



# Module 12

## Search Committee

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

# Preface to Governance Training Materials

At the time of writing the Governance Training Modules, the **Education Act 2011** had been implemented. It abolished the Young People's Learning Agency, with funding for colleges now being administered by either the Education Funding Agency and / or the Skills Funding Agency. It significantly reduced the complexity of colleges' Instrument and Articles of Government, giving them greater flexibility to run their own affairs. The details are included in Schedule 12 of the Act which makes a number of amendments to prior legislation. Section 29b of Schedule 12 states that "the governing body of the institution may modify or replace its instrument of government and articles of government". These must however comply with certain requirements set out in Part 2 of Schedule 4, thereby retaining some of the key responsibilities previously enshrined in legislation. In some cases, the statutory provision for sixth form colleges differs from that of general further education (GFE) colleges with the **Department for Education (DfE)** overseeing the former and the **Department for Business, Innovation and Skills (BIS)** the latter; however all colleges will now be actively considering the changes that affect them and all governors will need to be aware of the implications for their own organisation. At the same time as the Education Act 2011 was passed into law, the Association of Colleges published **The English Colleges' Foundation Code of Governance**.

This voluntary code of practice was developed by the sector following extensive consultation and all GFE colleges have been encouraged formally to adopt it. It has the full support of the government and is seen as "an important milestone in making colleges more locally accountable and in freeing them to respond more effectively to local learners, employers and community partners".

The government's reform plan for the further education and skills system was set out in **New Challenges, New Chances** published on 1 December 2011 and further refined in **Rigour and Responsiveness in Skills** published in April 2013. A **summary of NCNC** is available from LSIS. In November 2011 the final report of the Independent Commission on Colleges in their Communities, **A Dynamic Nucleus**, was published. Alongside New Challenges, New Chances, these two documents establish the foundation for the future development of the further education and skills sector.

The 2013 version of the Governance Training materials incorporate these significant changes to the operation of further education but all governors are recommended to familiarise themselves with and take account of the key documents referred to in this preface. The materials enshrine the six principles set out in the Good Governance Standard for Public Services by the Independent Commission on **Good Governance in Public Services** (2005), to which all governing bodies are referred.

The **Association of Colleges** has also compiled a **Governance Resource Library** which provides a wide range of online resources for governors and which will usefully complement these materials.

The **Learning and Skills Improvement Service** which has produced these updated and much valued governance training modules will cease to exist after August 2013. It is hoped the essential updating of these resources will be regularly carried out by other existing organisations or newly-emerging ones.

## Acknowledgements

The first edition of these training materials was published by the Further Education Funding Council in 2000 and further updated and amended in 2002 following the establishment of the Learning and Skills Council in 2002. They were commissioned by LSC in 2002 under the Standards Fund and produced by a partnership of national organisations involved in further education.

This third edition of the training materials has been published by **The Learning and Skills Improvement Service (LSIS)**, as part of the **Leadership Skills for Governance** programme, and incorporates the changes brought about by the Education Act 2011 and government policy initiatives as at January 2013.

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We would like to thank the advisory group for their input into developing the modules; and the critical readers for their helpful comments on the draft materials.

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## Contents

Introduction	04
<hr/>	
Section 1	06
Why have a search committee	
<hr/>	
Section 2	09
Membership of the corporation	
<hr/>	
Section 3	11
Seeking new members	
<hr/>	
Section 4	24
Encouraging potential new members	
<hr/>	
Section 5	28
Interviewing potential new members	
<hr/>	
Section 6	32
Module review and further reading	

# Introduction

This module looks at the role and responsibilities of the Search Committee.

Until April 2012 Corporations had been legally required within the Instrument and Articles of Government to have a Search Committee, to advise the Corporation on the appointment of members (other than parent, staff or student members) and any other matters that Corporations had delegated to the committee.

Schedule 4 of the Education Act 2011, which came into effect in April 2012, removed a number of binding requirements that existed in the previous versions of the Instruments and Articles, and set out new requirements for FE and sixth form colleges to include within their Instrument and Articles of Government. With regard to the composition of corporations and governing bodies, Schedule 4 states:

- “4. An instrument must provide for –
- (a) The number of members of the body;
  - (b) The eligibility of persons for membership;
  - (c) The members to include –
    - (i) Staff and students at the institution
    - (ii) In the case of a sixth form college corporation, parents of students at the institution aged under 19; and
  - (d) The appointment of members.”

Colleges are therefore able to decide on the composition and the eligibility for membership of their boards within the requirements of Schedule 4.

Schedule 4 does not place any requirement on colleges to have a Search Committee, as the previous Instrument and Articles of Government did, and colleges are now able to decide on the arrangements they will put in place for the recruitment of governors.

Colleges will still need to be mindful of their corporate status, i.e. as exempt charities, and have regard for best practice in board member recruitment. In particular, colleges will need to be mindful of two codes which they may have adopted and against which they report on a ‘comply or explain’ basis i.e. **The UK Corporate Governance Code** (September 2012) and / or **The Foundation Code of Governance** (2011).

The UK Corporate Governance Code, under *Section B Effectiveness*, states:

“The board and its committees should have the appropriate balance of skills, experience, independence and knowledge of the company to enable them to discharge their respective duties and responsibilities effectively.

“There should be a formal, rigorous and transparent procedure for the appointment of new directors to the board”.

Section B details the supporting principles of these statements, including, the search for board candidates to be made on merit; the need for objective criteria on which to select; due regard for diversity, including gender; and plans for orderly succession. To facilitate this, under Code Provisions it states: “B.2.1. There should be a nomination committee which should lead the process for board appointments ...” and the code goes on to outline the duties of the committee. The Foundation Code of Governance (2011), under section 2 Structure and Process, states:

“2.1 The governing body should determine the size and composition of its membership in accordance with its college’s Instrument and Articles of Government. It should aim to: 2.1.1. Achieve an appropriate balance of skills, experience and knowledge;  
2.1.2. Acknowledge the value of refreshing its membership;  
2.1.3. Have due regard for the benefits of diversity;  
2.1.4. Establish its own clear rules for the appointment and re-appointment of governors. These rules should be publicly available.”

The Foundation Code goes on to emphasise the need for skill and experience that will enable the governing body to be effective, to plan to address any skills gaps identified, and to plan for the succession of the chair and other governor offices.

This module has been written with the assumption that colleges will continue to have arrangements in place to meet the above requirements, and that this is likely to include the adoption of a search or nomination committee to enable this. References to Search Committees in this module therefore refer to any committee set up to fulfill these requirements.

## Aims

**By the end of this module on the Search Committee you should be able to:**

- explain why the Corporation has a Search Committee and what it does;
- outline the terms of reference of your own organisation’s Search Committee;
- describe the membership of a Search Committee;
- describe how governors are recruited and appointed;
- describe the Search Committee’s relationship with the Corporation; and
- evaluate the practice and effectiveness of your own organisation’s Search Committee.

