

## Governor Nomination Process

### 1 Background

The Search and Governance Committee fulfils an advisory role to the Governing Body, its function being to present nominations of proposed College Governors, as well as nominations for External Members.

The numbers identified against each category represent the current Governing Body membership at its last determination, and the process by which the Search and Governance Committee selects nominations is split as follows.

### 2 Category of Membership

**(a) College Governors – up to 16 posts.**

**(b) External Members - numbers determined by the Governing Body.**

The Search and Governance Committee will analyse the Skills and Competency Matrix, which will be a collation of governors' individual responses of the Skills Proforma (**Appendix 1**) and assess the skills and competencies required to fill the vacant / soon to be vacant post.

This will then be advertised in the local press or via mail shot to organisations that are specific to the skills shortage, if appropriate.

Current College Governors and External Members who are in post may re-apply, and a letter from the Clerk to the Corporation will be drawn up to inform members of the time-scales involved.

The Search and Governance Committee may recommend to the Governing Body to re-appoint without the need to advertise, and these reasons will be discussed, formally minuted and recommended for approval at an appropriate Search and Governance Committee, prior to formal approval at the next Governing Body meeting.

Should there be a need to advertise, an advert will either be agreed by the Governing Body or by the Chair of Governors (*through Chair's Action*).

Applications will be considered in the context of filling vacancies in specific areas of experience and expertise and in line with the Instrument and Articles of Government.

In considering any application for appointment and / or re-appointment, and in line with the updated Code of Governance (*adopted on the 15 July 2019*), the Interview Panel and the Search and Governance Committee will take into account the nine protected characteristics relating to Equality and Diversity, and these are:

- Race.
- Disability.
- Gender.
- Pregnancy / Maternity.
- Religion / Belief.
- Sexual Orientation.
- Age.
- Gender Re-assignment.
- Marriage and Civil Partnership.

In certain circumstances, e.g. re-appointment, an interview may not be needed and the recommendation to re-appoint will be discussed at the Search and Governance Committee, prior to a formal recommendation being made to the Governing Body.

Following the closing date of the advert, the Clerk to the Corporation will gather all of the relevant information, including the Application Letter, Application Form and / or Curriculum Vitae, and present this to the Chair of Governors, Vice Chair of Governors and Principal / Chief Executive, in the first instance.

Should the Chair of Governors, Vice Chair of Governors and Principal / Chief Executive believe the candidate has the right qualities to become a Governor / External Member, then the Chair of Governors and at least two members of the Search and Governance Committee (*known as the Interview Panel*) will then interview the candidate(s).

The interview will be largely based upon the Application Letter, Application Form and / or Curriculum Vitae/LinkedIn profile, along with the Skills and Competency Proforma that will have been completed prior to the interview taking place.

A number of set questions will also be agreed in advance with the Interview Panel, and all of the above information will then be used to inform the Search and Governance Committee, at its next available meeting, of the suitability of the candidate.

As approved at the Governing Body meeting of 17 October 2019 all governors would have the opportunity to pass their views on prospective candidates for College Governor or External Member via a simple email proforma (**Appendix 2**).

If the candidate is **not** suitable, then the Clerk to the Corporation will advise the candidate of the decision of the Interview Panel and no further action will be taken at this stage

If the candidate is suitable, then the Interview Panel will inform the Search and Governance Committee of the outcome of the interview.

The Search and Governance Committee will then consider this information and the advice of the Interview Panel and decide whether it wishes to make a recommendation to the Governing Body, who will then either approve or decline the recommendation.

The Search and Governance Committee and / or the Governing Body may decline to appoint a person, as determined by the Instrument and Articles of Government.

**(a) Staff Governor (Academic) - 1 post.**

**(b) Staff Governor (Business Support) - 1 post.**

**(c) Student Governor - 2 posts.**

The three categories of membership above require nominations from the various bodies, and these have been previously identified as:

<b>Category of Membership</b>	<b>Name of Nominating Authority</b>
Staff Governor (1 post for Academic Staff)	Academic members of staff who have a contract of employment with Middlesbrough College (including claims basis) or NSG (including claims basis)
Staff Governor (1 post for Business Support Staff)	Business Support, Management, Teaching Support and Trainers who have a contract of employment with Middlesbrough College (including claims basis) or NSG (including claims basis)
Student Governor (2 posts)	1 x Student Sabbatical Officer.  1 x Student Union Vice President.

