fact to the Clerk.

Governors will be issued with a copy of this policy prior to their appointment and will be asked to sign the eligibility declaration form. Any recommendation by the Search & Governance Committee and must confirm that they are eligible to be appointed to the Committee at interview.

On an annual basis Members will be asked to re-confirm that they continue to be eligible.

This Policy will be published on the College web site and is available upon request from the Clerk to the Corporation.

Approval of Policy

Produced By	Clerk to the Corporation
Date	June 2016
Review by	Search & Governance Committee
Review Date	June 2018

Rules and Procedures for the Appointment of Corporation Members

South Thames College will appoint Governors in a way that reflects the requirements of the Instrument & Articles of Government and that is compliant with its own Standing Orders and Search & Governance Committee Terms of Reference.

In recruiting potential new members and recommending appointments to Corporation the Search & Governance Committee will have regard to:

- The most recent determination of membership made by Corporation.
- **The Instrument & Articles of Government of South Thames College and the categories of membership, number restrictions, and eligibility criteria identified.**
- The Nolan Committee recommendations on Standards in Public Life, including transparency and openness of the search process, adopted by Corporation in 1996.
- Existing and forthcoming vacancies, a skills audit of existing members, and the skills and experience required by the Corporation.
- A Role Specification and Person Specification, or similar, which set out the role and responsibilities of an FE governor and the generic skills set required.
- The need for a recruitment strategy to draw on the wider business and local communities, including where appropriate local government, other educational institutions and not-for-profit organisations, to ensure that Corporation membership is responsive to the community served by South Thames College.
- The need to have a balanced membership in terms of age, disability, ethnicity and gender, but not at the expense of the skills required by the Board. The overriding factor for Search & Governance Committee will remain the need to meet skills gaps.
- A selection and interview process which is appropriate for the role, that results in recommendations for appointment based on merit and understanding of the role, and is based on sound HR practice.
- The need to apply the same procedures to external co-optees for committees as well as to full members.
- The need to robustly review the performance and contribution to Corporation of Members seeking reappointment for a further term of office.

The Corporation will use a variety of appropriate recruitment strategies as advised by the Search & Governance Committee and will seek to ensure that vacancies are filled through due process and in a timely manner.

The following rules for the appointment and re-appointment of Governors will be applied.

1. All applicants will be required to:
 - Complete an application form and provide an up to date CV.
 - Confirm their eligibility for the role (in accordance with the eligibility policy as approved by the Corporation which will be issued with every application and which is available on the College website).
 - All Applicants will be invited to attend the College to receive a tour of the facilities and to meet face to face with the Principal and the Clerk to the Corporation.
 - All applicants will be required to attend the Search & Governance Committee for interview.
 - All applicants will be provided with a comprehensive pack of information to assist in their understanding of the responsibilities and the role of a Governor to the Corporation prior to their interview.

2. Applicants who are willing to complete and undertake the above actions and who wish to formally pursue the opportunity to join the Corporation will be invited for an interview by the Search & Governance Committee (with the exception of the Student and Staff Governors who are appointed via other mechanisms). It is intended that the interview process will provide an opportunity to review in more detail the requirements of the role and enable discussion about how the professional and personal experiences the applicant brings may contribute to the governance process.
3. In all cases the Search & Governance Committee will be decided on the appropriate recommendation to be given to the Corporation in relation to the appointment of independent Governors. Where applicants are unsuccessful the Clerk to the Corporation shall inform them of the decision of the Committee in writing explaining the reasons for the decision.
4. There is no right of appeal against the recommendations of the Search & Governance Committee, however, any unsuccessful applicants may use the Corporation's Complaints Policy should they wish to do so.
5. The recommendation for appointment shall normally be made to the closest meeting of the Corporation following the Committee.
6. Following formal acceptance of the appointment all newly appointed Members will be required to undertake the membership formalities and will be deemed to be Members from the date of the Corporation meeting at which they were appointed.

Re-appointment of Members

7. Each Member is appointed to a three year Term of Office. In the academic term prior to the end of their term of office Members will be asked to indicate their interest in applying for a further term of office.
8. Any Member seeking re-appointment will be required to complete a further term application form (a copy of which is available from the Clerk to the Corporation).
9. The application shall be considered against the same criteria as new applications as detailed above and will also take into account the contribution made by the Governor in their previous term of office, any additional responsibilities they may have undertaken and their attendance levels for the preceding term of office and ultimately on the benefit that their membership may bring to the Corporation and the College as a whole.
10. Members applying for re-appointment will NOT be required to attend for interview by the Search & Governance Committee.

External Co-Opted Members

11. External Co-opted Members will be required to complete the same application process as full independent Governors.
12. The rules for the appointment and re-appointment of Members will be reviewed as a minimum on a bi-annual basis and at the discretion of the Search & Governance Committee.

Publication

13. This policy statement and rules will be published on the College website.

Produced by	Clerk to the Corporation
Review Date	June 2016
Approved by	Corporation
Review by Search & Governance Committee	June 2018