

# Clerking in the new era: implications for college governance

## Annex B

### College characteristics and clerk role



# Contributions

Grateful thanks to Roger Morris, Chair of the AoC's Governors Council, the Steering Group and LSIS staff for their unfailing support, guidance and professionalism throughout this project:

## Steering group

**Peter Munday**, Head of Governance and Strategic Development, LSIS

**Selina Stewart**, Programme Development Manager, Leadership Skills for Governance, LSIS

**David Jackson**, Chair, National Clerks' Network (NCN)

**Gerry Swift**, Standards and Qualifications, Department for Business, Innovation and Skills (BIS)

**Kevin McGladdery**, Governance Manager, Association of Colleges (AoC)

Particular thanks to David Jackson, Chair NCN, for his valuable time and contribution throughout, and Sheila Selwood, Vice Chair NCN, and Joanne Dean, AoC, for their recent involvement and review of the report.

## LSIS Staff

**Peter Munday**, Head of Governance and Strategic Development

**Selina Stewart**, Programme Development Manager, Leadership Skills for Governance

**Nathan Hawkins**, Programme Support Officer, Leadership Skills for Governance

**Elaine McNamee**, Senior Programme Support Officer, Leadership Skills for Governance

## Assistance with pilot and survey distribution

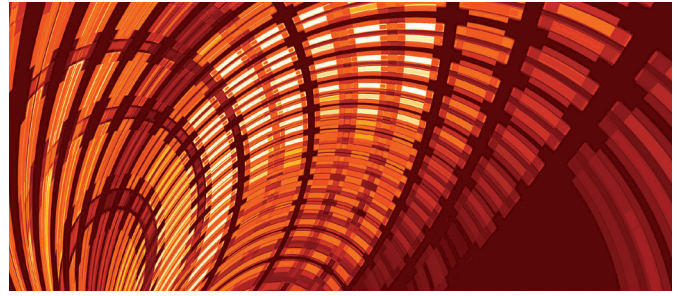
NCN Members; Joanne Dean, Assistant Governance Manager and Helpline Adviser AoC; Landex; SFCA; Linda Barrett FE Clerks Mailbase; and six pilot clerks.

## Participants in the study

A special thank you to all clerks who responded to the online survey, took part in focus groups and confidential interviews. Without your full participation, and willingness to contribute, this project would not have been possible. Particular thanks to those experienced clerks for their advice and support throughout, and for providing an unfailing example to me.

Catherine Brumwell, independent researcher and author of report

All sections of the report including the annexes can be downloaded from [www.lsis.org.uk](http://www.lsis.org.uk) or [www.fegovernance.org](http://www.fegovernance.org)



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# 1. Introduction

This annex is one of a series of reports as part of the research into the role of the clerk. The annex focuses on college characteristics and the clerk role.

The survey asked clerks a range of questions about their college including college type, income, AoC region and current Ofsted grade. For clerks who clerk more than one college, this relates to their selected (unnamed) college. Clerks were also asked a series of questions around their role, status and value as clerk in the college. Communication with the chair and principal was also surveyed, and the role of the clerk in the recruitment of college governors.

The full report includes a chapter on the research methodology upon which the findings are based. The research included an anonymous online survey, telephone and face-to-face interviews and focus groups. The charts and tables are based on the online survey responses from 184 clerks. As some clerks clerk more than one college, this represents approximately 220 colleges or approximately 65 % of all colleges. These 184 clerks form the 'base' of the survey. Where the base is different, for instance with filtered questions, or if the base is a subgroup of a variable, this is shown in the footnotes. Percentages are rounded to the nearest percentage point.

Comments and opinions have been gathered either through the survey, interviews or focus groups. The confidentiality of clerks has been respected throughout this ethical piece of research. The report is written so that individual clerks or colleges cannot be identified.

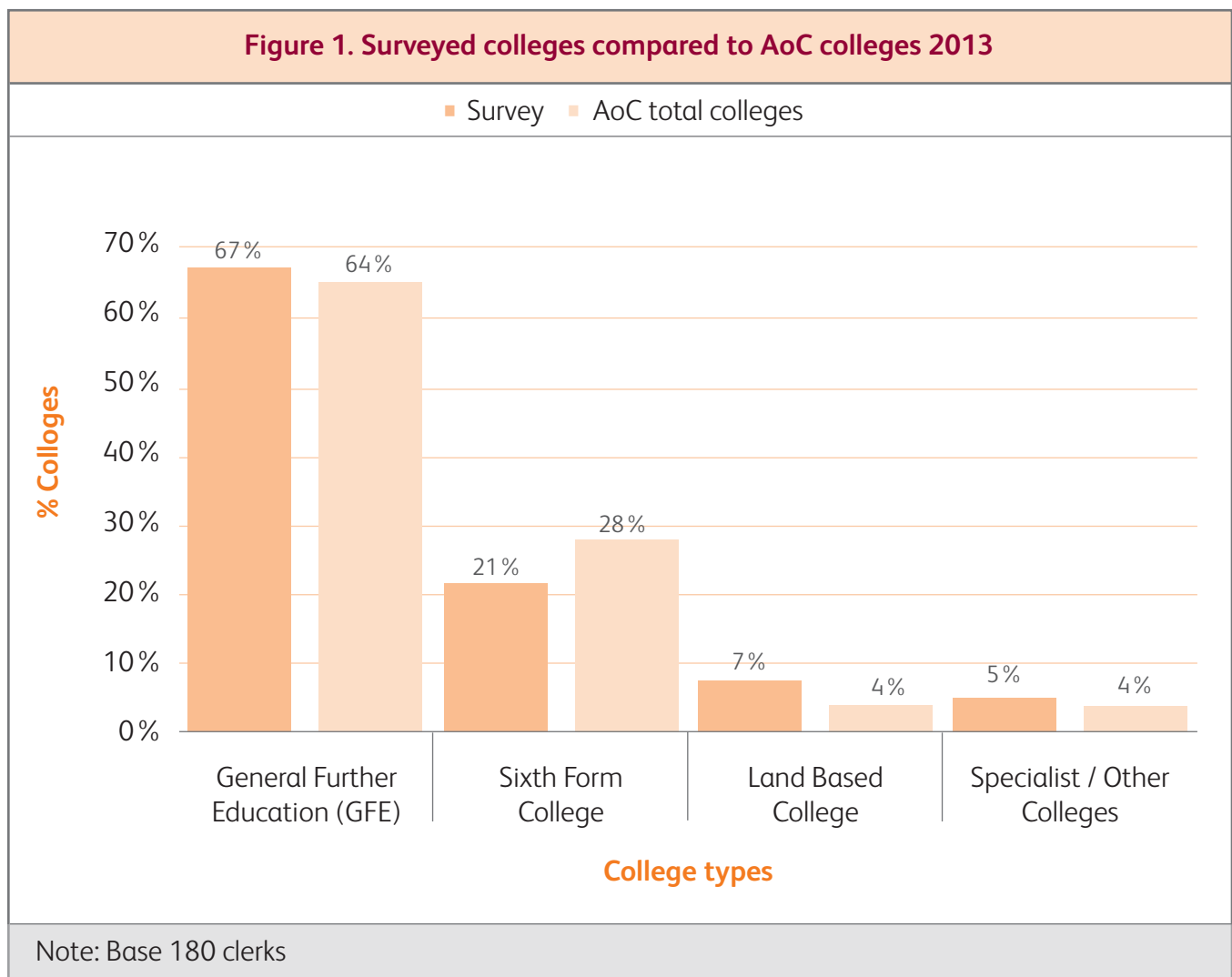
Challenges and priorities for effective clerking in FE colleges arising from the survey are included in the Summary Report.