Nominations are managed by the Clerk to the Corporation, who will:

1. Undertake elections for the positions of Staff Governor (Academic) and Staff Governor (Business Support) on behalf of the Governing Body (**see section 5**).
2. Receive nominations from the Vice Principal – Staff and Students regarding the two positions of Student Governor

The Search and Governance Committee and / or the Governing Body may decline to appoint a person who has been nominated, as determined by the Instrument and Articles of Government.

**(f) Principal / Chief Executive**

This category falls outside the Governor Nomination Process, as the process is managed by the Selection (*Senior Posts*) Committee.

### 3 Duration and Termination of Membership

College Governors, Staff Governor (Academic), Staff Governor (Business Support), and / or External Members are normally appointed for a four-year term of office, unless otherwise approved by the Governing Body.

There is also a limit as to the number of terms a Governor can serve, as detailed in the Standing Orders (*an External Member is classed as a Co-opted Governor*).

Student Governors are normally appointed from the 1 August to the 31 July inclusive for a period of one year following a nomination and election process, unless otherwise determined in the Student Union Constitution.

The Governing Body can remove a Governor from office as determined by the Instrument and Articles of Government (Instrument 9) (15 July 2019)

#### 9 Termination of Membership

- (1) A Governor may resign from office at any time by giving notice in writing to the Clerk to the Corporation.
- (2) If at any time the Corporation is satisfied that any Governor:
  - (a) Is unfit or unable to discharge the functions of a Governor; or
  - (b) Has been absent from meetings of the Corporation for a period longer than six consecutive months without the permission of the Corporation:then the Corporation may by notice in writing remove the Governor from office and the office will then become vacant.
- (3) Any person who is a Governor of the Corporation by virtue of being a member of the staff at the College, including the Principal / Chief Executive, will cease to hold office upon ceasing to be a member of the staff and the office will then be vacant.
- (4) A Student Governor will cease to hold office:
  - (a) At the end of the student's academic year, or at such other time in the year after ceasing to be a student as the Corporation may decide; or
  - (b) If expelled from the College.
  - (c) If in the case of a Student Governor being a NUS Sabbatical Officer they leave the post of NUS Sabbatical Officer.and the office will then be vacant.

Where Students and / or staff leave their designated posts, their membership of the Governing Body will automatically cease and the Governor Nomination Process will commence again.

## 4 Search and Governance Committee Advice to the Governing Body

In providing its advice to the Governing Body, the Search and Governance Committee will take account of the “*Seven Principles of Public Life*” as detailed in **Appendix 3** of this document and **Appendix 4** “*Ten Point Guide to the Responsibilities of Governors*”.

## 5 Regulations Governing the Election of Staff Members (Business Support and Academic) of the Governing Body

### Election of Staff Governor

The Governing Body will include two Staff Governors elected and nominated by the staff of Middlesbrough College (including claims basis) or NSG (including claims basis).

The Staff Governors will hold office for a period of four years once elected, unless otherwise approved by the Governing Body, and they may be re-elected by staff for a further period of four years, with a maximum of two terms of four years being served.

Should the Staff Governor leave their job within the College they would automatically relinquish the position of Staff Governor at the time of resignation.

The election of the Staff Governor will normally be conducted within a period of three months from the date the vacancy arises.

### Eligibility of Nomination

#### □ Staff Governor from the Academic staff

**Only** Academic Members of staff who have a contract of employment with Middlesbrough College (including claims basis) or NSG (including claims basis) may stand for election.

#### □ Staff Governor from the Non Academic/Business Support staff

□ **Only** non academic members of staff who have a contract of employment with Middlesbrough College (including claims basis) or NSG (including claims basis), are eligible to stand for election.

□ Members of the Senior Leadership Team (*Deputy Principal, Managing Director, Vice Principals and Assistant Principals*) are not eligible to be Staff Governors.

□ The Executive Director of Human Resources and Clerk to the Corporation will determine the eligibility of staff to vote in their designated category.

### Eligibility to Nominate and Vote

#### □ Staff Governor from the Academic staff

**Only** Academic Members of staff who have a contract of employment with Middlesbrough College (including claims basis) or NSG (including claims

basis) are eligible to stand for election, nominate another eligible person and cast a vote in the subsequent election.