## Contents

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

To do	Done		
<input type="checkbox"/>	<input type="checkbox"/>	Section 1	Why have a Search Committee?
<input type="checkbox"/>	<input type="checkbox"/>	Section 2	Membership of the Corporation
<input type="checkbox"/>	<input type="checkbox"/>	Section 3	Seeking new members
<input type="checkbox"/>	<input type="checkbox"/>	Section 4	Reappointing existing members
<input type="checkbox"/>	<input type="checkbox"/>	Section 5	Encouraging potential new members
<input type="checkbox"/>	<input type="checkbox"/>	Section 6	Interviewing potential new members
<input type="checkbox"/>	<input type="checkbox"/>	Section 7	Module review and further reading

## Working on the self-study activities

These materials have been designed for flexible use and to complement other web- and organisation-based resources for governor and clerk development. You can work through them with other governors in training and development sessions. You can also work through sections and activities in your own time and at your own pace if you find it difficult to attend organised training sessions, or as a clerk at the outset of your role. Governors who have used these materials point out how valuable it is to work on at least some of the suggested activities together with another governor or group of governors, as there is significant potential to learn from each other's experience. Clerks may wish to seek the advice of other clerks via the [clerks' email](#) network on any points requiring clarification.

For suggestions on how to organise this kind of support for yourself, see the booklet on 'Using the materials'.

## Further reading

Following completion of this module, governors and clerks may find it useful to read this guide, [\*Governor Recruitment Strategies – Brief guide for governors and clerks in further education colleges\*](#) (published by LSIS in January 2010 and updated in November 2012), which focuses on ideas and strategies that Corporations may wish to consider in the recruitment of their governors, and develops many of the themes and ideas explored in this module.

## What you will need

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

- your Corporation's Search Committee terms of reference;
- documents that outline your Corporation's current, and possibly previous, recruitment strategies;
- paperwork that supports your Corporation's governor recruitment, e.g. application forms, governor role description, skills' audit;
- information detailing your Corporation's membership, i.e. the number of members in each category, their current period of office, how many years they have served on the Corporation;
- documentation that outlines the experience profile of your Corporation;
- documentation that outlines the diversity profile of your Corporation, the organisation (by campus or site, if appropriate) and the community it serves; and
- any governor succession plans or strategies currently being used by your Corporation.

# Section 1

## Why have a Search Committee?

### Statutory responsibilities

The Corporation had, until April 2012, a statutory responsibility to establish a Search Committee, as set out in clause 5 of the **Articles of Government of Further Education Colleges**.

“5 (1) The corporation shall establish a committee to be known as the ‘search committee’ to advise on:

- a) the appointment of members (other than as a parent, staff or student member); and
- b) such other matters relating to membership and appointments as the Corporation may ask it to.

(2) Corporations should not appoint any person as a member (other than as a parent, staff or student member, which have their own separate election processes) without first consulting and considering the advice of the search committee.”

Corporations are now free, since the implementation of the Education Act 2011 in April 2012, to make their own rules that outline how the Corporation will select and appoint members. Any rules, including the terms of reference of a committee such as a Search Committee appointed to conduct this work on the board’s behalf, should be published on the organisation’s website and made available at the organisation for any person to inspect them during normal office hours.

The terms of reference of the Search Committee need not be a long document; they could be captured in the following sentence:

“The Search Committee shall be responsible for advising the Corporation on the appointment and reappointment of members of the Corporation other than the principal and chief executive.”

Any advice that the committee gives to the Corporation, other than advice that the Corporation is satisfied should be dealt with on a confidential basis, should also be published on the website and available for public inspection.

### Further responsibilities

Looking beyond compliance, the importance of the role of the Search Committee cannot be understated. **A Review of Governance and Strategic Leadership in English Further Education**, commissioned by the AoC (Association of Colleges) and LSIS (Learning and Skills Improvement Service) in 2009 stated that:

“Ensuring an appropriate board membership is probably the most crucial aspect of creating the basis for effective governance.”

To ensure that the Corporation is given the highest quality and most effective advice on the appointment of governors, an important function of the Search Committee is to monitor the skills’ base of the Corporation to ensure that it is balanced in terms of expertise, as well as reflecting the



gender, ethnicity, cultural, age and disability balance of the community served by the organisation.

Search Committees in some organisations are also given responsibility for succession planning, for both committee and Corporation roles such as chairs of committees and Vice Chair and Chair of the Corporation. It is certainly beneficial for Search Committees to be aware of the skills and experience of their members in chairing committees and wider groups, and to ensure adequate training is planned for those who seek to progress to different roles and responsibilities.

In some organisations, individual governor performance is reviewed annually, often by the Chair, and these conversations can identify further training needs for governors. The Search Committee and clerk should be made aware of these training needs, in order to inform planning. As an example, a performance review process might involve a governor completing a performance review form that is then passed to the Chair; this then forms the basis of an ensuing conversation. This is not necessarily a stiff or formal process; for many organisations this has turned into a useful opportunity for the Chair and governors to have a conversation that reflects on both the governors' and the Corporation's performance, providing useful ideas and outcomes that are then taken forward to improve governance, such as changes to governance frameworks, committee structures, improved induction and training sessions for governors.

As with any other training and development in an organisation, the training and development of governors should be evaluated, often by the completion of an evaluation form. The evaluation analysis is in some organisations taken to the Search Committee, to ensure that improvements can be made to governor and clerk induction and any other training undertaken.

To fulfil their functions, Search Committees will need to receive information on the diversity of the organisation's community, which in some cases can vary from campus to campus, or site to site. The actual student body diversity profile may not reflect the community in which the organisation's sites are situated, and Search Committees and Corporations should make a judgement against which diversity profile they should monitor their membership profile.

The Corporation should undertake a skills' audit of governors to identify the areas of expertise and interest of existing members, with a view to filling any skills' gaps when appointing new members. Potential members should be asked to complete the skills' audit to assist the committee when considering their application.

The skills assessed in the skills' audit should themselves be reviewed periodically to ensure they continue to reflect the skills required to deliver effective governance and that match the organisation's needs and individual circumstances. The skills' audit is an essential tool of the Search Committee.

Corporations also have the scope to determine the size and composition of their membership provided they remain within the overall statutory framework laid down within Schedule 4 of the Education Act 2011. Further information is detailed later in this module.



## Activities

### Thinking beyond statutory compliance, what is the value of having a Search Committee?

Note down your thoughts and identify what you consider to be the three most important outcomes of having an effective Search Committee. If you are an existing Search Committee member, draw on your own experience as well as the aspirational outcomes. If you are not an existing Search Committee member, it might be beneficial to discuss this question with a governor who is, or with the clerk.

Are they confined to the core purpose of providing advice on appointing new members, or are they broader?

Would there be benefits in changing or widening the scope of the terms of reference? Where appropriate, note down improvements for the Corporation to consider.

Note down what else you consider might improve the work of the Search Committee, and the ensuing advice it gives to the Corporation, and which would lead to improvements in governance practice.

For clerks, what additional value could you give to the Search Committee that you are not currently being required to give?

## Viewpoint

Governors' and clerks' experience of the work of Search Committees can vary widely. Some Corporations restrict the committee's work to the statutory responsibilities. Other Search Committees have been given wider responsibilities such as:

- monitoring the induction and training of governors, including the development of Corporation and individual member training plans;
- succession planning for specific governance roles; and
- governance self-assessment and the monitoring of an ensuing improvement action plan.

