

Governor Recruitment and Appointment Policy



<u>Policy Title</u>	Governor Recruitment and Appointment Policy	
<u>Policy Category</u>	Compliant	
<u>Owner</u>	Chief Operations & Compliance Officer and Secretary to the Board	
<u>Group Executive Lead</u>	Chief Operations & Compliance Officer and Secretary to the Board	
<u>Date Written</u>	May 2023	
<u>Considered By</u>	Search Committee	
<u>Approved By</u>	Corporation	
<u>Date Approved</u>	July 2023	
<u>Equality Impact Assessment</u>	The implementation of this policy is not considered to have a negative impact on protected characteristics	
<u>Freedom of Information</u>	This document will be publicly available through the Groups Publication Scheme.	
<u>Review Date</u>	July 2025	
<u>Policy Summary</u>	This document sets out NCG policy regarding the recruitment and appointment of Independent, Staff, Student and Parent Governors ensure that all NCG Boards have the appropriate balance of skills, experience, diversity and knowledge to provide robust governance, to meet the fit and proper persons requirements and to identify any need for new members with particular skills.	
<u>Applicability of Policy</u>	<u>Consultation Undertaken</u>	<u>Applicable To</u>
Newcastle	No	Yes
Newcastle 6th Form	No	Yes
Carlisle	No	Yes
Kidderminster	No	Yes
Lewisham	No	Yes
Southwark	No	Yes
West Lancashire	No	Yes
Professional Services	No	Yes

<u>Changes to Earlier Versions</u>	
<u>Previous Approval Date</u>	<u>Summarise Changes Made Here</u>
N/A - New policy	
<u>Linked Documents</u>	
<u>Document Title</u>	<u>Relevance</u>
Instrument of Government	Clause 6 relating to the appointment of the Chair and Vice Chair. Clause 8 relating to Governor eligibility criteria.

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1. Purpose.

- 1.1. The purpose of this policy is to ensure that all NCG Boards have the appropriate balance of skills, experience, diversity and knowledge to provide robust governance, to meet the fit and proper persons requirements and to identify any need for new members with particular skills.

2. General Policy Statement.

- 2.1. NCG is committed to ensuring that NCG Corporation Board / College Boards are led by individuals who demonstrate the highest levels of professional integrity and conduct, always acting in the best interests of the college and students.
- 2.2. In accordance with DfE guidance for FE and Sixth-Form Colleges, NCG Corporation Board / College Boards include Independent, Staff and Student Governors. In addition, Newcastle 6th Form College Board also includes an appointed Parent Governor.
- 2.3. This document sets out NCG policy regarding the recruitment and appointment of Independent, Staff, Student and Parent Governors.
- 2.4. Where a Governor vacancy arises, the NCG Governance Team shall take all necessary steps to appoint a new member to fill the vacancy as soon as practicable.
- 2.5. The use of external recruitment services to fill Governor vacancies shall be at the discretion of the Secretary to the Board.

3. Independent / Parent Governor Recruitment and Appointment.

- 3.1. The eligibility criteria for Independent Governors on the NCG Corporation Board are set out in the NCG Instrument & Articles of Government.
- 3.2. An individual may not be appointed as an Independent Governor to a College Board if they would be ineligible for membership of the Corporation under the Instrument & Articles of Government.
- 3.3. Prospective Independent / Parent Governors shall be required to declare their eligibility in a form prescribed by the Secretary to the Board.

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- 3.4. Independent / Parent Governors shall / must express their interest in becoming an NCG Corporation Board / College Board Governor by way of an application form.
- 3.5. The application form includes a skills matrix which prospective Governors must complete as part of their application. This assists the Board in identifying those Governors with desirable / preferred skillsets.
- 3.6. Independent / Parent Governors shall be subject to interview by the Corporation Chair, Chief Executive and Secretary to the Board (for Corporation Board) or by the College Board Chair, Principal and Secretary to the Board (for College Boards).
- 3.7. Following interview, the prospective Governor's application and interview feedback shall be reviewed by the Search Committee. Subject to the approval of the Search Committee, the Governance Team will seek a declaration of interests, check eligibility for appointment (via governor declaration) and present the nomination to the Corporation Board for approval.
- 3.8. In accordance with the Standing Orders, the final decision to appoint all Independent / Parent Governors rests with the Corporation as a body.
- 3.9. Following Corporation Board approval, the Governance Team will issue a formal letter of appointment to the new member indicating the term of office and resignation procedure, provide them with a copy of the Standing Orders and commence the Governor induction process.
- 3.10. The initial period of office for an Independent Governor shall normally be four years. On reappointment, the period of office will be up to four years and set with consideration of the risk that several members might leave at the same time. The maximum total term of office shall be eight years unless there are exceptional circumstances.

