



EAST NORFOLK
Sixth Form College

The Board of Governors of East Norfolk Sixth Form College

Code of Conduct

for the Conduct of Business

This document is an amended version of the Tenth Edition of the College Code of Conduct for Sixth Form Colleges produced by Eversheds, first published in June 1995 and amended in December 2011.

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CONTENTS

	Page
College Code of Conduct for Governors	3
Schedule - List of source documents	11
Appendix 1 - The Seven Principles of Public Life	12
Appendix 2 - Six Core Principles of Good Governance	13
Appendix 3 - Summary of main responsibilities of Corporation Members under the Articles of Government	15
Appendix 4 - Summary of main responsibilities of the Principal and the Clerk under the Articles of Government	17
Appendix 5 - Summary of main provisions of the Financial Memorandum with the Agency <i>[to be issued when YPLA or its successor publishes the new FM]</i>	18
Appendix 6 Summary of the Statutory Powers of the Board of Governors	19
Appendix 7 College Mission Statement	21

COLLEGE CODE OF CONDUCT FOR EAST NORFOLK SIXTH FORM COLLEGE

Made by the Board of Governors on 25 January 2011 and revised on 27 March 2012.

1. INTRODUCTION

- 1.1 This Code is intended as a guide, to indicate the standards of conduct and accountability which are expected of Governors, to enable them to understand their legal and ethical duties and to assist them both in carrying out those duties and in their relationship with the Board of Governors and Principal as the Chief Executive. This Code therefore is aimed at promoting effective, well informed and accountable college governance, and is not intended to be a definitive or authoritative statement of the law or good practice.
- 1.2 In addition to this Code, Governors are recommended to familiarise themselves with the source documents listed in the Schedule.
- 1.3 If a Governor is in doubt about the provisions of this Code or any of the source documents, the Clerk should be consulted and, if necessary, professional advice should be obtained. However, ultimate responsibility for the appropriateness of conduct as a Governor of the College and for any act or omission in that capacity rests with the individual Governor.
- 1.4 This Code applies to every committee or working party of the Board of Governors and to every subsidiary company or joint venture of the College to which Governors may be appointed.
- 1.5 By accepting appointment to the Board of Governors, each Governor agrees to accept the provisions of this Code.
- 1.6 Assistant Governors (as referenced in the College Standing Orders), in accepting appointment to the role, are also bound to accept the provisions of this Code.

2. INTERPRETATION

In this Code:-

- 2.1 'Agency' means the Young People's Learning Agency or any successor body¹;
- 2.2 'College' means this College;
- 2.3 'College Mission Statement' means the statement referred to at paragraph 3.1 of this Code and set out in Appendix 7, or such other mission statement as may be agreed by the Board of Governors from time to time;
- 2.4 The Board of Governors means the sixth form college corporation which was established and designated by the Secretary of State for the purpose of conducting the College;

¹ The YPLA is due to be replaced by the Education Funding Agency from April 2012.

- 2.5 'Governor', 'Chair', 'Principal' and 'Clerk' mean respectively the Member of the Corporation of the College, the Chair of the Board of Governors, the Principal of the College and the Clerk to the Governors;
- 2.6 'DBIS' means the Department for Business, Innovation and Skills;
- 2.7 'DfE' means the Department for Education;
- 2.8 'Local Authority' means the local authority with responsibility for providing strategic advice in relation to provision to be made by the College;
- 2.9 'SFA' means the Skills Funding Agency;
- 2.10 all other definitions have the same meanings as given in the College's Instrument and Articles of Government; and
- 2.11 words importing one gender import any gender.