The advantages of broader terms of reference are to bring together in one committee a number of related activities. The disadvantages are that it might deflect attention from the committee's core purpose of providing advice to the Corporation on the appointment of new members. In addition some delegated issues may properly be the responsibility of the Corporation as a whole, or more effectively handled by the Corporation as a whole. The Corporation should take a view on those issues for which it wishes to retain responsibility and those which it would like the Search Committee to look at in more depth and then advise the Corporation.

## Section 2

### Membership of the Corporation

There are variations in categories of members for different types of organisation. Governors and clerks should ensure they are aware of the applicable limitations in place for their organisation.

#### Notes

\*The principal (chief executive) is normally a member of the Corporation but can choose not to be.

\*\*The government funding agency has the power to nominate up to two additional governors. This power might be used where there are serious concerns about the governance of an organisation and may legitimately take Corporation membership above its maximum size.

The corporation should be mindful, through the work of the Search Committee, that its membership includes people from a range of backgrounds reflecting the community that the organisation serves. Whilst it will never be possible in a group to reflect all walks of life and circumstances, there should be a balance of members that is appropriate to the organisation in terms of knowledge, skills and experience, and in terms of diversity, such as gender, ethnic origin, disability and age.

Quorums for each body should be established by the organisation. The Corporation is the appointing body but if a Corporation cannot replace members because the number of members falls below the number needed for a quorum, the Secretary of State becomes the appointing authority until a quorum is established.

#### Activity

##### Review the current membership of your Corporation

In the table below, make a note of the current membership determined by your Corporation and when vacancies are expected.

Category	Number of members	Dates of expected vacancies*
Members		
Staff		
Students		
Parents		
Principal		

## Note

\*Dates of expected vacancies will provide a useful indication of when to plan recruitment and succession planning activities and strategies. For example, if a number of governors' terms of office are due to expire in a short time period, this should be a key focus of activity for the Search Committee, including planning for the future to ensure wherever possible a good spread of members' terms of office expiry dates.

In your view:

- Should changes be considered, e.g. increasing the number of staff or student members, or introducing parent members? When considering change, be clear as to how would this enhance effective governance.
- Would it be appropriate for your Corporation to make a new determination of membership, e.g. increase or decrease the total membership? What advantages would this bring to effective governance in your Corporation?
- What other issues might your Corporation address with a view to achieving a membership fully representative of the community served by the organisation?

## Viewpoint

Although they are not representatives of their nominating bodies, elected staff, student and (where appointed) parent governors add a unique staff, student and parental perspective to the Corporation's work.

Corporations do not have to appoint to four-year terms and many Corporations choose to offer anything from one up to four-year terms of office, dependent on the experience they expect to gain from an individual, to enable a good spread of term of office expiry dates, and often to accommodate the wishes and plans of the incoming governor.

Many Corporations err towards between 15 and 20 members in terms of their composition. For some, this may ensure a broad range of skills around the table. For others with a high number of committees, it may be to spread the workload of committee membership. It may also be to increase the opportunities for wider diversity and experience, benefiting governor input into strategic decision-making. All are worthy reasons and can bring real benefit to effective governance.

A note of caution would be to consider the ability and skills that would be required of the Chair in managing a large meeting that included senior managers of the organisation in addition to a large number of governors. Would all governors have the opportunity and time in meetings, to voice their thoughts and to contribute effectively in such a large group? Would it impact on the length of meetings? Would all governors have the time to make a worthwhile contribution to discussion? The pitfall that Chairs have to manage and avoid is that the views of the more vocal do not swamp the equally valuable views of the less vocal.

Equality and diversity is of critical importance to the strategic and monitoring responsibilities of Corporations. Ensuring and improving the diversity of Corporations have been a focus within the sector for many years. When there is a vacancy on your Corporation it is important that the Search Committee, and ultimately the Corporation, consider and address issues such as gender, race, age and disability, alongside the skills and expertise they are seeking. This requires governors to know the diversity profile of the communities they serve, their organisation's profile (which may vary from community profiles) and their own membership profile. This data should be given full consideration on each appointment to enable governors to redress any diversity profile imbalance they may have. Many clerks are charged with collecting members' diversity data and producing a membership diversity analysis for the Search Committee.

## Section 3

### Seeking new members

Corporations seek new members for various reasons, for example, when the Search Committee identifies an area on the skills' audit in which there is less experience than desired, or when a member steps down at the end of a period of office. This section discusses tools to help this process:

- role description
- person specification
- skills' audit of existing members.

There are similarities between appointing members of staff and seeking members of the Corporation. For a position in an organisation you would agree a job description and person specification at the beginning of the recruitment process. A similar approach should be used for appointing members of the Corporation.

#### Role description

'Job description' is not really an appropriate term for governors, as they are volunteers. We suggest the term 'role description' as an alternative. Members of Corporations have collective responsibility for their actions and therefore it is possible to identify a common role. This applies to all members of the Corporation regardless of their category of membership or whether they are appointed or elected.

Role descriptions in the sector vary; yours should match the particular needs of your Corporation. A good role description should also include certain core elements and reflect good governance practice. Examples of responsibilities are given below to either assist as a starting point for a Search Committee to create a role description or against which they could review their current description:

- To comply with the provisions of the following documents as they apply to the role of members of the Corporation:
  - Instrument and Articles of Government
  - Financial memorandum
  - Corporation Code of Conduct (likely to incorporate **Nolan's seven principles of public life**)
  - the organisation's financial regulations and financial procedures;
- to act in the best interests of the Corporation (and therefore the organisation);
- to support the decisions of the Corporation and its committees once they have been reached, on the basis of collective responsibility, even though you may have spoken against a proposal during the debate at a meeting;
- to attend the organisation's events (such as student awards, presentations and open evenings / days) to gain an appreciation of the work of the organisation, and to meet students, parents, employers and staff;
- to participate in training events, in order to enhance contribution to the Corporation;
- to understand that individual governors have no specific powers, e.g. that statements may

only be made on behalf of the Corporation by those authorised to do so; and

- to give due priority to attending meetings of the Corporation and the appropriate committees.

## Attendance

Some Corporations set a performance indicator for attendance which is monitored on their behalf by the clerk (for example, 'All members should attend at least 75 per cent of meetings in one year.'). A 70 per cent indicator is widely regarded as 'average', over 80 per cent as 'good'. However, when considering attendance governors need to balance the value of an individual's contribution against their attendance record.

It is helpful if a Corporation sets out how the board will deal with low governor attendance, for example within their Standing Orders. Some Corporations expect this to be a standing item that their Search Committees monitor, making any necessary recommendations for action. Other Corporations may delegate this to the clerk and Chair to monitor and action on its behalf. Such statements give members a clear expectation and understanding of the actions that can be taken in the event of low attendance.

It is always worth checking in the first instance with the clerk and the Chair to see if they are aware of or have been advised by a member of any issues, business or personal, which may be affecting an individual member's attendance. For example, a member may be about to undergo medical treatment that may preclude their attendance at meetings for period of time. They might not wish this information to be widely known throughout the Corporation but have privately advised the Chair or clerk of their circumstances.