## 2. Type of college, income, AoC region and Ofsted grades

Clerks were asked to indicate their type of college. For those clerks who clerk more than one college, they were asked to choose one (unnamed) college and to ensure all of their answers related to that college. Annex A provides an overview of additional colleges clerked. The figures in the main body of the annex relate to the one college in the survey.

Over two thirds (67%) of colleges in the survey are general further education colleges (GFE), over a fifth are sixth form colleges, 7% are land based and 5% are specialist and other colleges, including adult education. A small minority of clerks also specified split campuses and mixed provision eg 'GFE with dedicated sixth form and separate land based provision'.

The profile of colleges in the survey can be compared to the official AoC figure for the 341 colleges in England January 2013<sup>1</sup>. The profile of survey responses broadly reflects the national picture.



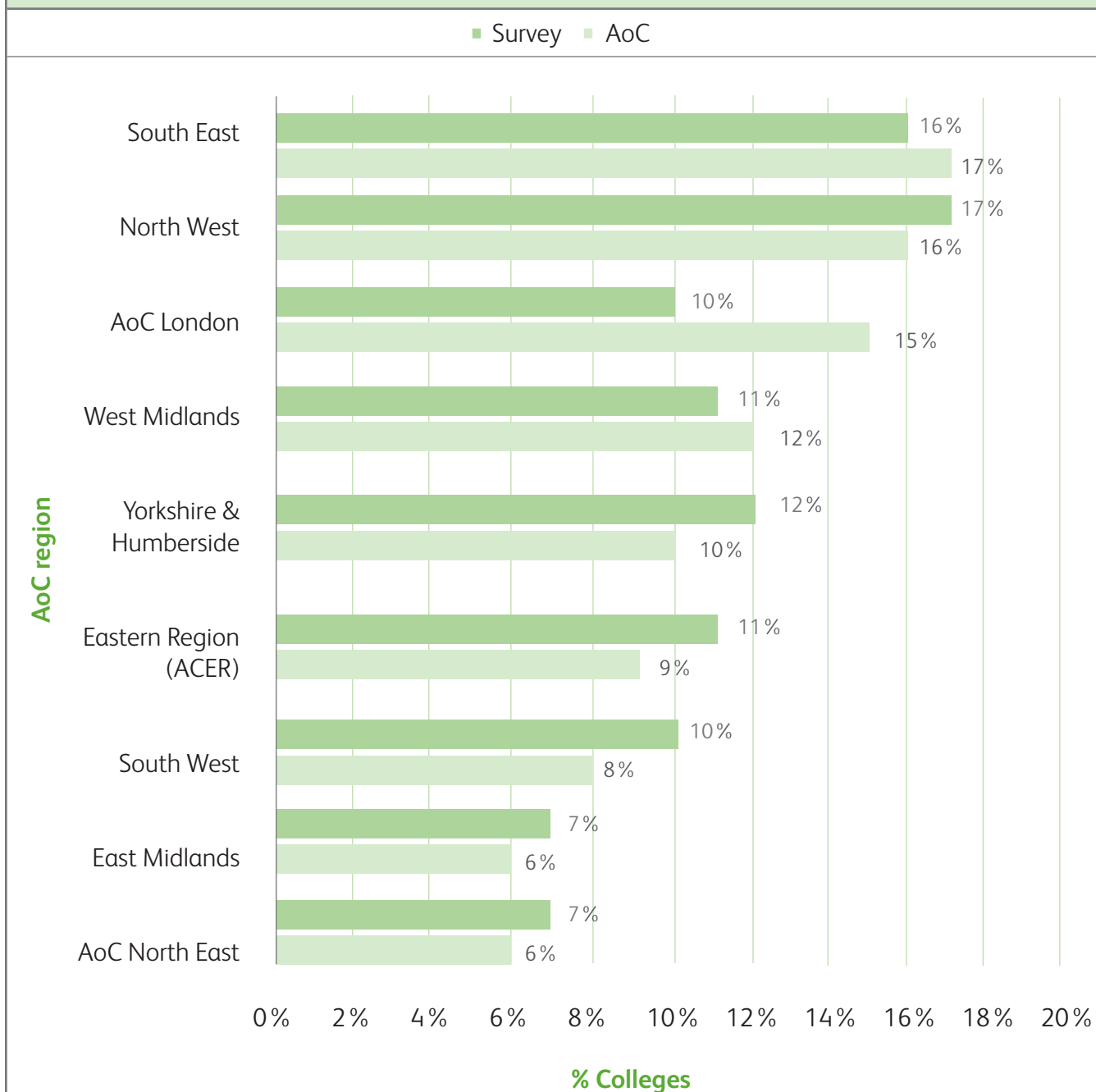
Clerks were also asked to indicate the AoC Region of their college. To place this in context, there are 341 colleges in England, according to the AoC statistics for January 2013<sup>2</sup>. The variation in the number of colleges by region is shown in figure 2. AoC regions also have different geographical and demographic characteristics which in turn are reflected in, for example, AoC clerks network activity and clerks' training needs, as discussed in Annex C.

