

ACCESS TO GOVERNORS' MEETINGS AND PUBLICATION OF MINUTES AND PAPERS OF THE CORPORATION AND COMMITTEES POLICY

Reference: MC31
Issue No: 2
Approval Date: March 20
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The Governing Body of Middlesbrough College endorses the principles laid down by the Committee on Standards in Public Life (Nolan Committee) for those holding public office, two of which refer to accountability and openness.

Accountability Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

1 Public Access to Meetings

1.1 Agendas for all meetings shall be divided as detailed below:

- All agendas at Committee and Governing Body level distinguish between decision, discussion or information items.
- Items classified as confidential will normally be done so prior to the agenda being sent out by the Clerk to the Corporation and in discussion with the Principal / Chief Executive, Chair of Governors and / or Chairs of Committee.
- The agenda and corresponding report(s) will indicate this status, and the Clerk to the Corporation will request when circulating the papers to Governors and the Senior Leadership Team (SLT) that the items are kept confidential.
- Remuneration Committee minutes, which are discussed at the end of the Governing Body meeting, will be classified as confidential at all times. *(Staff Governors, Student Governor(s) and the Senior Leadership Team with the exception of the Principal / Chief Executive (Governor), where appropriate, will leave the room prior to discussing this item.)*
- Items where it may be appropriate for some Members to withdraw, as described in paragraph 13 of the Instrument of Government, shall also be highlighted – extract from 15 July 2019 version below.

13 Proceedings of Meetings

- (1) Every question to be decided at a meeting of the Corporation will be decided by a majority of the votes cast by Governors present and entitled to vote on the question.
- (2) Where, at a meeting of the Corporation, there is an equal division of votes on a question to be decided, the Chair of the meeting will have a second or casting vote.
- (3) A Governor may not vote by proxy or by way of postal vote.
- (4) No resolution of the Governors may be rescinded or varied at a subsequent meeting unless consideration of the rescission or variation is a specific item of business on the agenda for that meeting.
- (5) Except as provided by procedures made pursuant to Article 13, a Governor who is a member of staff at the College, including the Principal / Chief Executive, will withdraw:
 - (a) From that part of any meeting of the Corporation, or any of its Committees, at which staff matters relating solely to that member of the staff, as distinct from staff matters relating to all members of staff or all members of staff in a particular class, are to be considered.
 - (b) From that part of any meeting of the Corporation, or any of its Committees, at which that Governor's reappointment or the appointment of that Governor's successor is to be considered.
 - (c) From that part of any meeting of the Corporation, or any of its Committees, at which the matter under consideration concerns the pay or conditions of service of all members of staff, or all members of staff in a particular class, where the member of staff is acting as a representative (whether or not on behalf of a recognised Trade Union) of all members of staff or the class of staff (as the case may be); and
 - (d) If so required by a resolution of the other Governors present, from that part of any meeting of the Corporation or any of its Committees, at which staff matters relating to any member of staff holding a post senior to that members are to be considered, except those relating to the pay and conditions of all staff or all staff in a particular class.
- (6) A Student Governor who is under the age of 18 will not vote at a meeting of the Corporation, or any of its Committees, on any question concerning any proposal:
 - (a) For the expenditure of money by the Corporation; or
 - (b) Under which the Corporation, or any Governors of the Corporation, would enter into any contract, or would incur any debt or liability, whether immediate, contingent or otherwise.
- (7) A Student Governor will withdraw from that part of any meeting of the Corporation or any of its Committees, at which a student's conduct, suspension or expulsion is to be considered.

- (8) In any case where the Corporation, or any of its Committees, is to discuss staff matters relating to a member or prospective member of staff at the College, a Student Governor will:
- (a) Take no part in the consideration or discussion of that matter and not vote on any question with respect to it; and
 - (b) Where required to do so by a majority of the Governors, other than Student Governors, of the Corporation or Committee present at the meeting, withdraw from the meeting.
- (9) The Clerk to the Corporation:
- (a) Will withdraw from that part of any meeting of the Corporation, or any of its Committees, at which the Clerk to the Corporation's remuneration, conditions of service, conduct, suspension, dismissal or retirement in the capacity of Clerk to the Corporation are to be considered; and
 - (b) Where the Clerk to the Corporation is a member of staff at the College, the Clerk to the Corporation will withdraw in any case where a Governor is required to withdraw under paragraph (5).
- (10) If the Clerk to the Corporation withdraws from a meeting, or part of a meeting, of the Corporation under paragraph (9), the Corporation will appoint a person from among themselves to act as Temporary Clerk to the Corporation during this absence.
- (11) If the Clerk to the Corporation withdraws from a meeting, or part of a meeting, of a Committee of the Corporation under paragraph (9), the Corporation will appoint a person from among themselves to act as Temporary Clerk to the Corporation during this absence.

1.2 The full Governing Body meeting is open to any member of the College and / or member of the public. Any non-member of the Governing Body who attends as an Observer has no right to speak unless invited to do so by the Chair of Governors.