Actions that can be taken include contact by the Chair or clerk to ensure there are no circumstances affecting attendance of which they are unaware; more formal action, i.e. a letter to the member by the clerk on the Corporation's behalf (which can include a reminder of the expected attendance and their current attendance record, seeking advice on any mitigating circumstances and / or an assurance that their attendance will improve); or as a last resort, action taken to dismiss the member.

## Other requirements

Other requirements for consideration when seeking or judging the performance of a member might include their willingness to:

- undertake a fair share of the work of the Corporation;
- undertake activities and make connections that contribute to the strategic direction of the organisation;
- liaise on behalf of the Corporation with appropriate external organisations; and
- be a member of at least one committee.

The ultimate judgement of a member is the value he or she adds, at a strategic level, to the work of the Corporation and its committees. Identifying this value not only assists the work of the Search Committee when considering a member's re-appointment, but also identifies what the Corporation would lose at the end of their term of office, thus enabling effective recruitment and succession planning strategies.

## Activity

**If you have a role description for members of your Corporation, compare it with the example of a role description above. On your own document:**

- tick the statements that are similar to those in the example;
- underline any major differences; and
- put a question mark beside any statements that are unclear.

If your Corporation or Search Committee doesn't have a role description, decide which elements of the example you might want to adopt or adapt, and what other elements you would like to add in order to develop one.

It may be useful to have your organisation's Code of Conduct to hand when undertaking this activity.

## Viewpoint

This activity may have helped you identify ways in which your governor role description could be clarified or improved. If so, decide how you will follow this up. An alternative approach is to recognise the overlap with the Code of Conduct, which some Corporations require governors to sign at the outset of their period of office.

If no role description exists, consider whether you wish to propose one. Note this as a query to raise with the clerk. Your Corporation might also consider adding sections relating to specific roles of the Chair and Vice Chair, or have separate role descriptions for these roles – check to see if these are in place.

For all of the above, consider who the audience is for the role description, e.g. potential governors, current governors, people asked to give references for potential governors, to ensure it meets all of their needs.

## Personal specifications

A person specification complements a role description by identifying the sort of person that will be able to carry out the responsibilities of a member of your Corporation. It is likely to include several general characteristics which apply to all members and one or two specific characteristics which apply to the particular vacancy that the Search Committee is dealing with.

## General characteristics

These could include:

- to be committed to lifelong learning and the role of your organisation in improving the nation's skills base (such a statement is likely to be based around the organisation's mission statement with which governors should be conversant);
- the willingness, and ability, to promote the safeguarding and equal opportunities policies adopted by the Corporation; and
- to be able to attend meetings of the Corporation and appropriate committees given that these usually start at a particular time.

## Specific characteristics

These will vary according to the Corporation's needs, for example:

- to be an accountant and willing to serve on the Corporation's audit committee;
- to have detailed knowledge of the African-Caribbean community served by the organisation;
- to have legal training; or
- to have capital project management experience.

## Activity

**What should the person specification include?**

The examples above are by no means an exhaustive list of characteristics that might be desirable in a governor.

What characteristics, both general and specific, need to be included in the person specification for a member of your Corporation? If you have a recent person specification, compare it with our example. What improvements would you suggest to your current specification? If you do not have a person specification, use the example as a starter to help you draft the key characteristics you would expect to see in a person specification for your Corporation.

## Viewpoint

In the example above, the first general characteristic is adapted from the organisation's mission statement. As a governor and as clerk, you should be conversant with the organisation's vision, mission and values statement. Your Search Committee could incorporate your organisation's mission statement within any role description or person specification it produces.

If you ask for a commitment to attend meetings, it is likely that you will expect your Search Committee to monitor governor attendance and take action, or seek the support of the Chair, if attendance drops. But when was the last time that your Corporation reviewed the start times of



meetings? Is this question part of your self- assessment process? It could be that a different time may be more convenient for members, and improve attendance and therefore governor input to strategic decision-making.

The phrasing of statements such as ‘to have legal training’ needs careful thought. If it has been agreed that the Corporation would benefit from a member with a legal background, the Search Committee needs to be clear whether this specifically means solicitor or barrister, or whether people with other experience in dealing with legal matters – such as a company secretary – would also be suitable. It may be that a specific need in a particular area of the law has been identified as lacking. Members of Corporations should also be clear, and make it clear to applicants, that governors are not expected to act as professional consultants to the organisation. Arrangements should be in place to ensure that the clerk can access legal advice on behalf of the Corporation as required; a governor with legal experience is not a replacement for the availability of sound current professional advice.

### **Skills’ audit of members of the Corporation**

A regular skills’ audit of existing members can help the Search Committee to identify potential new members whose skills and experience complement those of the existing membership. Members are likely to gain new areas of interest or expertise (e.g. from changing jobs or becoming involved in a voluntary organisation) so the skills’ audit should be updated at least once a year.

There is no right or wrong time to carry out the audit; for some, an opportune time for carrying out the audit is during the annual self-assessment of governance, for others it is over the summer holiday period in readiness for the start of the academic year. Once governors are satisfied with the process of the skills’ audit, the annual update need not take long to complete. It is then made readily available to the Search Committee, often as a standing item at their meetings.

As part of an application to become a governor, it is helpful if applicants are asked to complete the skills’ audit. This provides greater information to the Search Committee when considering an applicant as to how they will complement the existing membership and enable their assessment of a candidate prior to recommendation to the Corporation.

Your Corporation may already have in place satisfactory arrangements for carrying out the annual skills’ audit of members. It can be very helpful to review the formats used within other organisations, and indeed other sectors, when considering the format currently being used. The clerk can assist in this by accessing other skills’ audit formats via the clerks’ email network and more widely via the internet.

For those who have not yet adopted a structure or wish to review the existing arrangements, two very differing approaches are shown as examples below, to assist your thinking about what would be the most beneficial approach for your Corporation.

## Example skills' audit analysis (1)

In this example, members have indicated the primary areas of expertise which for many individual's cover more than one area. It has been collated into an analysis by the clerk.

Skills, experience, interest						
Arising from background/profession	Principal members	Staff members	Student members	Parent members	Other	Total
Number of members	(1)	(1)	(2)	(1)	(10)	(15)
Accountancy					✓✓✓	3
Audit					✓✓	2
Health and safety						0
Education - management	✓				✓	2
Education - support	✓	✓				2
Education - teaching	✓	✓				2
Information and communication technology (ITC)						
Law					✓✓	2
Local authority					✓✓	2
Management - operations	✓				✓	1
Management strategic	✓				✓✓✓✓✓✓✓	9
Manufacturing				✓	✓✓✓✓	6
Marketing						1
Media/Arts		✓			✓	1
Personnel		✓				1
Property/Estates' development					✓✓	2
Retail					✓	1
Schools - primary						0
Schools - secondary					✓	1
Small business sector					✓✓✓	3
Voluntary sector					✓	1
Other public sector					✓	1
Other			✓✓		✓	3

## Example skills' audit (2)

This example illustrates a skills' audit analysis grouped under key Corporation responsibilities and generic governance skills. Again, the information is collated by the clerk. A grading system has been used; members are not required to make a judgement on their abilities by comparing themselves to someone who would be considered an 'expert' in the field but simply by their sufficiency to fulfil the role of governor. Members grade themselves against the following criteria: 1 = High level knowledge / experience 2 = Good knowledge / experience 3 = Working knowledge / experience 4 = Minimal or no knowledge/experience

The clerk highlights scores of 3 or below and advises the Search Committee in an accompanying report as to areas where identified skills lie with only 1 or 2 people.