3. **AIMS AND VALUES**

- 3.1 The College's mission statement is set out in Appendix 7 of this document.
- 3.2 The College Mission Statement together with the corporate objectives of the College agreed by the Board of Governors from time to time seek to encapsulate the core purposes and aims of the College. Governors should have due regard to these purposes and aims when conducting the business of the Board of Governors and considering the activities and proposed activities of the College.
- 3.3 The Board of Governors recognises its obligations to all those with whom it and/or the College have dealings, including students, employees, suppliers, other educational institutions and the wider community. In particular, the Board of Governors is committed to:
- having close regard to the voice of the learner;
 - combating any discrimination within the College on the grounds of the characteristics protected by the Equality Act 2010;
 - upholding the principles set out in the DBIS's Charter for Further Education and in the College's own Charter, copies of which are available from the Clerk; and
 - engaging with the community which the College serves in order to understand and meet its needs.
- 3.4 The Board of Governors is also committed to ensuring that it conducts its business in accordance with the highest ethical standards as set out in more detail in this Code.

4. **DUTIES**

- 4.1 Governors owe a fiduciary duty to the College. This means that they should show it the highest loyalty and act in good faith in its best interests. Each Governor should act honestly, diligently and (subject to the provisions appearing in paragraph 10 of this Code relating to collective responsibility) independently. The actions of Governors should promote and protect the good reputation of the College and the trust and confidence of those with whom it deals.
- 4.2 Decisions taken by Governors at meetings of the Board of Governors and its committees must not be for any improper purpose or personal motive. Decisions taken must always be for the benefit of the College, its students and staff and other users of the College and must be taken with a view to safeguarding public funds. Accordingly, Governors must not be bound in their speaking and voting by mandates given to them by other bodies or persons.
- 4.3 Governors must observe the provisions of the College's Instrument and Articles of Government and in particular the responsibilities given to the Board of Governors by the College's Articles of Government. Those responsibilities, including a list of "reserved" responsibilities which are so important that they must not be delegated, are set out in Appendix 3.
- 4.4 Governors should comply with the Standing Orders and terms of reference of the Board of Governors and its committees to ensure that the Board of Governors conducts itself in an orderly, fair, open and transparent manner. Governors must keep those Standing Orders and terms of reference under periodic review.
- 4.5 Governors should also have regard to the different, but complementary, responsibilities given to the Principal as the College's Chief Executive. The responsibilities given to the Principal by the College's Articles of Government are set out in Appendix 4. Whereas it is the Board of Governors' function to decide strategic policy and overall direction and to monitor the performance of the Principal and any other senior postholders, it is the Principal's role to implement the Board of Governors' decisions, and to manage the College's affairs within the budgets and framework fixed by the Board of Governors. Governors should work together so that the Board of Governors and the Principal as Chief Executive perform their respective roles effectively.
- 4.6 Governors should refer to the Clerk for advice relating to the governance functions which are set out in Appendix 4 and have regard to the Clerk's independent advisory role.

5. **STATUTORY ACCOUNTABILITY**

- 5.1 Governors are collectively responsible for observing the duties set out in the Financial Memorandum which the College has entered into with the Agency as a condition of receiving public funds. A summary of some of the more important requirements of the Financial Memorandum is set out in Appendix 5.
- 5.2 Although the Agency is the main provider of funds to the College, Governors should note that they are also responsible for the proper use of income derived from other sources, such as the Higher Education Funding Council for England (HEFCE) and the European Union (EU) and for the control and

monitoring of expenditure of such income, in order to meet the requirements of the relevant funding body and public audit.

- 5.3 As accounting officer for the Agency its Chief Executive is directly responsible and accountable to Parliament for ensuring that the uses to which the Agency puts its funds are consistent with the purposes for which the funds were given and comply with the conditions attached to them. The Principal, as accounting officer for the College, is also directly responsible and accountable to Parliament, through the Committee of Public Accounts, for the effective stewardship by the College of public funds. The Principal may be required to appear before the Committee of Public Accounts, alongside the Chief Executive of the Agency, to give an account of the use made by the College of such funds. The Board of Governors is accountable to Parliament for ensuring the financial health of the College, and to the Courts for ensuring that the College is conducted in accordance with the Education Acts and the general law.

6. PUBLIC SERVICE VALUES

Public service values are at the heart of the further education service. High standards of personal and corporate conduct, based on the principles set out in Appendices 1 and 2 of this Code, and the recognition that students and other users of the College's services come first, are a requirement of being a Governor, and should underpin all decisions taken by the Board of Governors.