4. Staff Governor Recruitment and Appointment.

- 4.1. The eligibility criteria for Staff Governors on the NCG Corporation Board are set out in the NCG Instrument & Articles of Government.

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- 4.2. An individual may not be appointed as Staff Governor to a College Board if they would be ineligible for membership of the Corporation under the Instrument & Articles of Government.
- 4.3. Prospective Staff Governors shall be required to declare their eligibility in a form prescribed by the Secretary to the Board.
- 4.4. According to the NCG Instrument of Government, there shall be at least one and not more than two Staff Governors on the Corporation Board.
- 4.5. The number of Staff Governors on College Boards shall be as per the College Board Terms of Reference.
- 4.6. For the NCG Corporation Board and College Boards, where it has been decided that there shall be one Staff Governor, the Governor may be a member of the academic staff or the non-academic staff.
- 4.7. For the NCG Corporation Board and College Boards, where it has been decided that there shall be two Staff Governors, one member must be from an academic background and one from a professional services background.
- 4.8. Applications for Staff Governor shall be sought via expressions of interest and an accompanying personal statement.
- 4.9. Where there is only one nomination, and where that person meets the eligibility criteria, the Governance team will notify them that they have been appointed as the Staff Governor.
- 4.10. Where there are more expressions of interest received than available vacancies, an election will take place.
- 4.11. The NCG Governance team shall organise the election of Staff Governors following instruction from the Secretary to the Board.
- 4.12. Upon completion of the vote count, the candidate/s with the most votes shall be deemed elected and the Governance team shall advise all candidates of the election outcome.
- 4.13. The successful candidate/s shall be submitted to the Corporation Board for approval. Upon approval, the decision should be communicated to the staff body.
- 4.14. Following approval by the Corporation Board, the Governance team will issue a formal letter of appointment to the new member indicating the term of office and

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resignation procedure, provide them with a copy of the Standing Orders and commence the Governor induction process.

- 4.15. The period of office for a Staff Governor shall normally be two years. On reappointment, the period of office will be up to two years. The maximum total term of office shall be four years, unless there are exceptional circumstances.
- 4.16. A Staff Governor shall no longer hold office should their employment at NCG cease either through resignation or termination.
- 4.17. Where a Staff Governor resigns within six months of their initial appointment, the second-placed candidate in the election shall be offered the position for the remainder of the original term.

5. Student Governor Recruitment and Appointment.

- 5.1. The eligibility criteria for Student Governors on the NCG Corporation Board are set out in the NCG Instrument & Articles of Government.
- 5.2. Prospective Student Governors shall be required to declare their eligibility in a form prescribed by the Secretary to the Board.
- 5.3. According to the NCG Instrument of Government, there shall be at least one and not more than two Student Governors on the Corporation Board.
- 5.4. The number of Student Governors on College Boards shall be as per the College Board Terms of Reference and should not exceed two Governors.
- 5.5. Applications for Student Governor shall be sought via expressions of interest and an accompanying manifesto statement. Where there is a Student Union in place, the Student Union President / Vice-President may be appointed to the role of Student Governor and put forward to the Corporation Board for approval.
- 5.6. Where there is only one nomination, and where that person meets the eligibility criteria, the Governance team will notify them that they have been elected as the Student Governor.
- 5.7. Where there are more expressions of interest received than available vacancies, an election will take place.
- 5.8. The NCG Governance team shall organise the election of Student Governors following instruction from the Secretary to the Board.

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- 5.9. Upon completion of the vote count, the candidate/s with the most votes shall be deemed elected and the Governance team shall advise all candidates of the election outcome.
- 5.10. The successful candidate/s shall be submitted to the Corporation Board for approval. Upon approval, the decision should be communicated to the student body.
- 5.11. Following approval by the Corporation Board, the Governance team will issue a formal letter of appointment to the new member indicating the term of office and resignation procedure, provide them with a copy of the Standing Orders and commence the Governor induction process.
- 5.12. Each College shall provide a designated administrative point of contact who will liaise with the Governance team and be available to support the student where necessary.
- 5.13. The period of office for a Student Governor shall normally be one year and may be renewed once up to a maximum of two years.
- 5.14. The appointment period for Student Governors runs from the 1st January to the 31st December which must be covered by a student's recorded course dates.
- 5.15. A Student Governor shall no longer hold office should they cease to be a student of NCG.