The determination and periodic review of the educational character and mission of the institution and the oversight of its activities	
Do you have knowledge and experience of:	Average grade
Strategic planning at board level or equivalent	1.5
Working in a commercial environment at a level which included planning responsibilities	1.8
Working in collaborative partnerships	1.4
Working with local community organisations	2.3
Knowledge and understanding of minority communities	2.6
Knowledge and understanding of local, regional or national authorities at management level or as an elected member	2.8
Working with young people between the ages of 14 and 19	2.5
Working with learners over the age of 19, either in an educational or commercial training environment	3.5
Implementing equality and diversity policies and good practice	2.1
The law or working as a magistrate (also see below)	2.1
Please indicate below any particular field of legal expertise you have: Employment law, estates and buildings, equal opportunities, education, child protection, social care	
Ensuring quality of college performance	
Do you have knowledge and experience of:	Average grade
Developing a quality strategy	1.9
Monitoring performance and the achievement of planned outcomes	1.6

<b>Approving annual estimates of income and expenditure</b>	
<b>The effective and efficient use of resources, the solvency of the organisation and the Corporation and safeguarding its assets</b>	
<b>Do you have knowledge and experience of:</b>	<b>Average grade</b>
Accountancy and financial matters	1.9
Developing financial and strategic planning for an educational or commercial institution	2.0
Educational and public funding	2.7
Audit matters	2.3
Estates and property matters	2.6
Capital building projects	2.5
Risk management	2.0
<b>Employment at middle or senior management level in local authorities</b>	<b>3.3</b>

<b>Senior staff or senior post holder appointments and dismissal, and staffing matters</b>	
<b>Do you have knowledge and experience of:</b>	<b>Average grade</b>
Working with human resource issues at senior management level	1.9
Working with trade unions or staff organisations	2.3
<b>Generic skills</b>	
<b>Do you have knowledge and experience of:</b>	<b>Average grade</b>
Chairing a board	3.1
Chairing a committee	2.1
Change management	1.8

As the examples illustrate, there is no a 'one-size fits all' solution; there are many formats to choose from in terms of the areas to be judged and how they should be assessed. What is important is that the skills judged are those that are needed by your Corporation to best serve your organisation, and that the outcomes are of benefit to the work of the Search Committee. For a skills' audit to add value, each Corporation should come to its own view about the skills that it feels are essential for it to fulfil its functions effectively and meet its responsibilities, and how best it should record and analyse the skills' audit.

## Activities

### Learning from the examples

Look at each of the examples given. If you were a member of a Search Committee using these examples, would they be effective and enable you to do your job? What does each of them immediately tell you about the make-up of the board and the issues that the Search Committee should be addressing? What questions do you have that the audit analyses do not answer? Completion of this exercise should give you a much clearer understanding of what you would want a skills' audit to deliver in your organisation.

### Creating your own skills' audit

As a starting point:

- Set out the skills that you consider essential for your Corporation on one side of A4, with categories of membership or a list of names on one axis and the skills, experience and interests on the other.
- Decide whether you simply need 'yes' or 'no' answers, or would prefer grading that gives some idea of members' level of knowledge, e.g. 1 = expert to 4 = little knowledge, or using descriptors such as 'expertise' and 'interest' to enable deeper analysis.

### Monitoring and review

The format and areas of knowledge questioned should be regularly reviewed, to ensure that the format is effectively providing the necessary information to the Search Committee and that changes in the organisation's circumstances are reflected in the areas of knowledge and skills being sought. For example, the start of a major capital project or the introduction of a new area of curriculum provision may mean that the Corporation would wish to appoint a member with a matching skill set to enhance its monitoring of progress and quality.

If the skills' audit identifies deficiencies in particular areas, the Corporation may need to consider whether it operates in ways which tend to discourage members with the qualities or diversity it seeks. For example, the times of meetings may make it difficult for certain groups of people to attend, such as those in employment, small business owners, and those with young children and those currently in education.

Different recruiting strategies may be necessary to reach people working in specific sectors, or from your organisation's communities. The Search Committee should be aware of the different recruitment strategies that have been successfully used by the wider FE and skills sector to attract people from diverse backgrounds and skill sets, and consider developing recruitment strategies to meet their own needs.

## Has the Corporation carried out a skills' audit?

If your Corporation or Search Committee has carried out a recent skills' audit, did it reveal any gaps in expertise? How have the results of the audit been acted upon?

On a separate sheet, make a note of the areas of expertise and interest that you think should be taken into account next time there is a vacancy on the Corporation. Your review of the format of skills' audits will assist you in this.

## Viewpoint

Your responses to the activity will depend on your organisation's current approach to the skills' audit, and your Corporation's specific membership.

When asking members to self-assess their expertise or skills, be clear on the audit form, or in covering guidance, as to the context within which they should make their judgement.

For example, a skills heading of 'knowledge of secondary education' with a scoring system of 1= 'Highly knowledgeable' and 4= 'Little or no knowledge', with no context given to how to assess themselves, often leads to governors scoring themselves as 3 or 4 unless they work in the education sector. However, their life experiences, for example as students, as part-time students, as parents, as employers working with apprentices or offering work-based learning, are of value. So governors should score themselves in the context of the value and input they can bring to the governance of the organisation. A statement to this effect should be included on the audit form or in the guidance.

## Nolan committee recommendations

The Committee on Standards in Public Life (originally the Nolan committee and subsequently the Neill committee) published a report in May 1996 (**Second Report: Local Public Spending Bodies, Committee on Standards in Public Life, 1996**) that addressed a number of issues for further education, including the appointment of Corporation members.

The Nolan committee noted the arrangements already in place for the appointment and reappointment of members, including Search Committees.

The Nolan committee further noted that in Scotland a limit of 12 years in office was laid down for members of governing bodies but that in England and Wales there was no such time limit. It therefore recommended that appointments to further education governing bodies in England and Wales for a third or subsequent term should become the exception rather than the rule – in other words, eight years or two four- year terms should become the normal limit.

The Search Committee and Corporation should bear in mind this recommendation when considering whether to reappoint a member for a third or subsequent period of office.

Corporations have the power to rule on the maximum number of years that a member can serve; any such rule should be stated in the Corporation's Standing Orders.

All reappointments should be considered by the Search Committee, even if it is only a second term that is being sought. The same rigorous approach should be adopted to the reappointment of a member as to the original appointment. Given the Search Committee's knowledge of existing members, they can arguably be scrutinised more closely than a potential new member. Key issues to take into account may be:

- attendance records (of Corporation and committees);
- demonstrable commitment to the organisation, over and above attendance at formal meetings (e.g. attendance at student awards, events, open evenings / days, etc.);
- attendance at training events, sector conferences, network meetings;
- quality of contribution to discussions at meetings; and
- the value of the member's expertise / interests to the work of the Corporation.