**Figure 2. Colleges in England by AoC region 2013**

Eastern Region (ACER)	31	9%
East Midlands	22	6%
AoC London	50	15%
AoC North East	20	6%
North West	56	16%
South East	59	17%
South West	28	8%
West Midlands	42	12%
Yorkshire & Humberside	33	10%
<b>Total colleges in England</b>	<b>341</b>	<b>100%</b>
Source : AoC January 2013		

Figure 3 compares the colleges represented in the survey with AoC regional statistics. The proportion of colleges represented broadly reflects the regional spread of colleges with the exception of AoC London where survey responses (10%) are lower than the regional share of colleges (15%).

**Figure 3. Percentage of colleges surveyed compared to colleges with AoC regions**

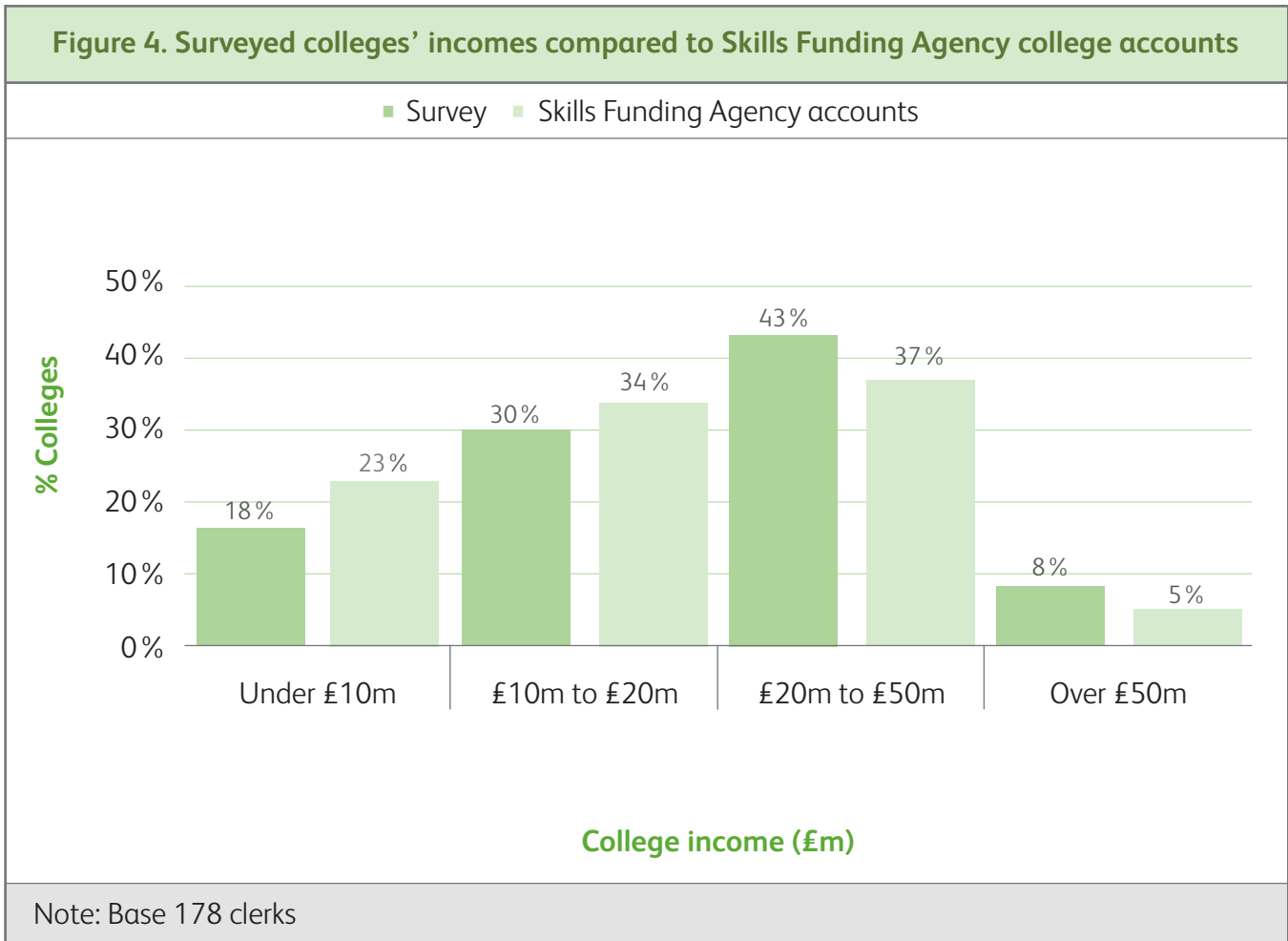


Note: Base 179 clerks

Clerks were also asked to indicate their college total income 2011/12, within a series of broad income bands, for the one college included in the survey. Nearly a fifth (18%) of colleges have an income of under £10m, three in ten (30%) £10m to £20m and well over four in ten (43%) £20m to £50m. The remaining 8% represent colleges with an income over £50m.

Figure 4 compares the income of colleges in the survey to the latest official published national statistics (Skills Funding Agency College Accounts 2010/11<sup>3</sup>). The income of colleges in the survey broadly reflects the national picture with a slight bias towards higher income colleges.