7. SKILL, CARE AND DILIGENCE

A Governor should in all his or her work for the College exercise such skill as he or she possesses and such care and diligence as would be expected from a reasonable person in the circumstances. This will be particularly relevant when Governors act as agents of the College, for example, when functions are delegated to a committee of the Board of Governors or to the Chair. Governors should be careful to act within the terms of reference of any committees on which they serve.

8. POWERS

Governors are responsible for taking decisions which are within the powers given to the Board of Governors by Parliament under sections 33E and 33F of the Further and Higher Education Act 1992 as amended by the Apprenticeships, Skills, Children and Learning Act 2009. A summary of those powers is set out in Appendix 6. If a Governor thinks that the Board of Governors is likely to exceed its powers by taking a particular decision, he or she should immediately refer the matter to the Clerk for advice.

9. CONFLICTS OF INTEREST

- 9.1 Like other persons who owe a fiduciary duty, Governors should seek to avoid putting themselves in a position where there is a conflict (actual or potential) between their personal interests and their duties to the Board of Governors. They should not allow any conflict of interest to arise which might interfere with the exercise of their independent judgement.

- 9.2 Governors are reminded that under the College's Instrument of Government they must not acquire or hold any interest in any property held or used for the purposes of the College or receive any

remuneration for their services (save as a member of the College's staff) without the written approval of the Secretary of State for Education.

- 9.3 Governors are reminded that under the College's Instrument of Government and the general law they must disclose to the Board of Governors any direct or indirect financial interest they have, or may have, in the supply of work to the College or the supply of goods for the purposes of the College, or in any contract or proposed contract concerning the College, or in any other matter relating to the College or any other interest of a type specified by the Corporation in any matter relating to the College, or any duty which is material and which conflicts or may conflict with the interests of the Board of Governors.
- 9.4 If an interest of any kind (including an interest of a spouse or partner of a Governor or of a close relative of the Governor or his or her partner or spouse) is likely or would, if publicly known, be perceived as being likely to interfere with the exercise of a Governor's independent judgement, then:-
- 9.4.1 the interest, financial or otherwise, should be reported to the Clerk;
- 9.4.2 the nature and extent of the interest should be fully disclosed to the Board of Governors before the matter giving rise to the interest is considered;
- 9.4.3 if the Governor concerned is present at a meeting of the Corporation, or any of its committees, at which such supply, contract or other matter constituting the interest is to be considered, he or she should:-
- (a) not take part in the consideration or vote on any question with respect to it and shall not be counted in the quorum for that meeting; and
- (b) withdraw from that Board or committee meeting where required to do so by a majority of the Governors or committee present at the meeting.
- 9.5 For the purposes of clause 9.4 "close relative" includes but is not limited to a father, mother, brother, sister, child, grandchild and step-father/mother/ brother/sister/child.
- 9.6 Governors must not receive gifts, hospitality or benefits of any kind from a third party which might be in breach of the Bribery Act 2010 or the College's anti-bribery policy or be seen to compromise their personal judgement or integrity. Any offer or receipt of such gifts, hospitality or benefits should immediately be reported to the Clerk.
- 9.7 The Clerk will maintain a Register of Governors' Interests which will be open for public inspection. Governors must disclose routinely to the Board of Governors all business interests, financial or otherwise, which they may have, and the Clerk will enter such interests on the Register. Governors must give sufficient details to allow the nature of the interests to be understood by enquirers. Governors should inform the Clerk whenever their circumstances change and interests are acquired or lost. In deciding whether an interest should be disclosed, Governors should have regard to the meaning given to "interest" in paragraphs 9.4 and 9.5 of this Code.

10. **COLLECTIVE RESPONSIBILITY**

10.1 The Board of Governors operates by Governors taking majority decisions in a corporate manner at quorate meetings. Therefore, a decision of the Board of Governors, even when it is not unanimous, is a decision taken by the Governor collectively and each individual Governor has a duty to stand by it, whether or not he or she was present at the meeting of the Board of Governors when the decision was taken.