## Activity

### Will the Search Committee reappoint for a third term?

Does your Search Committee consider reappointments for a third term of office or beyond eight years? If so, are you satisfied that the committee can demonstrate sound reasons for doing this?

Are you assured that your Corporation has not become a closed or inward-looking organisation? How do you know? If not, what should be done to change this?

Are members resistant to moving on after two or three terms and making way for new members? What steps should be taken to changing the culture in your Corporation and members' expectations?

## Viewpoint

There can be good reasons that justify the appointment of a person to serve on the Corporation beyond eight years, into a third term of office. These include:

- the work of the Corporation at the time of reappointment;
- the expertise required by the Corporation at the time of reappointment; or
- difficulty in finding other suitable people to serve who have the same skill set.

For example: a college is in the middle of a major capital build project and the member in question has served on the monitoring committee from the outset. If the project is at a critical phase, or if other resignations have depleted the monitoring committee membership or skill set, that member's knowledge of the project and its intended outcomes and the skills they bring to the committee may be considered as justifying an extension to their term of office. It would not necessarily have to be a further four-year term; it could be shortened to a length more linked to the conclusion of the project, or for a shorter term to enable recruitment of a new member. In such circumstances the Search Committee might consider it justifiable to extend their term of office and put in place recruitment strategies aimed at replacing that member's skills and expertise.

In all cases, the reasons for reappointment need to be carefully considered to ensure that the decision is justified. Difficulty in finding skilled governors when set alongside a failure to put in place a variety of effective recruitment strategies is unlikely to be regarded as justifiable.

The approach of Corporations in the sector to regenerating their board membership is still varied. It is now widely recognised as good governance practice that boards should continually seek to bring new ideas and fresh impetus to the table by adopting a culture and policies that clearly set out the maximum number of terms of office or years it would expect a governor to serve, e.g. two four-year terms.

When such a statement is in place, and the Corporation is committed to that ideal, the work of the Search Committee is made easier – there is a clear objective to reach and parameters within which to work.

Equally, governors should question how robust they are when deciding whether or not to renew the term of office of a governor. A Search Committee that is working with a clear set of expectations of governors (for example, code of conduct, role description, minimum expected attendance) and that has an effective skills' audit in place, has baselines upon which to judge whether to advise the Corporation to renew membership. The decision to renew is not necessarily based on performance; very effective members can and have been advised that their term of office is coming to an end if it is identified that there is over-skilling in one area and under-skilling in another, and that it is for the good of the Corporation and the organisation if a new member is sought to address a new need or area when further expertise is needed. There should never be a culture in which being a governor is considered a role for life.

## Section 4

### Encouraging potential new members

You now have a role description, person specification and the outcome of the skills' audit for members. What comes next? This depends on the category of membership. Apart from the principal (who is automatically a member of the Corporation unless they choose not to be) the categories of governor can be divided into two groups:

- governors nominated by others (staff, student, parent, and any other body your Corporation has decided may nominate a member); and
- governors directly selected by the Corporation.

#### Nominated governors

Your college's Instrument and Articles of Government, and documents such as Standing Orders, will have set out the rules for the composition of the board and the appointment of members, including nominated governors (staff, student, and parent). The Corporation is the appointing authority for its members, with the exception of any nominated by the authorised government agency and appointments made by the Secretary of State to ensure a quorum.

Corporations will also state the rules for declining appointments and on eligibility for membership, as in the following example:

**The Corporation may decline the appointment of a parent, staff or student member if:**

- they have been removed as a member of a further education college Corporation in the previous ten years;
- their appointment would contravene any provision the Corporation has agreed in its Standing Orders for the number of terms of office a person may serve; or
- they fall into the statutory reasons that preclude a person from being a governor, as outlined below under 'Ineligibility'.

This is a complex area and the advice of the clerk should therefore be sought before recommending any appointment to the Corporation.

The Search Committee in some organisations has as part of its terms of reference the role of monitoring the nominating process, receiving assurance reports on the election materials and processes utilised for staff, student and parent governor appointments, with an eye towards the inclusivity and accessibility of the process and materials used.

## Ineligibility

Your college's Instrument and Articles of Government, and supporting documents such as Standing Orders, also outline the reasons which would preclude persons from being a governor. For example:

- age (no-one under 18 years of age may be a member, except as a student member);
- the clerk;
- a member of staff, except as staff member or principal (or a student employed in connection with their role as an officer of a students' union);
- reasons related to bankruptcy and creditor arrangements (detailed in the Instrument of Government); or
- reasons related to criminal offences, convictions and imprisonment (again detailed in the Instrument).

Again, this is a complex area and the advice of the clerk should be sought before:

- a) recommending any appointment to the Corporation; or
- b) considering whether there are sufficient grounds for the dismissal of a member.

## Encouraging potential new members

The Corporation has full discretion in appointments other than nominated governors, and the Search Committee has more scope for action here when seeking potential members. Over the years organisations have successfully used a number of strategies to source new members from their communities, and some are described below.

**Contacts** within the local community are important and can provide an effective source for potential governors. Over the years many governors have been identified through the organisation's and the governors' network of contacts. Whilst valuable, this approach should not be the only strategy used by a Corporation to seek new members, as it could lead to a perception in the wider community that the only way to become a governor of the organisation is to 'know the right people'.

**Advertisements** in the local press, community group newssheets, **targeted mail- shots** and **website advertising** to specific sectors are valuable not only in terms of the number of responses they can attract but also in making contact with a wider range of people who believe that they can make a contribution to their local college or other sector organisation by becoming a governor. Targeted recruitment can be particularly effective when seeking people with specific skills that have been identified by the Search Committee from the skills' audit. It can be equally effective in targeting specific groups of the community that the committee has identified are not well represented on the Corporation. The clerk can assist in this by researching community publications, employer networks and sector and community websites that could be used; many offer a very cost effective way of reaching a targeted group.

Advertisements, mail shots and any other recruitment materials used should be carefully worded to explain briefly the role of the Corporation, make it clear that members do not receive payment and to be generally accessible to all. The marketing departments of colleges and other sector organisations' can offer invaluable assistance in creating professional and effective materials for governor recruitment.

**College and other sector organisation websites** are highly likely to have a section within them for the Corporation, providing a useful platform to outline the work of the Corporation and its members

and to publish statutory and other governance material. But the website also provides an excellent opportunity to Search Committees to seek new governors. Materials can be included on the website that encourage new applicants to apply and provide them with information about the role and expectations of a governor.

In some organisations the clerk produces a brief information pack which is sent out with targeted mail-shots (for example, to all accountancy firms in the area if that is an identified need) or in response to enquiries. Again, the college or other sector organisation marketing department can be of assistance here to produce professional and accessible materials.