**Figure 4. Surveyed colleges' incomes compared to Skills Funding Agency college accounts**



Clerks were also asked to indicate the current Ofsted grade for their one college in the survey. As shown in figure 5, around a quarter (26%) were grade 1 outstanding, almost half (48%) grade 2 good, a quarter (25%) grade 3 requires improvement (formerly satisfactory) and only 1% grade 4 inadequate.

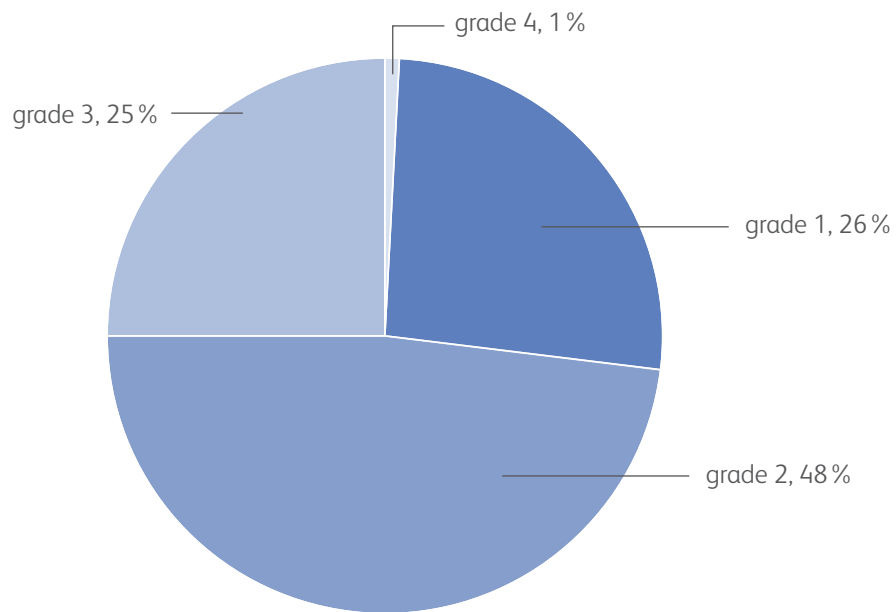
Figure 6 presents the 2011/12 Ofsted Annual Report<sup>4</sup> of the most recent grades for colleges. It is apparent that the range of Ofsted grades for colleges in the survey is broadly similar to the official Ofsted grades for colleges, with the exception of grade 4 which is slightly lower.

Clerks were also asked to indicate the year of their last Ofsted inspection. This range is shown in figure 7. Around three quarters (71%) of all clerks provided the year of their last Ofsted grade. Figure 7 reveals 44% of college inspections have been undertaken in the last three years, including 2013. Almost a fifth (18%) were undertaken in 2008 or earlier.



**Figure 5. Surveyed colleges' current Ofsted grade**

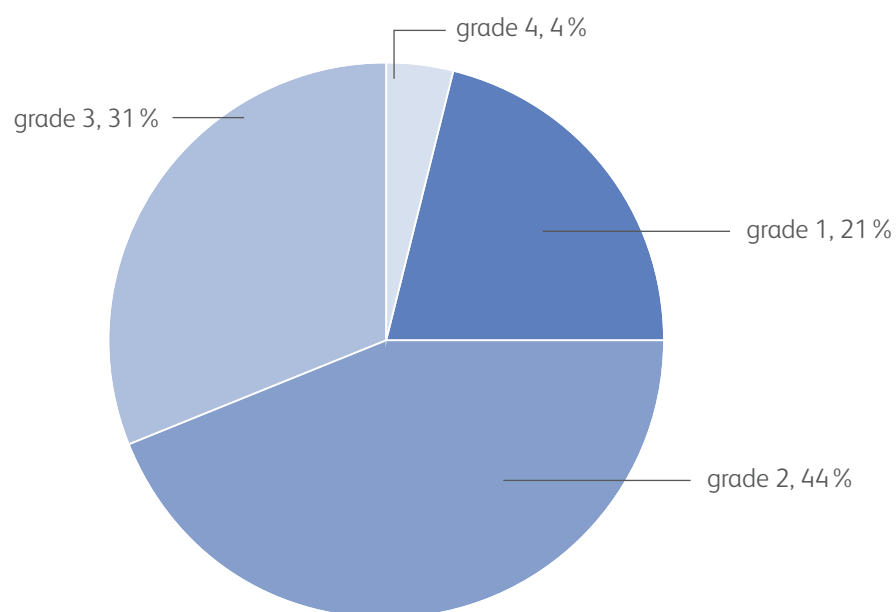
- grade 1 outstanding
- grade 2 good
- grade 3 requires improvement (formerly satisfactory)
- grade 4 inadequate



Note: Base 179 clerks

**Figure 6. Ofsted 2011/12 Annual Report Colleges' most recent Ofsted grade**

- grade 1 outstanding
- grade 2 good
- grade 3 requires improvement (formerly satisfactory)
- grade 4 inadequate



Source: Ofsted

**Figure 7. Year of last Ofsted inspection**

<b>Year</b>	<b>% colleges</b>	<b>Year</b>	<b>% colleges</b>
2005	1%	2010	23%
2006	2%	2011	21%
2007	4%	2012	17%
2008	11%	2013	6%
2009	16%	<b>Total</b>	<b>100%</b>

Note: Base 127 clerks

### 3. Board structure and board meetings

Clerks were asked to indicate the current structure of their board. The vast majority (82%) described their board as traditional and the remaining fifth (18%) as Carver model or similar, although some clerks indicated their board was considering a Carver type model, as described in Annex D under new freedoms.

Where their board differed from traditional or Carver model or similar, clerks explained their structure:

“Mixture – more regular board meetings and less committees than traditional but not the rigid delegation of responsibility seen with Carver.”

“Hybrid model – not policy governance but limited committees – Audit, Search & Governance and Remuneration – board meets 8 times a year.”

“Traditional – although the model we operate gives autonomy to the committees and senior management are each directly accountable to one of the committees.”