6. Governor Reappointment and Vacancies.

- 6.1. The NCG Governance team is responsible for monitoring Governor Terms of Office and reporting this to the Search Committee.
- 6.2. Where a vacancy has arisen because of resignation (or for Staff and Student Governors, where the Governor has ceased to be an NCG student or staff member) the Governance team shall notify the Secretary to the Board and relevant Chair immediately and commence the relevant recruitment process as outlined above.
- 6.3. In all other circumstances, the Governance team shall notify the Secretary to the Board and the relevant Chair three months in advance of the expiry of a Governor's Term.

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- 6.4. In the first instance the Secretary to the Board will contact the Independent / Parent Governor to ascertain their interest / willingness to remain on the Board for a further term. The Secretary to the Board will also discuss the agreement of a further term with the relevant Chair. On completion of this process the Secretary to the Board will make a recommendation to the Search Committee. Where it is agreed to offer a second term the Governance team shall arrange the necessary paperwork for obtaining Corporation Board approval.
- 6.5. For Independent / Parent Governors on their second term, the Governance team shall contact the respective Governor three months in advance of the expiry of their term to advise them of same. The Governance team shall then commence the recruitment process as outlined above.
- 6.6. For Staff and Student Governors, the Governance Team will commence the recruitment process as outlined above.
- 6.7. Governors who do not seek a second term or whose second term has expired, shall receive a formal letter of notification from the Secretary to the Board, thanking them for their service.

7. Disclosure and Barring (DBS).

- 7.1. All categories of Governor are subject to an enhanced DBS check upon appointment. Governors shall not be charged for this service.
- 7.2. The Governance team shall ensure a risk assessment is in place for each Governor until such a time as the enhanced DBS has been received.
- 7.3. All Governors are required to complete an annual DBS declaration.

8. Governor Induction and Training.

- 8.1. The Governance team shall arrange a formal induction for all new Governors.
- 8.2. New Governors are also required to complete ETF safeguarding training.
- 8.3. Additionally, and on an annual basis, all Governors are required to complete an annual safeguarding declaration.

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9. 'Fit and Proper Person'.

- 9.1. The Corporation Board must be satisfied that all Governors are 'Fit and Proper Persons'.
- 9.2. A 'Fit and Proper Person'
 - 9.2.1. Is of good character.
 - 9.2.2. Has the qualifications, competence, skills and experience that are necessary for their role.
 - 9.2.3. Is able by reason of their health, after reasonable adjustments are made, to properly perform the tasks of the office or position for which they are appointed.
 - 9.2.4. Has not been responsible for, been privy to, contributed to, or facilitated any serious misconduct or mismanagement (whether unlawful or not) in their employment or in the conduct of any entity with which they are or have been associated.
- 9.3. The following are indicators that a person may not be a fit and proper person:
 - 9.3.1. Disqualification from acting as a company director, or from acting as a charity trustee, as set out in the Company Directors Disqualification Act 1986 or the Charities Act 2011.
 - 9.3.2. Conviction of a criminal offence anywhere in the world.
 - 9.3.3. Subject of any adverse finding in civil proceedings, where relevant, including, but not limited to bankruptcy or equivalent proceedings (in the last three years).
 - 9.3.4. Subject of any adverse findings in any disciplinary proceedings by any regulatory authorities or professional bodies.
 - 9.3.5. Involvement in any abuse of the tax systems.
 - 9.3.6. Involvement with any entity that has been refused registration to carry out a trade or has had that registration terminated.
 - 9.3.7. Involvement in a business that has gone into insolvency, liquidation or administration while the person has been connected with that organisation or within one year of that connection.
 - 9.3.8. Dismissal from a position of trust or similar.

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- 9.3.9. Involvement with a higher education provider that has had its registration refused or revoked by the OfS or has had similar action taken against it by another regulator (this includes, but is not limited to, serving on a board / governing body, having voting rights, being a significant shareholder/owner, serving in a senior position, etc.
- 9.4. All NCG Corporation Board and College Board Governors must complete a 'Fit and Proper Person' declaration upon appointment.
- 9.5. The NCG Governance team shall conduct a Fit and Proper Persons Check upon appointment and annually thereafter.