Colleges and other sector organisations have also produced short recruitment films for their websites. This is not necessarily as expensive as it might sound; many colleges and other sector organisations have a wealth of electronic footage of their sites and students that can be cut into new footage on governance, for example by adding an interview or voice-overs from the Chair, other governors, clerk, or principal. A governor meeting could also be filmed to provide footage to include in the presentation. Creation of the film could be a project that is undertaken by media students, providing them with an excellent opportunity of working to a brief to produce a promotional film, or by the organisation's staff. A film can often dispel some of the myths that may surround governance for some people, putting a human face to governors and governance that words cannot provide.

**School Governors' One Stop Shop** (SGOSS) has also proved to be a valuable source of new governors for FE and skills sector organisations. Whilst aimed at the school sector, many organisations have successfully sourced new governors from this organisation.

**Volunteer centres** also offer an excellent opportunity to recruit new governors. By making contact with your local centre, again often via the clerk, you can place your recruitment materials within their local offices and can be included on their websites, at volunteer fairs and other activities they organise. This is an effective way of reaching those in your local communities who are considering a voluntary role, and is highly efficient in terms of cost. Note that in some centres no charge is made.

**Collaboration** with other organisations should be considered, particularly when taking the decision to advertise in the local press. Advertisements can be expensive if they are going to have impact and contain essential information. Some organisations have successfully collaborated to produce a generic advertisement for governors across several local papers in their area, using one point of initial contact to distribute enquiries to the organisation of the applicant's choice.

**Sharing** of governors is also effectively used by some organisations. If a governor has completed their term of office, and still wishes to be a governor in education, their information can be passed to other organisations and schools, who then have the benefit of accessing a highly skilled governor from the outset.

## Activity

### How does your Search Committee encourage potential new members?

Thinking back to when you joined the Corporation:

- How did you hear of the vacancy?
- What weaknesses did you experience in the appointment process and what improvements would you suggest?

Note down any action that your Search Committee takes to prepare the ground and reach out to potential new members when advertising, seeking nominations or inviting applications for a vacancy. Add any new ideas that you would like to take forward in your organisation that have occurred to you from reading this section.

## Viewpoint

If you think there are steps your Search Committee could take to develop or broaden their approach to seeking new governors, note what ideas or action you would propose and raise these with the clerk or Chair in the first instance.

### **An information pack for potential new governors might consist of three or four sides of A4 paper with brief information on:**

- the role and responsibilities of the Corporation (this could expand information included in the advertisement);
- the time commitment required of governors;
- the travel, childcare and expenses policy;
- arrangements for induction and ongoing training;
- insurance and personal liability position for members (responsibility for the solvency of the institution may put off some potential members and is a question frequently asked by those who apply);
- the composition of the Corporation;
- the name and contact details of the clerk; and
- inviting potential members to ask for further information or a discussion if they wish.

When creating or reviewing an information pack, consider the potential of an electronic information pack, which can offer greater scope in terms of design and cost effectiveness.

### **The clerk is used very effectively by some Search Committees to enhance their recruitment processes. This could include:**

- an initial informal meeting with the clerk for potential applicants, to enable them to find out more about governance and the organisation before applying;
  - tasking the clerk with making contact with specific community groups or sectors of employment that are currently under-represented or with specific required skill sets;
  - taking forward collaborative arrangements with other sector organisations; and
  - making contact with SGOSS, volunteer centres, sector websites.
- Once the Search Committee has received nominations or applications, it may decide to interview potential members before forwarding a recommendation to the Corporation.

## Section 5

### Interviewing potential new members

This section outlines approaches to interviewing potential Corporation members.

Bear in mind that equal opportunities and anti-discrimination laws apply to the process of appointing a governor in the same way that they apply to the recruitment and selection of employees. If a person applied to be a governor but was not appointed they could seek redress in the courts if they thought that the decision was discriminatory, for example based on race, sex, age or disability.

#### Good practice in interviewing arrangements

Staff, parent and student members who are nominated following an election process within the organisation often issue some sort of personal statement as part of the election process. It is helpful if all other potential governors complete a standard application form or submit a brief CV. This provides a useful platform of information upon which to judge their application and explore in an interview or meeting with the potential governor.

Interviews may be with the whole Search Committee or some members of that committee, they may be with the Chair of the committee and other governors, or may be by the Chair of the Corporation and the principal. The make-up of those called upon to conduct interviews is for Corporations and / or for Search Committees to decide.

It should also be decided if all those who apply will be interviewed, i.e. just as with staff applications. However following a review of the applications and any accompanying paperwork such as completed skills' audit forms, it may be decided not to interview all applicants. It should also be clear who will make that decision, e.g. the Search Committee, the Chair of the Search Committee and the Chair of the Corporation together, or some other agreed combination.

#### An interview or meeting has clear benefits:

- There is an opportunity to check that the person really does understand the level of commitment and time needed to make a worthwhile contribution to the Corporation (although this can be offset by an informal pre-meeting with the clerk at the outset of the application).
- The role of the governor can be fully explored, emphasising where necessary that members of the Corporation cannot accept a mandate from other organisations.
- The skills and experience of the person can be explored to gain greater understanding of their potential contribution and the value they will add to the Corporation.
- The character and style of the person can also be judged against the Corporation's governance model, e.g. whether they will focus on strategic matters or want to stray into operational day-to-day management, and whether they are someone who will work well in a corporate team.
- The interview can give further information or opportunity to explore any potential conflicts of interest, not always initially apparent from an application form.
- The person who is invited to serve on the Corporation will then know at least some of the people present at their first meeting.



In many respects the Search Committee should prepare for interviews in the same way as they would if they were involved in a selection panel that was appointing a senior member of staff. A role description, person specification and skills' audit of the Corporation and the individual, as previously outlined, will be central to this process.

**To get the most out of the interview, it is useful to consider the material that should be given to prospective members beforehand. This could include:**

- a briefing paper on the role and responsibilities of the Corporation;
- a copy of the code of conduct;
- the college or organisation's prospectus; and
- a summary of the strategic plan.

## Activity

### Asking appropriate questions

Many Corporations adopt a standard set of questions asked at interviews that enable them to explore the application and ensure an equal experience and opportunity for all applicants. This also enables those conducting the interview to have a platform on which to base the interview and ensure that all necessary aspects are explored before making a recommendation on appointment.

The checklist below sets out examples of questions that are sometimes asked during an interview. Working through the questions, and noting that some may not be appropriate for your organisation):

- Tick those which you think are useful, or could usefully be adapted by your Search Committee.
- Put a cross beside questions which you feel are not appropriate.

### How appropriate are these possible interview questions?

#### Motivation

1. Why do you want to join this organisation's Corporation?
2. How would you describe your commitment and interest in education and training?

#### Skills

3. You work for xyz company. Could you tell us about your role and the qualifications you hold?
4. What relevant personal skills do you think you bring to the role of governor?

#### Experience

5. What do you think have been the key experiences you have had that will assist you in the role?
6. Your CV states that you serve on the governing body of xyz secondary school. Could this lead to any conflict of interest if you were to join the Corporation? What do you think might be the potential benefits?
7. You say in your CV that you are the secretary of xyz voluntary organisation. Can you tell us about this group?
8. The Corporation has adopted a code of conduct which includes a commitment to enhancing equality of opportunity for students. What experience do you have of promoting equal opportunities?

### Unique selling point/Added value

9. What contribution would you make to the work of the Corporation?
10. The organisation is committed to increasing the number of higher education courses. Are you a graduate?