“We have now introduced a new layer of local consultative boards with governors / senior staff / students and employer / community users.”

“We have reduced to a structure of two committees – Audit and Search & Governance and we now work to a monthly board meeting. I do not consider this to be Carver in style.”

“The board meet nine times per year and there are four subcommittees; Audit, Search, Remuneration and Student Liaison.”

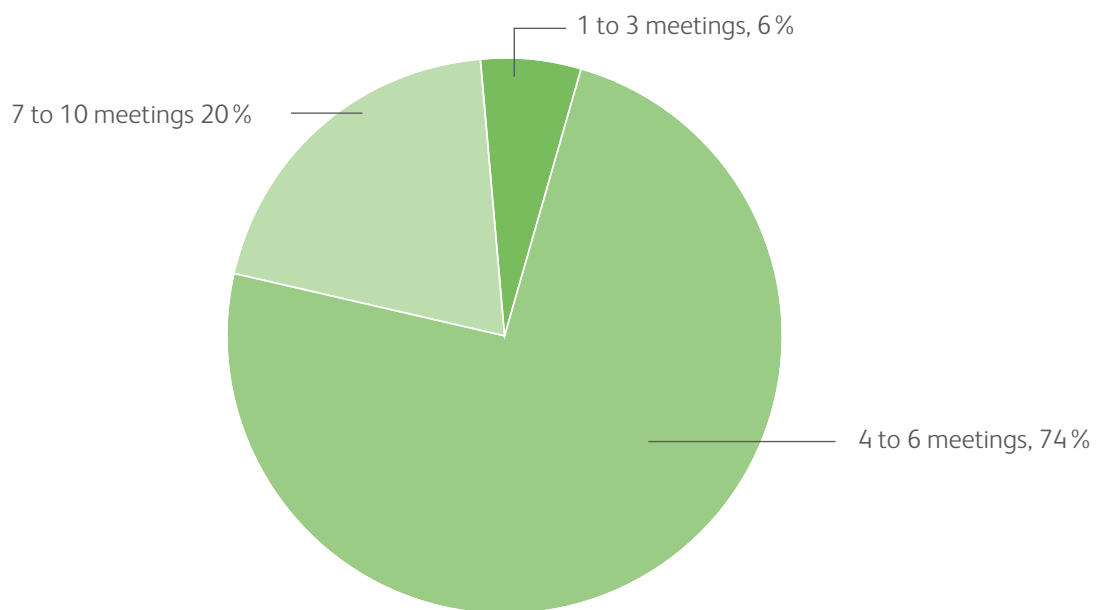
“Board plus statutory committees only: not full Carver.”

Clerks were also asked if the size or structure of their board has changed, or is likely to change, under the new freedoms of ‘New Challenges, New Chances’. Nearly four in ten (38%) indicated there were changes. These changes to board structure as a result of the new freedoms are included in Annex D.

The range of full board meetings scheduled per year gives an indication of traditional or Carver or similar structures. As figure 8 reveals, a fifth (20%) of clerks indicate their full board is scheduled to meet 7 to 10 times per year, suggesting these colleges are using Carver type models, matching the board structure above. The vast majority, almost three quarters (74%) of clerks indicated their full board meets 4 to 6 times per year, suggesting a traditional model. A small proportion (6%) indicated their full board meets only 1 to 3 times per year.