10.2 If a Governor disagrees with a decision taken by the Board of Governors, his or her first duty is to have any disagreement discussed and minuted. If the Governor strongly disagrees, he or she should consult the Chair and, if necessary, then raise the matter with the Board of Governors when it next meets. If no meeting is scheduled, the Governor should refer to the power of the Chair or any five Governors under the College's Instrument of Government to call a special meeting and, if appropriate, exercise it, requesting the Clerk to circulate the Governor's views in advance to the other Governors. Alternatively, as a final resort, the Governor may decide to offer his or her resignation from office, after consulting the Chair.

11. **OPENNESS AND CONFIDENTIALITY**

11.1 Because of the Board of Governor's public accountability and the importance of conducting its business openly and transparently, Governors should ensure that, as a general principle, students and staff of the College have free access to information about the proceedings of the Board of Governors. Accordingly, agendas, minutes and other papers relating to meetings of the Governor are normally available for public inspection when they have been approved for publication by the Chair.

11.2 There will be occasions when the record of discussions and decisions will not be made available for public inspection; for example, when the Board of Governors considers sensitive issues or named individuals and for other good reasons. Such excluded items will be kept in a confidential folder by the Clerk, and will be circulated in confidence to Governors. Some confidential items are likely to be of a sensitive nature for a certain period of time only (for example information relating to a proposed commercial transaction or collaboration with another institution). The Board of Governors should specify how long such items should be treated as confidential or, if this is not possible, such items should be regularly reviewed to consider whether the confidential status should be removed or whether the public interest in disclosure outweighs that confidential status and the item made available for public inspection. When considering such issues the Governors must also consider the College's publication scheme issued under the Freedom of Information Act 2000.

11.3 However, staff and student Governors have no right of access to minutes dealing with matters in respect of which they are required to withdraw from meetings under the College's Instrument of Government.

11.4 It is important that the Board of Governors and its committees have full and frank discussions in order to take decisions collectively. To do so, there must be trust between Governors with a shared corporate responsibility for decisions. Governors should keep confidential any matter which, by

reason of its nature, the Chair or members of any committee of the Board of Governors are satisfied should be dealt with on a confidential basis.

- 11.5 Governors should not make statements to the press or media or at any public meeting relating to the proceedings of the Board of Governors or its committees without first having obtained the approval of the Chair or, in his or her absence, the Vice Chair. It is unethical for Governors to publicly to criticise, canvass or reveal the views of other Governors which have been expressed at meetings of the Board of Governors or its committees.

12. **COMPLAINTS**

- 12.1 In order to ensure that the affairs of the College are conducted in an open and transparent manner and that the College is accountable for its use of public funds but also to its employees, its students and the community it serves, it is important for there to be appropriate complaints procedures in place and for these to be well publicised. Governors are reminded of their specific responsibility under the Articles of Government to make rules specifying the procedures in accordance with which employees may seek redress of any grievances relating to their employment, of the importance of having formal complaints procedures in place to handle issues raised by students, former students and third parties and of the legal requirement to have a whistle blowing procedure in place.

- 12.2 Under the Charter for Further Education, students, employees and other third parties have a right to make a complaint to the Agency in respect of the College or of any of its decisions, and this right is referred to in the College's relevant complaints and disciplinary procedures. Copies of these procedures can be obtained from the Clerk. Governors in particular are reminded of the Agency's Procedure for dealing with complaints about Providers of Education and Training (September 2010). The Procedure provides that the Agency:

- *must* investigate all allegations of irregularity (unlawful or unethical conduct, financial malpractice, equality and diversity issues and health and safety risks to staff, learners or the public);
- *can* investigate quality or management of learning provision, undue delay or non-compliance with published procedures, poor administration by the Provider, equality and diversity issues (except where there is a more appropriate mechanism for dealing with the matter through the court or tribunals or other organisations), health and safety concerns and complaints made by learners following HE courses in FE colleges.

13. **ATTENDANCE AT MEETINGS**

A high level of attendance at meetings of the Board of Governors is expected so that Governors can perform their functions properly. As referred to in Standing Orders, absences of more than 2 consecutive meetings of the Board of Governors will be referred to the Chair for escalation if deemed appropriate. Attendance is routinely monitored by the Clerk and Search Committee.