### Knowledge of governance

11. How would you describe the difference between governance and management?
12. Can you give an example of a model of governance you have worked with, whether it worked well and why?
13. Do you understand the information you have received and accept that Corporation members cannot act as representatives of any groups or bodies on the Corporation?

### Time commitment

14. Are you able to commit to xy Corporation meetings a year and membership of one committee?
15. The Corporation and the committees meet in the evenings, usually starting at 5 pm. Would this cause you any difficulties?
16. Would you be available from time to time to attend the organisation's events?
17. You mention that you have young children. Will you be able to arrange childcare to get to meetings?
18. Will you want to claim travel costs for attending meetings?

### Knowledge of the sector

19. What would you consider to be the purpose of the further education and skills sector?
20. Could you describe how you think the sector is funded?
21. Are you willing and available to undertake induction and training as required?

## Viewpoint

Some of these questions could be useful or could be adapted, depending on the circumstances and the needs of the Search Committee. However, questions 10, 17 and 18 are problematic.

Questions 10 and 18 are inappropriate if they are used to exclude otherwise suitable people. The apparent logic in question 10 is flawed. If the organisation planned to build a new canteen, would the Corporation look for a new member who was a builder, or a cook? Areas of expertise can be legitimately explored but care should be taken to ensure questions are not asked that could be considered to disadvantage individuals or groups of the community.

The answer to question 18 should not influence the interviewers' decision. To be genuinely inclusive, the Corporation should be prepared to pay travel expenses (and meet other costs such as childcare) to members who cannot afford to pay their own. Most Corporations clearly set out their policy and it is therefore considered beneficial to include this in the introduction pack. To reject a potential member because they will cost more is excluding people on low incomes from participating. Equally, staff and student members should be able to claim reimbursement of reasonable costs if they incur them as a result of Corporation membership.

Question 17 about childcare arrangements is not appropriate if it is put to one group of applicants but not others, e.g. to women but not to men. To ensure equal opportunities, all prospective members should be asked the same questions. This question would be seen as discriminatory if it made the assumption that women with young children cannot do the work of a governor as well as men with young children. It could also be seen as potentially discriminatory towards anyone in a carer role with young children.

Avoid making pre-judgements and assumptions about potential members – for example, that a woman with young children or someone caring for an elderly relative cannot give enough time; that a blind person cannot contribute as much to the Corporation as a sighted person (they may have more experience and a better grasp of anti-discrimination issues than existing members); that a person employed by a local firm of accountants is necessarily an accountant or has financial expertise (they may be the IT technician or office manager). If in doubt, check it out, but make sure that questions are framed in a way that avoids actual or perceived discrimination.

Asking someone to talk about their own past experience in a particular area (as in the sample question about promoting equal opportunities) is a useful way of checking whether their experience and understanding is superficial or more substantial. Some questions should be directed around the skills, expertise or other qualities that the interviewee could bring to the Corporation. You could also try to find out if the person has any other skills not covered in their CV.

And never forget to give candidates the opportunity to ask questions. Apart from anything else, it can provide useful feedback on what else could be included in the information pack sent to potential governors.

### **Post-interview evaluations**

Those conducting the interview can find it beneficial to complete an interview evaluation form. Individually, following the interview, the interviewers should complete a candidate evaluation form, possibly with a scoring system against the particular skills, knowledge, expertise and individual characteristics the Corporation is seeking. These then form part of the material that is taken to the Search Committee in order for them to consider the advice they will give to the Corporation on appointment.

The ability of the person to work within the governance framework should be considered for inclusion in an evaluation. Many governors involved in interviews recall times when they have interviewed a person with strong skills and experiences but will nevertheless have come to the conclusion that this person would not be right for Corporation membership, for example they have displayed a desire and tendency to think and act operationally rather than strategically. Including this ability within an evaluation framework can enable this sometimes intangible conclusion to be quantified.

## Section 6

### Module review and further reading

This module has looked at the role of the Search Committee and the practical tasks it performs. If you have worked through the whole module you should be confident that you can:

- review the terms of reference of the Search Committee and, where appropriate, suggest improvements for the consideration of the Corporation;
- outline the categories of members set out in your college's Instrument of Government and what discretion the Corporation has to determine the composition of its membership;
- explain the recommendations of the Committee on Standards in Public Life on reappointing existing members, and the implications for your Corporation;
- describe useful approaches to seeking new members; and
- identify good practice in interviewing potential members, including key questions to ask and questions to avoid, in order to make recommendations to the Corporation.

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

#### Summary of key learning points

The core function of a Search Committee is to advise the Corporation on appointing new members and reappointing existing members. Its advice should be sought when appointing members. Its advice must be sought when appointing members, other than staff, student or parent governors. Corporations can add other terms of reference, so that the scope of the Search Committee meets the needs of the individual organisation's circumstances and governance frameworks.

The categories of membership for different types of organisation are a legal requirement set out in the Instrument and Articles of Government. Within these rules, the Corporation can determine the total numbers of members and vary the numbers in each category in the way that best meets the organisation's and Corporation's needs.

Search Committees can use role descriptions, person specifications and skills' audits of existing members to help them identify the most appropriate person to fill a vacancy on the Corporation. Corporations must work within the regulations set out in the Instrument of Government on persons who are ineligible to be a governor.

Careful preparation such as clear advice to potential governors or their nominating groups, use of websites, press advertisements, targeted mail-shots and other recruitment strategies, and an information pack, can help to attract potential new members with the qualities needed. Interviewing potential members of the Corporation benefits both parties. Care must be taken to ensure equal opportunities in this process, and to frame appropriate interview questions.

## Where next?

You have now completed work on Module 12: The Search Committee. If there are areas in which you need more guidance or information, they may be covered in other modules. Return to the guidance in 'Using the materials' to see if other modules may assist you.

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

## Putting it into actions

We hope that working through this module has raised useful questions, increased your awareness of issues and given you ideas for practical action that you would like to follow up.

## Further reading

There is a wealth of reading material both online and in other publications on the recruitment of governors, the role of committees involved in governor recruitment, succession planning and on diversity and governance, in the FE and skills sector and beyond. As a starting point you may wish to read or refer to:

- **Governor Recruitment Strategies – Brief guide for governors and clerks in further education colleges** (published by LSIS in January 2010 and revised in November 2012) The guide focuses on ideas and strategies that Corporations may wish to consider in the recruitment of their governors, and develops many of the themes of this module.
- **Succession Planning – Brief guide for clerks and governors in further education colleges** (published by LSIS in 2011)
- **Equality, Diversity and Governance – Brief guide for governors and clerks in further education colleges** (published by LSIS in 2009, updated February 2011)
- **The Role of the Student Governor as a Member of a College Governing Body – Brief guide for governors and clerks in further education colleges** (published by LSIS in November 2009)
- **The Role of the Staff Governor - Brief guide for governors and clerks in further education colleges** (published by LSIS in November 2009)
- **Research on diversity and governance in the FE sector – recommendations and action plan** (published by DIUS and CEL in February 2008)

A full list of publications supporting governors and clerks is on this [link](#).

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