**Figure 8. Number of full board meetings scheduled per year in surveyed colleges**

■ 1 to 3 meetings ■ 4 to 6 meetings ■ 7 to 10 meetings



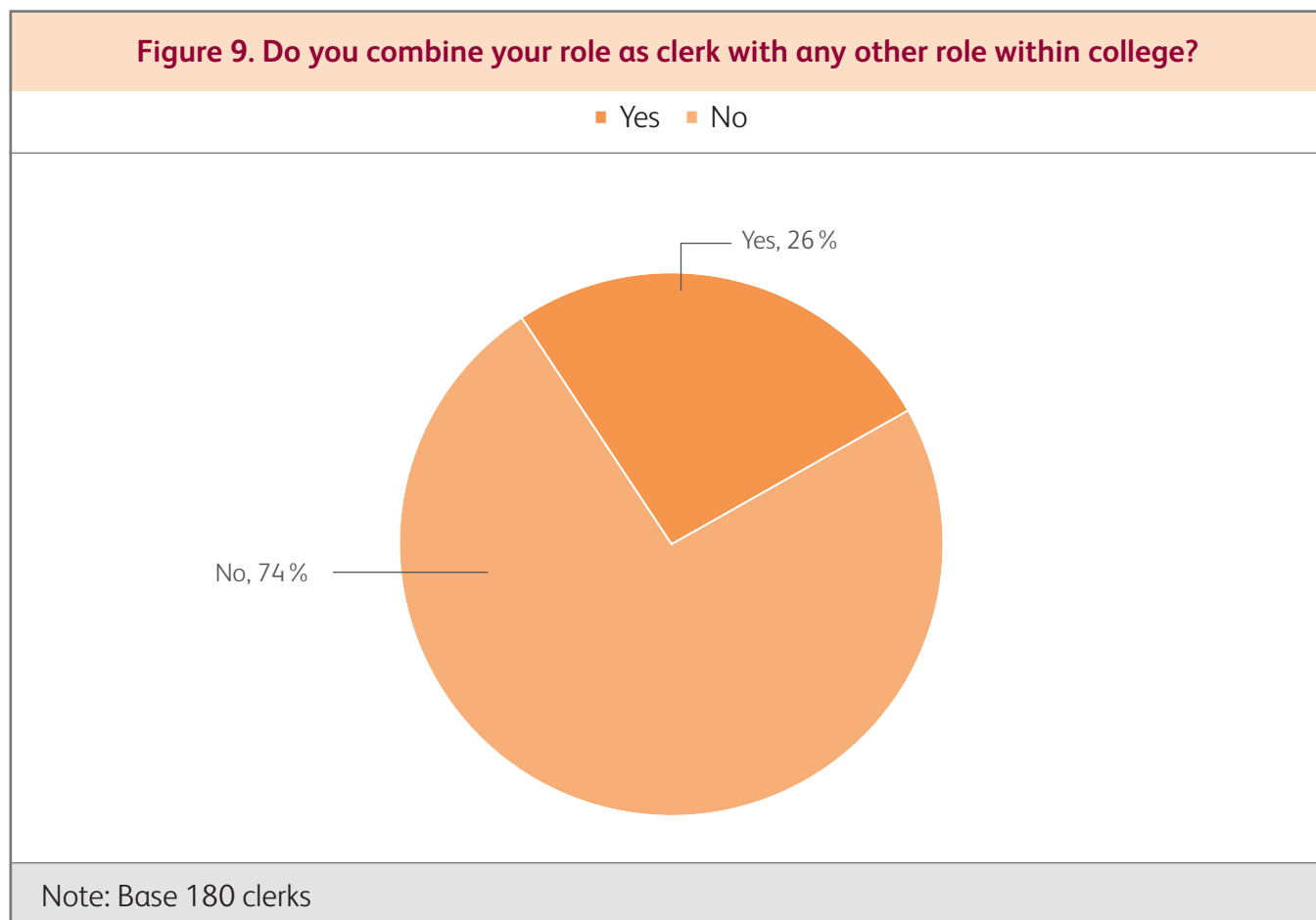
Note: Base 181 clerks

The number of standing committees provides a picture of the range of models and the level of delegation. Nearly three quarters (72%) of clerks indicated their board has 4 to 6 standing committees, again fitting a more traditional model of governance. A fifth (20%) of clerks indicated their board has only 1 to 3 standing committees, suggesting Carver type models. The remaining 8% of clerks indicated their board has 7 to 10 standing committees.

## 4. Clerks' other roles in colleges

The role of the clerk varies considerably across colleges in term of part-time, full-time and even term-time, as seen in Annex A. As well as varied contracts, clerks' responsibilities within colleges vary considerably, and some clerks combine their clerking role with other senior management roles within colleges.

Clerks were asked if they combine their role with any other role within college. Almost three quarters (74%) do not combine their clerking with any other role. However, just over a quarter (26%) of all clerks combine their role with other responsibilities as shown in figure 9:



As figure 10 reveals overleaf, for the 26% of all clerks who combine their role with another responsibility in college, these are extremely varied ranging from vice principal / deputy principal and/or director / deputy director through to PA to principal or support to senior management team (SMT).

The most frequently combined role in college is as freedom of information officer (13 clerks). It is clear the expectations of the clerk's role vary across colleges. Whilst several roles are senior management, other roles are not, in some cases the lines between clerking and operational functions of the college are blurred.

The 'dual role' was discussed at focus groups. Whilst the view of some clerks who have no other role in college is that a dual role can create a conflict of interest, the view of others is there is no conflict. In their experience with a dual role, they remain independent as clerk, and are able to challenge senior management.

**Figure 10. Clerks' other responsibilities in college**

**Approximately a quarter (26%) of all clerks combine their role as clerk with another role in college as follows :**

Vice Principal or Assistant Principal  
Director or Deputy Director  
Company Secretary or College Secretary  
Policy and Research  
Legal services  
Human Resources / Pensions  
Freedom of Information  
Data protection  
Whistleblowing / complaints / fraud  
Marketing / communications / IT  
Learner Support / Learning Manager  
Copyright / Insurance  
Equality and Diversity  
PA to Principal  
Support to Senior Management Team (SMT), including clerk to SMT meetings

Note: Base 46 clerks

However, where the clerk is carrying out support functions such as PA to the principal or SMT, the difficulties encountered are more evident, as described at interview. Previous clerking experiences revealed instances where the clerks were PA to the principal. In these cases the principal and chair viewed the clerk more as a 'secretary just taking minutes' and would not accept the advisory role of the clerk.

The combined role in colleges is a complex area. The 'dual role' at assistant principal, or even vice principal level, is less common in clerking in recent years. The dual role may give the clerk the advantage of being in college full time with a full awareness of college issues, as described at interview. However, where the clerking role was combined with the role of financial director line managed by the principal, this has the potential to create problems and a conflict of interest. The overarching role of the clerk is their ability, and the necessity, to remain independent and to report directly to the chair and the board.

## 5. Clerks' status and value in college

The varied role of the clerk has already been discussed at length in Annex A in terms of part-time, full-time, term-time, and in this annex under combined roles in college. A further aspect of the varied role is the extent to which the clerk is accepted as a senior postholder (SPH) in college, appointed by the board, and directly responsible to the chair. Whilst in interviews the majority of clerks stated that they were employed as senior postholders, with the accompanying status afforded to a senior role, this is not always the case.

It is helpful to consider the legislative framework with regard to the clerk. Annex D outlines the legislative background including the Education Act 2011<sup>5</sup>. It is noted that the amendments to the Instruments and Articles of Government (I&As), whilst less prescriptive than the original 1992 Further and Higher Education Act<sup>6</sup>, actually places more emphasis on the role of the clerk both in terms of drafting the amended I&As and subsequently interpreting and advising the board.

The amendments also place a statutory duty on corporations that “an instrument must make provision for there to be a chief executive of the institution and clerk to the body’ and ‘must make provision about the respective responsibilities of the body, the chief executive and the clerk’<sup>5</sup>.

The original I&As outlined the numerous statutory responsibilities of the clerk with regard to the role, but attention is drawn to the following:

“The Clerk shall be responsible for the following functions: -

- (a) advising the Corporation with regard to the operation of its powers;
- (b) advising the Corporation with regard to procedural matters;
- (c) advising the Corporation with regard to the conduct of its business; and
- (d) advising the Corporation with regard to matters of governance practice.”<sup>6</sup>

This advisory role of the clerk is crucial to the good governance and effectiveness of the board. The extent to which clerks are able to clerk effectively may be affected by their status and value in the college.