□ **Staff Governor from the Business Support staff**

**Only** non academic members of staff who have a contract of employment with Middlesbrough College (including claims basis) or NSG (including claims basis), are eligible to stand for election, nominate another eligible person and cast a vote in the subsequent election.

## **Nomination**

The Clerk to the Corporation will request nominations from members of staff eligible to nominate and vote.

Nominations for election will require a proposer and seconder, both of whom must be eligible members of staff. No eligible member of staff may nominate or second more than one candidate for election.

One of the following will vet the Nomination Forms in the presence of the Clerk to the Corporation.

1. The Chair of Governors.
2. Principal / Chief Executive.
3. Executive Director of Human Resources.

The member of staff proposed for election will sign the Nomination Form to indicate willingness to stand for election.

Nomination Forms will be sent to the Clerk to the Corporation, who will then publish by the closing date on the Voting Form a schedule of candidates for election.

## **Staff Profile**

Nominated staff may prepare a brief summary (*not more than 100 words*) about themselves and may provide a passport size photograph for distribution by the Clerk to the Corporation with the ballot papers.

## **Ballot**

The Clerk to the Corporation will arrange for an electronic based ballot, bearing the names of all candidates for election, to be sent to every eligible member of staff via email and through the College portal system.

Ballots will be completed online through a secure, anonymised link which automatically counts the ballots as they come in. The ballot link will close at the time and date specified.

The candidate with the highest number of votes cast will be declared duly elected as Staff Governor.

To note: where members of staff do not have a college email they will be sent a paper based ballot paper which will be opened in the presence of a Governor and / or Director of People and / or the Governance Administrator for the purpose of acting as Scrutineer.

The Clerk to the Corporation will ensure the safe keeping of any paper based ballot papers until the date of the ballot, with any ballot papers received after the deadline being invalid.

The Clerk to the Corporation will publish the result of the election within five working days of the date of the ballot.

In the event of an equal number of votes, a further ballot for the tied candidates will be held within seven days of the date of the first ballot. In the event of a tie on the second ballot, the tied candidates will draw lots.

### **Acceptance onto the Governing Body**

The duly elected Staff Governor will join the Governing Body at the next available meeting, when confirmation of the appointment will be made, and the formal governance process / induction will begin.

**Appendix 1**            **Skills and Competency Proforma.**

**Appendix 2**            **Email Proforma for Governors in Recruitment of Potential Governors or External Members**

**Appendix 3**            **The Seven Principles of Public Life.**

**Appendix 4**            **Ten Point Guide to the Responsibilities of Governors.**

## Appendix 1 Skills and Competency Proforma

<b>Public / Private Sector Experience</b>	Public / Private sector/ Both	Circle appropriate
<b>Professional Experience</b>		
Teaching and Learning (3)		Place P next to primary experience and S next to any secondary experience
Other Education		
Finance (3)		
International (1)		
HE (1)		
People/HR		
Legal		
Facilities Management		
Other (do not add text to this box)*		
<b>Sector Experience</b>		
Engineering / Manufacturing		Place P next to primary experience and S next to any secondary experience
Health		
Digital		
Construction		
Service Industry		
Business and Professional		
Education		
Other (do not add text to this box*)		
<b>Community Involvement</b>		
Local Council		Tick all that apply currently
Equality and Inclusion		
Trade Union		
Magistrate		
Community Association		
Governor / Non Executive Director		
Church / Faith Group		
Charity / Voluntary Sector		
Other (do not add text to this box)*		
<b>Role Type</b>		
Senior Management		Tick current / or previous role type
Project Management		
Political		
Professional		
Education		

Other (do not add text to this box)*		
<b>Public Profile</b>		
Tick if Yes. Leave blank if No		Tick if <b>currently extensively</b> networked across the Tees Valley
<b>Residency</b>		
Resident of the Tees Valley		Tick if home address is in Redcar, Stockton, Middlesbrough, Darlington or Hartlepool
<b>*Additional/Explanatory Notes</b>		Add any relevant information (text) if you answered 'Other' in either Professional, Sector, Community, Role Type

## Appendix 2

### EMAIL PROFORMA FOR GOVERNORS IN RECRUITMENT OF POTENTIAL GOVERNORS OR EXTERNAL MEMBERS

The following proforma is to be emailed to all current governing body and external body members ahead of any proposed interview process.