14. **GOVERNANCE DEVELOPMENT**

- 14.1 The Board of Governors shall seek to ensure that all Governors are appointed on merit, in accordance with an open selection procedure carried out by the Governing Body's Search Committee, and are drawn widely from the community which the College serves so as to be representative of that community. The Board of Governors should have regard to the provisions relating to the membership of the Board in the College's Instrument of Government, the need to combat discrimination and to promote equality, and the need to make available a range of necessary skills and experience to ensure that the Corporation carries out its functions under the College's Articles of Government.
- 14.2 Governors must obtain a thorough grounding in their duties and responsibilities by participating in the College's governance induction and training programmes, including regular refresher workshops.
- 14.3 In order to promote more effective governance, Governors will carry out an annual review of the performance by the Board of Governors of its duties and responsibilities, as part of a continuing and critical process of self evaluation.

SCHEDULE - List of source documents

1. the College's Instrument of Government;
2. the College's Articles of Government;
3. the Standing Orders and terms of reference of the Board of Governors and its committees;
4. the Financial Memorandum entered into by the College with the Agency;
5. the College's Mission Statement and corporate objectives;
6. the College's Strategic Plan;
7. the College's anti-bribery policy as required by the Bribery Act 2010;
8. the principles laid down by the Committee on Standards in Public Life (Nolan Committee) for those holding public office, namely:
 - selflessness;
 - integrity;
 - objectivity;
 - accountability;
 - openness;
 - honesty; and
 - leadership.

An extract from the report of the Nolan Committee setting out these Principles in more detail is set out at Appendix 1;

9. the Joint Audit Code of Practice issued by the Agency and the SFA;
10. the UK Corporate Governance Code (formerly the Combined Code on Corporate Governance) published by the Financial Reporting Council;
11. the Good Governance Standard for Public Services published by the Independent Commission on Good Governance in Public Services (Good Governance Standard). An extract from the Good Governance Standard setting out the six core principles of good governance is set out at Appendix 2;
12. the English Colleges' Foundation Code of Governance issued by the Association of Colleges, November 2011.

Appendices 1 (the Seven Principles of Public Life) 2 (Six Core Principles of Good Governance), 3 (Responsibilities of Governors) 4 (Responsibilities of the Principal and Clerk), 5 (Financial Memorandum) 6 (Powers of the Board of Governors) and 7 (College Mission Statement) are attached to this Code for reference.

APPENDIX 1

The Seven Principles of Public Life

The following is an extract from the Second Report of the Nolan Committee on Standards in Public Life, May 1996

SELFLESSNESS

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, 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, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

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.

HONESTY

Holders of public office have a duty to declare any private interests relating to their public 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 2

Six Core Principles of Good Governance

The following is an extract from the Good Governance Standard for Public Services published by the Independent Commission on Good Governance in Public Services, January 2005

1. **Good governance means focusing on the organisation's purposes and on outcomes for citizens and service users**
 - 1.1 Being clear about the organisation's purposes and its intended outcomes for citizens and service users;
 - 1.2 Making sure that users receive a high quality service;
 - 1.3 Making sure that taxpayers receive value for money.
2. **Good governance means performing effectively in clearly defined functions and roles**
 - 2.1 Being clear about the functions of the governing body;
 - 2.2 Being clear about the responsibilities of the non-executives and the executive, and making sure that those responsibilities are carried out;
 - 2.3 Being clear about relationships between the governors and the public.
3. **Good governance means promoting values for the whole organisation and demonstrating the values of good governance through behaviour**
 - 3.1 Putting organisational values into practice;
 - 3.2 Individual governors behaving in ways that uphold and exemplify effective governance.
4. **Good Governance means taking informed, transparent decisions and managing risk**
 - 4.1 Being rigorous and transparent about how decisions are taken;
 - 4.2 Having and using good quality information, advice and support;
 - 4.3 Making sure that an effective risk management systems is in operation.
5. **Good governance means developing the capacity and capability of the governing body to be effective**
 - 5.1 Making sure that appointed and elected governors have the skills, knowledge and experience they need to perform well;

