

FURTHER AND HIGHER EDUCATION ACT 1992

THE FURTHER EDUCATION CORPORATIONS (FORMER FURTHER EDUCATION COLLEGES) (REPLACEMENT OF INSTRUMENTS AND ARTICLES OF GOVERNMENT) ORDER 2007

The Secretary of State for Innovation, Universities and Skills makes the following Order in exercise of the powers conferred by section 22(2) and (3) of the Further and Higher Education Act 1992^a. In accordance with section 22(3)(b) of that Act, he has consulted the Learning and Skills Council for England and the further education corporations listed in Schedule 3 to this Order (“the colleges”).

1. This Order may be cited as the Further Education Corporations (Former Further Education Colleges) (Replacement of Instruments and Articles of Government) Order 2007 and comes into force on 1 January 2008.

2. The Instrument of Government set out in Schedule 1 and the Articles of Government

INSTRUMENT

- (i) “necessary skills” means skills and experience, other than professional qualifications, specified by the Corporation as appropriate for members to have;
- (j) “parent member”, “staff member” and “student member” have the meanings given to them in clause 2;
- (k) “the previous Instrument of Government” means the Instrument of Government relating to the Corporation which had effect immediately before 1st January 2008;
- (l) “the Secretary of State” means the Secretary of State

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(4) Where the office of any member becomes vacant the appointing authority shall as soon as practicable take all necessary steps to appoint a new member to fill the vacancy.

Appointment of the Chair and Vice-

INSTRUMENT

(5) Subject to paragraphs (6) and (7), a person shall be disqualified from holding, or from continuing to hold, office as a member, if that person has been adjudged bankrupt or is the subject of a bankruptcy restrictions order, an interim bankruptcy restrictions order or a bankruptcy restrictions undertaking within the meaning of the Insolvency Act 1986(3), or if that person has made a composition or arrangement with creditors, including an individual voluntary arrangement.

(6) Where a person is disqualified by reason of having been adjudged bankrupt or by reason of being the subject of a bankruptcy restrictions order, an interim bankruptcy restrictions order or a bankruptcy restrictions undertaking, that disqualification shall cease—

(a)

INSTRUMENT

(c) shall withdraw from the meeting if the matter is under negotiation with staff and the staff member is representing any of the staff concerned in those negotiations.

(6) The Clerk shall maintain a register of the interests of the members which have been disclosed and the register shall be made available during normal office hours at the institution to any person wishing to inspect it.

Meetings

12.—(1) The Corporation shall meet at least once in every term, and shall hold such other meetings as may be necessary.

(2) Subject to paragraphs (4) and (5) and to clause 13(4), all meetings shall be called by the Clerk, who shall, at least seven calendar days before the date of the meeting, send to the members of the Corporation written notice of the meeting and a copy of the proposed agenda.

(3) If it is proposed to consider at any meeting the remuneration, conditions of service, conduct, suspension, dismissal or retirement of the Clerk, the Chair shall, at least seven calendar days before the date of the meeting, send to the members a copy of the agenda item concerned, together with any relevant papers.

(4) A meeting of the Corporation, called a “special meeting”, may be called at any time by the

INSTRUMENT

- (b) from that part of any meeting of the Corporation, or any of its committees, at which that member's reappointment or the appointment of that member'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 members present, from that part of any meeting of the Corporation or any of its committees, at which staff matters (1)8 41.12004 558.9200418 41.0418-35 (

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person who so requests a copy, and shall be available for inspection at the institution upon request, during normal office hours, to every member of staff and every student.

Change of name of the Corporation

20. The Corporation may change its name with the approval of the Secretary of State.

Application of the seal

21. The application of the seal of the Corporation shall be authenticated by—

ARTICLE S

SCHEDULE 2 ARTICLES OF GOVERNMENT

CONTENTS

1. Interpretation of the terms used
2. Conduct of the institution
3. Responsibilities of the Corporation, the Principal and the Clerk
4. The establishment of committees and delegation of functions generally
5. The search committee
6. The audit committee
7. Composition of committees
8. Access to committees by non-members and publication of minutes
- 9.,10., 11. Delegable and non-delegable functions
- 12., 13 Appointment and promotion of staff
14. Rules relating to the conduct of staff
15. Academic freedom
16. Grievance, suspension and disciplinary procedures
17. Suspension and dismissal of the Clerk
18. Students
19. Financial matters
20. Co- operation with the LSC's auditor
21. Internal audit
22. Accounts and audit of accounts
23. Rules and bye-laws
24. Copies of Articles of Government and rules and bye-laws

Interpretation of the terms used

1. In these Articles of Government—
 - (a) any reference to “the Principal” shall include a person acting as Principal;
 - (b) “the Articles” means these Articles of Government;
 - (c) “Chair” and “Vice-Chair” mean respectively the Chair and Vice-Chair of the Corporation appointed under clause 6 of the Instrument of Government;
 - (d) “the Clerk” has the same meaning as in the Instrument of Government;
 - (e) “the Corporation” has the same meaning as in the Instrument of Government;
 - (f) “the LSC” means the Learning and Skills Council for England;
 - (g) “parent member”, “staff member” and “student member” have the same meanings Vice

ARTICLE 5

ARTICLE S

(2) The number of members of a committee and the terms on which they are to hold and to vacate office, shall be decided by the Corporation.

(3) The Corporation may also establish committees under collaboration arrangements made with other further education institutions or maintained schools (or with both), and such joint committees shall be subject to any regulations made under section 166 of the Education and Inspections Act 2006(4) governing such arrangements.