1.3 At any committee meeting, the attendance of non-members, other than designated officers, must be determined by that committee prior to the consideration of the committee's business.

1.4 Senior Leadership Team members will normally be in attendance at Governing Body and Committee meetings as determined by the Principal / Chief Executive and Clerk to the Corporation. Those in attendance may be invited by the Chair of Governors and / or the Chair of the respective Committees to take a full part in discussion, but are not entitled to vote.

1.5 The Governing Body may invite others to be in attendance at a meeting to act in an advisory capacity or to make a presentation.

2 Criteria for classifying items as confidential

2.1 The following criteria are applied in considering whether material should be dealt with on a confidential basis, and all items that are deemed confidential will be done so prior to the agendas being sent out to Governing Body members:

- Material relating to a named person employed at, or proposed to be employed at, the College (this will also apply to prospective members of the Governing Body).
- Material relating to a named student at, or candidate for admission to, the College.
- Information relating to an identifiable group of staff or students at the College.
- Information relating to contract negotiations.
- Commercially sensitive information.
- Information which may have long-term legal implications or contain legal advice which, if revealed, may prejudice the College's position.
- Other sensitive information which, if widely available, would have a detrimental effect on the standing of the College.
- Exceptionally, information which, by reason of its nature, the Governing Body or its committees is satisfied should be dealt with on a confidential basis.

2.2 The Governing Body will agree, at the end of each meeting under the agenda item **“Matters for Publication”** which items, if any, should be kept confidential, bearing in mind the criteria for confidentiality listed above.

This will be minuted by the Clerk to the Corporation, and any confidential agenda papers and minutes will be listed under this heading prior to the circulation of the minutes.

As a general rule, confidential papers will become available for public inspection after two years of their first publication, unless deemed otherwise by the Governing Body.

However, there will be papers that must remain confidential for longer than the two years, either because they contain information relating to individuals, or contain information which the Governing Body has deemed for specific reasons should not be made public.

2.3 On request, the Clerk to the Corporation will give the reasons for any item remaining confidential.

3 Public Access to Agendas and Minutes

3.1 Publication of Minutes and Papers – Clause 16 of the Instrument of Government.

Extract below from 15 July 2019 version below:

3.2 Requests to see, or acquire, copies of any Governing Body or College document should be addressed to:

Zeta Foster
Head of Governance/Clerk to the Corporation
Middlesbrough College
Dock Street
Middlesbrough
Cleveland
TS2 1AD

Telephone 01642 333269 – direct line
E-mail z.foster@mbro.ac.uk

- 3.3 The College will aim to provide information requested within ten working days and documents will, wherever possible, be provided free of charge. However, the College reserves the right to charge for documents if significant staff time is involved in providing information, or to cover copying costs.

4 Complaints

The College has an established procedure for dealing with complaints. Any person with a complaint about the availability of information, or conduct of the College Governing Body, may raise their complaint under this procedure. Alternatively, they may wish to write direct to the Clerk to the Corporation.

**The Complaints Procedure overleaf is also detailed in the
Standing Orders of the Governing Body**

The Further Education Corporation of Middlesbrough College

Complaints against the Governing Body (correct as of the 21 March 2019)

- 1 A complaint against the Governing Body, a College Governor, Staff Governor, Student Governor, a member of the Governing Body or Clerk to the Corporation may be made by an individual, business or an organisation.
- 2 All complaints should be sent to the Clerk to the Corporation in writing to the address below, unless the complaint is about the Clerk to the Corporation, when it should be addressed to the Chair of Governors.

Mrs Zeta Foster
Clerk to the Corporation
Middlesbrough College
Dock Street
Middlesbrough
Cleveland
TS2 1AD

- 3 A complaint against the Clerk to the Corporation should be forwarded to the Chair of Governors for investigation and response. Letters for the attention of the Chair of Governors should be addressed to:

The Chair of Governors
Middlesbrough College
Dock Street
Middlesbrough
Cleveland
TS2 1AD

- 4 The complainant will be expected to state clearly the nature of the complaint and, if appropriate, provide copies of any related documentation.
- 5 The Clerk to the Corporation will:
 - Acknowledge receipt of the complaint without delay.
 - Investigate the complaint. Endeavour to provide a response to the complaint within fifteen working days, and if this is not possible, provide the complainant with an interim statement.
- 6 The written response of the Clerk to the Corporation will include details of any arrangements for pursuing the matter with an independent body.
- 7 The Clerk to the Corporation will keep the Chair of Governors informed of the situation and will provide the Governing Body with a written statement of the nature of the complaint and the response at the next meeting. Such a report will be

circulated within ten working days of the response by the Clerk to the Corporation, to the complainant, so that members are aware of the situation.

- 8 When carrying out an investigation regarding a complaint, the Clerk to the Corporation will have the authority to refer issues to the Governing Body's Auditors (Internal Auditors or the Financial Statement Auditors) or other appropriate advisors.
- 9 The approach to be adopted by the Chair of Governors in investigating and responding to a complaint will be similar to that outlined above with regard to complaints against the Governing Body and individual members of the Governing Body.