5.2 Developing the capability of people with governance responsibilities and evaluating their performance, as individuals and as a group;

5.3 Striking a balance, in the membership of the governing body, between continuity and renewal.

6. **Good governance means engaging stakeholders and making accountability real**

6.1 Understanding formal and informal accountability relationships;

6.2 Taking an active and planned approach to dialogue with accountability to the public;

6.3 Taking an active and planned approach to responsibility to staff;

6.4 Engaging effectively with institutional stakeholders.

APPENDIX 3

Summary of Main Responsibilities of Governors under the Articles of Government

Under the College's Articles of Government the Board of Governors shall be responsible:

- (a) for the determination and periodic review of the educational character and mission of the institution and for oversight of its activities;
- (b) for approving the quality strategy of the institution;
- (c) for the effective and efficient use of resources, the solvency of the institution and the Board of Governors and for safeguarding their assets;
- (d) for approving annual estimates of income and expenditure;
- (e) for the appointment, grading, suspension, dismissal and determination of the pay and conditions of service of the holders of senior posts and the Clerk, including, where the Clerk is, or is to be appointed as, a member of staff, the Clerk's appointment, grading, suspension, dismissal and determination of pay in the capacity as a member of staff;
- (f) for setting a framework for the pay and conditions of service of all other staff; and
- (g) for setting the policy by which the tuition and other fees payable to the College are determined (subject to any terms and conditions attached to grants, loans or other payments paid or made by the Agency).

"Senior Post" means the post of Principal and such other senior posts as the Governors may designate for the purposes of the Articles.

Responsibilities which must not be delegated

The Articles of Government prohibit the Board of Governors from delegating the following:-

- (a) the determination of the educational character and mission of the institution;
- (b) the approval of the annual estimates of income and expenditure;
- (c) the responsibility for ensuring the solvency of the institution and the Board of Governors and the safeguarding of their assets;
- (d) the appointment of the Principal or holder of a senior post;
- (e) the appointment of the Clerk (including, where the Clerk is, or is to be, appointed as a member of staff the Clerk's appointment in the capacity as member of staff);
- (f) the modifying or revoking of the Articles of Government;

- (g) the consideration of the case for dismissal, of the Principal, the Clerk or the holder of a senior post unless such function is delegated to a committee of the Board of Governors; and
- (h) the power to determine an appeal in connection with the dismissal of the Principal, the Clerk or the holder of a senior post unless such power is delegated to a committee of the Board of Governors

The Board of Governors may, from time to time, resolve to add other functions which must not be delegated to this list of “reserved” responsibilities.

APPENDIX 4

Summary of main responsibilities of the Principal under the Articles of Government.

Under the College's Articles of Government the Principal shall be the Chief Executive of the College and shall be responsible for:

- (a) making proposals to the Board of Governors about the educational character and mission of the institution, and for implementing the decisions of the Board of Governors;
- (b) the determination, of the institution's academic activities and the determination of its other activities;
- (c) preparing annual estimates of income and expenditure, for consideration and approval by the Board of Governors, and the management of budget and resources within the estimates approved by the Board of Governors;
- (d) the organisation, direction and management of the institution and leadership of the staff;
- (e) the appointment, assignment, grading, appraisal, suspension, dismissal, and determination, within the framework set by the Board of Governors, of the pay and conditions of service of staff, other than the holders of senior posts or the Clerk, where the Clerk is also a member of the staff; and
- (f) maintaining student discipline and, within the rules and procedures provided for within these Articles, suspending or expelling students on disciplinary grounds and expelling students for academic reasons.

Summary of main responsibilities of the Clerk under the Articles of Government.

Under the College's Articles of Government the Clerk shall be responsible for advising the Board of Governors with regard to:

- (a) the operation of its powers;
- (b) procedural matters;
- (c) the conduct of its business; and
- (d) matters of governance practice.