The proforma should be returned via email by an agreed date to the Head of Governance, Zeta Foster (z.foster:mbro.ac.uk).

Alternatively, this could be reported to the Chair of Governors.

#### CONFIDENTIAL

**Name of Candidate for Interview:**

**Date of proposed Interview:**

**TO BE COMPLETED by current governor or external member**

**Please tick or highlight the relevant response:**

- a) I know the candidate and support their interview
- b) I know the candidate and have reservations regarding their appointment\*
- c) I do not know the candidate and therefore cannot comment

- If answered b)

The reason(s) are:

---

---

**Signed by:**

**Date:**

**Received by the Head of Governance/Chair of Governors**

**Date:** \_\_\_\_\_

## APPENDIX 3

### The Seven Principles of Public Life (Nolan)

Public concern about the financial probity of members of parliament and other holders of public office led to the setting up in 1994 of the Committee on Standards in Public Life (*chaired by Lord Nolan and later Lord Neill*).

The Committee drew up seven principles of public life as a yardstick against which public service may be measured:

- *Selflessness* Holders of public office should take decisions solely in terms of the interest of the public. They should not do so in order to gain financial or other material benefits for themselves, their families or their friends.
- *Integrity* Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.
- *Objectivity* In carrying out public business, including making public appointments, awarding contracts, and recommending individuals for rewards and benefits, holders of public office should make choices on merit alone.
- *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 this.
- *Honesty* Holders of public office have a duty to declare any private interest relating to their public office duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- *Leadership* Holders of public office should promote and support these principles by leadership and example.

## Appendix 4

### Ten Point Guide to the Responsibilities of Governors

#### Governors should

<b>1</b>	Observe and comply with the College's Code of Conduct for Governors (the Code) which sets out in more detail the principles, responsibilities and standards of conduct expected of College Governors.
<b>2</b>	<p>Remember that it is their role to determine the Strategic Policy and the overall direction of the College, to oversee its activities and to monitor the performance of the Principal / Chief Executive and other Senior Postholders.</p> <p>Remember that they are accountable for the solvency of the College and for the proper use of public funds.</p> <p><b>Note</b> The Principal / Chief Executive is responsible for implementing the Governing Body's decisions, for managing the College's affairs within the budget and frameworks fixed by the Governing body and for the day to day running of the College.</p>
<b>3</b>	Observe the provisions in the College's Instrument and Articles of Government and in particular discharge the responsibilities given to them by the Articles, comply with the Governing Body's Standing Orders and ensure that the Governing Body acts within the powers conferred on it by any relevant legislation.
<b>4</b>	<p>Show the highest loyalty to the College and act in its best interests at all times.</p> <p>This means that:</p> <ul style="list-style-type: none"> <li>• Governing Body decisions must always be taken for the benefit of the College, its students, staff and other users and with a view to safeguarding public funds.</li> <li>• Governors must not be bound by any mandates given to them by other bodies.</li> <li>• Governors must avoid putting themselves in a position where there is an actual, potential or perceived conflict between their personal interests, including those of their family and those of College.</li> </ul>

	Governors must declare any relevant interest in accordance with the provisions in the Instrument and the Code.
<b>5</b>	Observe the duties set out in the College's Financial Memorandum and ensure the proper use of income derived from other sources.
<b>6</b>	Conduct themselves in accordance with the highest ethical standards and embrace the seven principles of public life laid down by the Nolan Committee (set out overleaf).
<b>7</b>	Discharge their duties with skill, care and diligence.
<b>8</b>	Be committed to securing equality of opportunity within the College, to combating discrimination on whatever grounds and to discharging their legal duties under the relevant anti-discrimination legislation.
<b>9</b>	Abide by the principle of collective responsibility. Once a decision has been taken by the Governing Body, Governors have a duty to stand by it, even if they voted against the decision or were absent from the relevant meeting.
<b>10</b>	Ensure that the business of the Governing Body is conducted openly and transparently and that, as a general principle, students and staff have free access to information about the proceedings of the Governing Body and that confidential items are kept to a minimum.