10. Appointment of the Chair.

- 10.1. Process for the Appointment of the Chair of the NCG Corporation Board.

Where it becomes necessary to make an appointment to the role of Chair of the NCG Corporation Board the appointment will be handled via the NCG Search Committee.

The NCG Search Committee will be responsible for agreeing whether an appointment should be made internally from existing Corporation Board Members (noting that staff and student governors are not eligible to hold the role of Chair), or externally via a recruitment process.

- 10.1.1. Internal Appointment

Where the Search Committee deem an Internal Appointment to be appropriate, the Secretary to the Board will write to all existing NCG Corporation Members who have at the time of the vacancy in excess of 24 months remaining on their term of office (including any potential additional terms) requesting that they submit in writing an Expression of Interest (EoI) which sets out why they should be appointed.

- 10.1.2. External Appointment

Where the Search Committee deem an External Appointment to be appropriate the Secretary to the Board will begin the process of marketing the opportunity externally. At the discretion of the Search committee this may be undertaken in partnership with an externally sourced and appointed recruitment partner.

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To support the recruitment, all interested applicants will be required to formally apply using an application form designed and issued by the Secretary to the Board.

10.1.3. Appointment Panel.

To enable the shortlisting and interview process to be commenced, the Secretary to the Board will establish a recruitment panel.

The panel will be chaired by the Chair of the Search Committee and will include:

- At least 2 members of Corporation (who have not expressed an interest in the role).
- The currently seconded College Board Chair who is a member of the Search Committee at the time of appointment.
- A NCG stakeholder.
- Chief Operations and Compliance Officer (and Secretary to the Board).

Whilst the CEO and the current Chair will not be part of the appointment panel, 1-2-1 sessions between the CEO and each of the candidates will be arranged. These sessions will take place in advance of the appointment panel meeting. Feedback from the CEO in relation to each of the candidates will form part of the evidence pack provided to the Appointment panel, against which they will make the final appointment recommendation.

10.1.4. Appointment Duration and Extension of Office.

The NCG Corporation Chair will be appointed for an equivalent period up until the end of their current expiry from the NCG Corporation Board. When this period is due to expire (and following a discussion with the existing Chair to ensure they wish to remain in the role) the Secretary to the Board will write to all members asking:

- For their endorsement (or otherwise) of the reappointment of the existing Chair.
- If they would wish to be considered personally for the role of Chair.

In circumstances where the existing Chair wishes to continue however concerns or challenge are raised, the Secretary to the Board will be required to report this

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to the Search Committee who will consider and agree the appropriate action to take on a case-by-case basis.

Where members are supportive of the Chair's continuation, the Corporation will be able to reappoint their Chairperson without referral to the Search Committee.

10.2. Appointment of College Board Chairs.

Where it becomes necessary to make an appointment to the Chair of a College Board, the sourcing of candidates will be undertaken by the Search Committee as previously described in relation to the Chair of the NCG Corporation.

10.2.1. Process for the Appointment of College Board Chairs.

To enable the shortlisting and interview process to be commenced the Secretary to the Board will establish a recruitment panel.

The panel will be Chaired by the Chair of the Search Committee and will include:

- The Chair of Search Committee.
- A senior member of the Local Governing Body (who has not expressed an interest in the role).
- A local stakeholder.
- Chief Operations and Compliance Officer (and Secretary to the Board).

The College Principal and the current Chair will not be part of the interview panel.

10.2.2. Appointment Duration and Extension of Office.

The College Board Chair will be appointed for an equivalent period up until the end of their current expiry from the College Board. When this period is due to expire (and following a discussion with the existing Chair to ensure they are wishing to remain in the role) the Secretary to the Board will write to all members asking:

- For their endorsement (or otherwise) of the reappointment of the existing Chair.
- If they would wish to be considered personally for the role of Chair.

In circumstances where the existing Chair wishes to continue however concerns or challenge are raised, the Secretary to the Board will be required to report this

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to the Search Committee who will consider and agree the appropriate action to take on a case-by-case basis.

Where members are supportive of the Chair's continuation, the Corporation will be able to reappoint the College Chairperson without referral to the Search Committee.

11. Other.

- 11.1. All Governors are expected to supply a photograph and a mini biography (maximum 250 words) which will be shared on the Governor page of the NCG / College website.