### Status within college

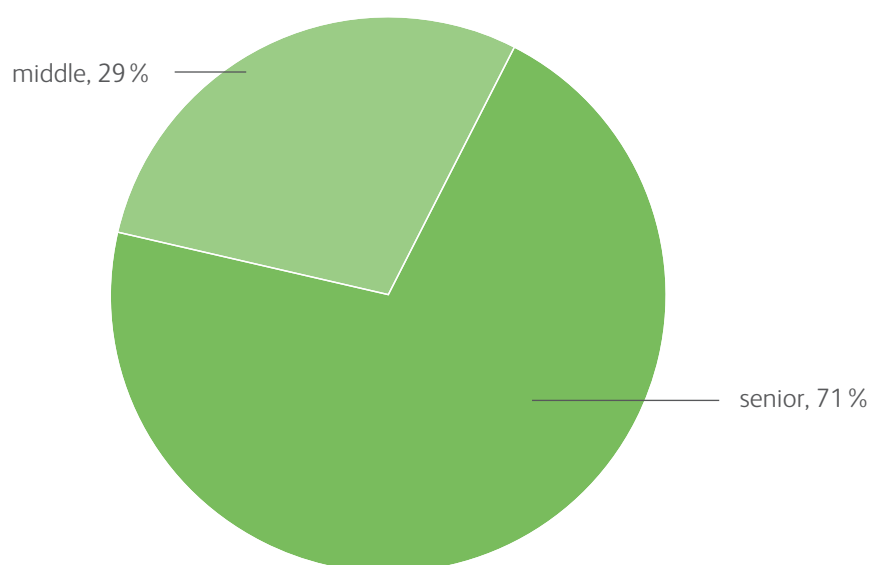
Clerks were asked how they perceive their status within their college. They were given the choice of self-defining their role as senior, middle or junior. As figure 11 shows, around seven in ten (71 %) clerks perceived their status to be senior, the remaining three in ten (29 %) as middle. Encouragingly, no clerk perceived themselves to be junior. Under ‘other’, external clerks or contractors pointed out they were outside the college structure. General comments include:

“Respected as clerk to governors! Frequently invited to offer advice and comment at a senior level.”

“Independent - employed by Board.”

Figure 11. How do you perceive your status within your college?

■ senior ■ middle



Note: Base 170 clerks

“Senior postholder title.”

“I am accorded some of the status of ‘senior’ managers with my own office, easy access to the principal and SMT as well as always finding people to be very helpful, but I don’t see the role in that hierarchy... more one sitting alongside the college structure.”

“Outside the formal system so it is very unclear to other staff in college the status of my role - whilst the job has not changed my perceived status has increased as I have become more competent through both experience and ISCA qualification. In addition a change in principal and a resulting change in working practices have also led to a change in perceived status in a positive way.”

“It’s not so much how I perceive my status, as how others perceive it!”

“I feel that I don’t really fit into any of the above but am very isolated in my role.”

“My role within the college is very much ‘out on a limb’. Personal perception is probably ‘middle’, but this has been subject to fluctuation.”

The comments highlight clerks’ positive view of perceived status in college, including clerks feeling independent, senior and respected. Some clerks feel this can change in either direction with a new principal and chair. The isolation of the clerk is apparent and was also revealed at interview, particularly for new clerks. Annex A also revealed the longer clerks have been employed in their college, the more likely they are to view their status as senior.



## Value as a clerk

Clerks were asked if they felt valued as a clerk. Figure 12 reveals almost three quarters (73%) of clerks answered 'yes', almost a quarter (23%) answered 'sometimes' and only 4% answered 'no'.

The comments from clerks reveal very positive experiences where they feel valued and are clearly making a significant contribution to governance in colleges:

“Principal, corporation chair and committee chairs in particular are appreciative of my support and guidance, and realise the time involved in the role.”

“I feel my contribution is recognised as both strategically significant and essential in the college’s pursuit of excellence.”

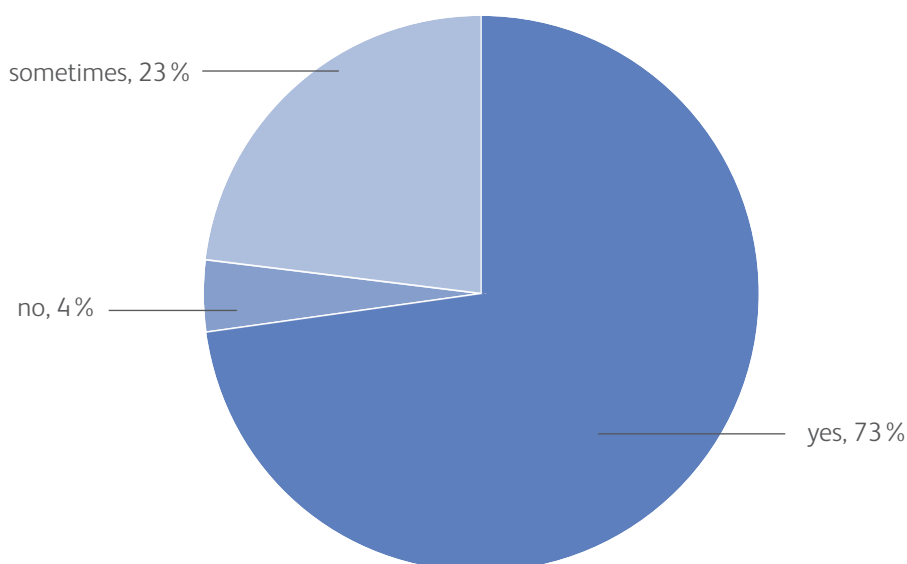
“I am encouraged to be involved in directorate and senior management meetings and to contribute. I feel that the leadership sees the role as a critical one for the college.”

“I feel valued particularly by governors with chairing roles.”

“The college values the role of an independent clerk and utilises the post very effectively to support governance.”

**Figure 12. Do you feel valued as a clerk?**

■ yes ■ no ■ sometimes



Note: Base 179 clerks

“I have full responsibility for managing the business of the governing body and work closely with the chair, committee chairs, the principal and key senior managers.”