The search committee

5.—(1) The Corporation shall establish a committee, to be known as the “search committee”, to advise on—

ARTICLE S

Delegable and non-delegable functions

9. The Corporation shall not delegate the following functions-

- (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 Corporation and for safeguarding 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 of a member of staff); and
- (f) the modification or revocation of these Articles.

10.—(1) The Corporation may not delegate -

- (a) the consideration of the case for dismissal, and
- (b) the power to determine an appeal in connection with the dismissal

of the Principal, the Clerk or the holder of a senior post, other than to a committee of members of the Corporation.

(2)The Corporation shall make rules specifying the way in which a committee having functions under paragraph (1) shall be established a1 cs 00 sc q 0.2400041.12004 558. 00 sc -13 (m) -13 (i) 1 (r) 6 ()-6e-13 (

ARTICLE S

(b) if so required, shall have all the duties and responsibilities of the Principal or such other senior post holder during the period of the vacancy or temporary absence.

(6) The Corporation shall seek the Secretary of State's consent before making any temporary appointment to the post of Principal or any other senior post, where it is intended that such a post holder will not have a contract of employment with the Corporation.

13. The Principal shall have responsibility for selecting for appointment all members of staff other than -

(a) senior post holders; and

(b) where the Clerk is also to be appointed as a member of staff, the Clerk in the role of a

ARTICLE S

(2) The students' union shall present audited accounts annually to the Corporation.

(3) After consultation with representatives of the students, the Corporation shall make rules concerning the conduct of students, including procedures for their suspension and expulsion (including expulsion for an unsatisfactory standard of work or other academic reason).

Financial matters

19. The Corporation shall set the policy by which the tuition and other fees payable to it are determined, subject to any terms and conditions attached to grants, loans or other payments paid or made by the LSC.

Co- operation with the LSC's auditor

20. The Corporation shall co-operate with any person who has been authorised by the LSC to audit any returns of numbers of students or claims for financial assistance and shall give any such person access to any documents or records held by the Corporation, including computer records.

Internal audit

21.—(1)

ARTICLE S

- (a) the last financial year shall end on the date of dissolution; and
- (b) the Corporation may decide, with the LSC's approval, that what would otherwise be the last two financial years, shall be a single financial year for the purpose of this article.

SCHEDULE 3

Abingdon and Witney College
Accrington and Rossendale College
Amersham and Wycombe College
Askham Bryan College
Aylesbury College
Barking College
Barnet College
Barnfield College
Barnsley College
Basingstoke College of Technology
Bedford College
Berkshire College of Agriculture
Bexley College
Bicton College
Bishop Auckland College
Bishop Burton College
Blackburn College
Blackpool and The Fylde College
Bolton Community College
Boston College
Bournville College of Further Education
Bracknell and Wokingham College
Bradford College
Braintree College
Bridgwater College
Brockenhurst College
Bromley College of Further and Higher Education
Brooklands College
Brooksby Melton College
Burnley College
Burton College
Bury College
Calderdale College
Cambridge Regional College
Cannock Chase Technical College
Canterbury College
Capel Manor College
Carlisle College
Carshalton College
Castle College Nottingham
Central Sussex College
Chelmsford College
Chesterfield College
Chichester College
Cirencester Tertiary College

City and Islington College
City College, Birmingham
City College, Brighton and Hove
City College, Coventry
City College, Manchester
City College Plymouth
City of Bath College
City of Bristol College
City of Sunderland College
City of Westminster College
City of Wolverhampton College
Cleveland College of Art and Design
Colchester Institute
College of West Anglia
Cornwall College
Craven College
Croydon College
Darlington College
Dearne Valley College
Derby College
Derwentside College
Dewsbury College
Doncaster College
Dudley College of Technology
Dunstable College
Ealing, Hammersmith and West London College
East Berkshire College
East Devon College
East Durham College
East Riding College
East Surrey College, Redhill
Eastleigh College
Easton College
Enfield College
Epping Forest College
Evesham and Malvern Hills College
Exeter College
Fareham College
Farnborough College of Technology
Filton College
Furness College
Gateshead College

Halesowen College
Harlow College
Harrow College
Hartlepool College of Further Education
Hartpury College
Hastings College of Arts and Technology
Havering College of Further and Higher Education
Henley College Coventry
Hereford College of Arts
Herefordshire College of Technology

New College Durham
New College Nottingham
New College Stamford
New College Swindon
Newbury College
Newcastle College
Newcastle-under-Lyme College
Newham College of Further Education
North Devon College
North East Surrey College of Technology
North East Worcestershire College
North Hertfordshire College
North Lindsey College

South East Derbyshire College
South East Essex College of Arts and Technology
South Kent College
South Leicestershire College
South Nottingham College
South Thames College
South Tyneside College
Southampton City College
Southgate College
Southport College
Southwark College
Sparsholt College Hampshire
St Helens College
Stafford College
Stanmore College
Stephenson College
Stockport College
Stockton Riverside College
Stoke-on-Trent College
Stourbridge College
Stratford-

Waltham Forest College
Warrington Collegiate
Warwickshire College
West Cheshire College
West Herts College
West Kent College
West Nottinghamshire College
West Suffolk College
West Thames College
Westminster Kingsway College
Weston College
Weymouth College
Wigan and Leigh College
Wiltshire College
Wirral Metropolitan College
Worcester College of Technology
Yeovil College
York College