APPENDIX 5

Summary of Main Provisions of the Financial Memorandum with the Agency

[TO FOLLOW WHEN THE FINANCIAL MEMORANDUM IS PUBLISHED]

APPENDIX 6

Summary of the Statutory Powers of the Board of Governors

PRINCIPAL POWERS

Under section 33E of the Further and Higher Education Act 1992 as amended by the Apprenticeships, Skills, Children and Learning Act 2009 a sixth form college corporation⁴ may:-

- (a) provide further and higher education;
- (b) provide secondary education suitable to the requirements of persons who have attained the age of 14 years, or provide secondary education or participate in the provision of secondary education at a school (subject to the consultation with the appropriate local education authority); and
- (c) supply goods or services in connection with their provision of education.

These powers are known as the Board of Governors' "principal powers".

SUPPLEMENTARY POWERS

Under section 33F of the 1992 Act as amended the Corporation may do anything which appears to it to be necessary or expedient for the purpose of or in connection with the exercise of any of the principal powers conferred by section 33E of the Act, including in particular the following:-

- (a) the power to acquire and dispose of land and other property;
- (b) the power to enter into contracts, including in particular:
 - (i) contracts for the employment of teachers and other staff for the purposes of or in connection with carrying on any activities undertaken in the exercise of the Corporation's principal powers; and
 - (ii) contracts with respect to the carrying on by the Corporation of any such activities;
- (c) the power to form, participate in forming or invest in a company or become a member of a charitable incorporated organisation. However, this power may only be used to conduct an educational institution or to provide publicly funded education provided that the Agency consents⁴;
- (d) the power to borrow such sums as the Corporation thinks fit for the purposes of carrying on any activities it has power to carry on or to meet any liability transferred to it under sections 23 to 27 of the 1992 Act (i.e. when the College achieved its corporate independence on 1st April 1993) and, in connection with such borrowing, the power to grant any mortgage, charge or other security in

⁴ The need for YPLA consent will be abolished when the relevant provisions of the Education Act 2011 come into force. No date has yet been appointed for this purpose.

respect of any land or other property of the Corporation. This power may not be exercised without the consent of the Agency, which may give its consent for a particular borrowing or for borrowing of a particular class⁵;

- (e) power to invest any sums not immediately required for the purposes of carrying on any activities the Corporation has power to carry on;
- (f) power to accept gifts of money, land or other property and apply it, or hold and administer it on trust for, any of those purposes;
- (g) power to do anything incidental to the conduct of an educational institution providing further or higher education, including founding scholarships or exhibitions, making grants and giving prizes and
- (h) provide advice or assistance to any other person where it appears to the Corporation to be appropriate for them to do so for the purpose of or in connection with the provision of education by the other person

The Corporation may also provide facilities of any description (including boarding accommodation and recreational facilities for students and staff and facilities to meet the needs of students having learning difficulties) which appear to be necessary or desirable for the purposes of or in connection with the carrying on of the principal powers.

The powers conferred by section 33F of the 1992 Act are known as “supplementary powers”.

Note that as the result of a new section 33H from 1 April 2010 in exercising their functions under sections 33E and 33F, Corporations must—

- (a) have regard, amongst other things, to the objective of promoting the economic and social well-being of the local area, and
- (b) in doing so, have regard to any guidance issued by the Secretary of State about co-operation with a view, directly or indirectly, to advancing that objective. Draft guidance was published for consultation with the sector by LSIS in January 2010⁶.

⁵ The need for YPLA consent to borrowing will be abolished when the relevant provisions of the Education Act 2011 are brought into force. No date has yet been appointed for this purpose.

⁶ The DfE does not intend to issue any guidance. Section 19A will be repealed when the relevant provisions in the Education Act 2011 are brought into force. No date has yet been appointed for this purpose.

APPENDIX 7

College Mission Statement

The College's mission as approved by our members is "Excellence and Care: The College is working for its Community":

Excellence The College will give all learners the best possible opportunities to develop their individual potential through the provision of a wide range of high quality education and skills training, through an extensive enrichment programme and through engagement of students with issues of personal, social and health education in a national and international context.

Care The College will provide a supportive environment, which encourages individual development and respect for others.

Community Recognising the diverse nature of its community, the College will respond to the needs of all its learners and to local, national and international developments.

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