“I feel valued in the organisation and stretched but want to drive forward to the highest possible standard.”

Where clerks felt less valued, this was more likely to be due to senior management in colleges rather than the board:

“I feel valued by governors but not by Principal/Deputy Principal.”

“Valued by governors, undervalued by SMT.”

“I feel valued by the board, but not particularly by college management.”

“Feel valued by most (but not all) governors. Varying relationships with senior managers.”

“I am valued at my current college. At a previous college the role was more a part-time, junior, minute taking role, but the new principal with the principal’s qualification understood the clerk’s role.”

“Yes by the board/chairmen. Not so sure about management.”

“There seems to be a perception that I have nothing to do other than wait for late papers. There appears to be no consideration for governors as papers are late, poorly written and do not address the points that governors ask for information on.”

“Valued by the corporation and principal, not so much by senior managers or middle managers.”

“In terms of status I am still seen as a ‘glorified secretary’, especially by the executive, not helped as I have no administrative support. The board do see more value as advisory role.”

“I don’t think that colleagues understand the role. I feel I am viewed as a ‘jumped up secretary’. The fact that I am female does not help.”

However, some clerks also face difficulties with the chair, board members and principal :

“Recently some meetings have been held between the chair and principal excluding the clerk which in a Carver system fails to recognise the clerk’s potential contribution.”

“The ‘old’ board appeared to perceive the role of clerk as note-taker and not an integral contributor. It is improving”.

“Good relationship with principal, chair and vice-chair. Some governors / co-opted members and people I deal with still seem to consider the role as ‘minute taker’ - it can safely be said this is a constant battle.”

For some clerks there is a perception that the clerk is a basic administrative role:

“I personally have at least weekly instances where someone (often a visitor) expects me to take minutes and make coffee and is surprised at my audacity in joining in conversations and putting

forward opinion and advice.”

“Seen as a PA/admin assistant and knowledge is not appreciated or valued.”

The question of clerks’ own perception of status and value in the college is clearly a direct result of how they feel colleagues perceive them. As discussed in the methodology in the full report, this research has been one dimensional in that the views of the chair, board members, principal and senior members of the college were outside the scope of this study. A survey of governors and senior staff might have shed some light as to why some colleagues perceive clerks as middle management in terms of status. Raising awareness of status and value is an emerging priority.

## Job title... more than ‘just a clerk’

There was a general feeling by many clerks in the survey, focus groups and interviews that the title ‘clerk’ did not assist with the misunderstanding and perception of the role of college clerk as an administrative role. Some felt it was associated with school clerks and was administrative rather than advisory:

“The perception of the title ‘clerk’ does not reflect the complex role undertaken, or indeed the knowledge needed, particularly when schools use a ‘clerk’ to minute their meetings (and nothing else) and it is equated with a fairly low level admin job in many areas. It would be useful if something more 21st century were adopted.”

“The role of FE clerk isn’t immediately obvious to anyone outside of the sector. It is not to be confused with school governing body clerks and it is important to get this distinction across in the results of this research. I mean no disrespect to the many outstanding school clerks who are doing an excellent job, it’s just that my extensive experience of the school clerk role is that it is mainly an administrative function and the majority do not need the background knowledge and ability necessary to advise on the wide ranging questions that an FE clerk is expected to cover ... my responsibilities as clerk to an FE corporation are very similar to the role I undertook as a local authority adviser to school governing bodies; it is much more about management of governance than administration of the board.”

“I am increasingly convinced that the title clerk in the 21st century is a hindrance to the move to professionalise the services offered by so many talented and hardworking colleagues.”

“I feel that the role of clerk is undervalued and misunderstood in many colleges which is attributable in no small part to the perception of the role at principal and senior management level where, in some institutions, it is seen mainly as that of a secretary. If we saw a role labelled as ‘Governance Advisor’ it would certainly conjure up a different impression with higher esteem.”

“The range and diversity of the role covered under the title of clerk has always been notably diverse and this can only now increase. In moving forward I do feel that the level and perception of roles may start to polarise. However it is important to maintain a forum and network for clerks to continue to combat isolation provide ongoing support and a route for increased job appropriate training and qualifications.”

“Whilst I think the role is becoming far more valued than in the past, I still think there is a need to raise the actual profile of clerks and to consider a change of name as this may help people better understand the role! My role is so varied as I deal with such issues as ensuring there are refreshments available to obtaining legal advice over highly sensitive and confidential matters.”

“The title ‘Clerk to the Corporation’ does nothing for the standing of the role in colleges.”

“The title ‘clerk’ can be misleading and doesn’t help status.”

“The clerk of ‘yesteryear’ was more administrative. Now the role is more advisory, eg ‘director of governance’, giving the board professional advice.”

“The term ‘clerk’ is understood within the FE sector but misunderstood outside. I tend to describe it as ‘Company Secretary.’”

“The title ‘clerk’ doesn’t help outside the sector; there is no concept of the role. I like the title ‘director of governance’.”

“The title ‘clerk’ is very misleading. For example on car insurance ‘clerk’ sounds like admin, so I put senior manager! When I first started in the college I was asked to do the photocopying. Status within the organisation is important.”

“The title ‘clerk’ implies ‘gopher’ or paper pusher, especially in sixth form colleges. I think the titles ‘director of governance’ or ‘company secretary’ reflect the role and have more clout.”

“The title ‘clerk to the corporation’ is derived from the Instruments and Articles and is legally enshrined. There is a need to raise the image, possibly ‘corporate governance advisor or manager’. The clerk is more like a company secretary.”

“The title ‘clerk’ has no kudos outside the FE sector. It is seen as someone who takes minutes – that is the external perception. The title ‘director of governance’ shows a lead in governance. I could see ‘company secretary’ or ‘governance adviser’ to raise the profile, but not manager.”

“The name ‘clerk’ could be reviewed to better reflect the role. You could have ‘clerk to the corporation and governance advisor’ or ‘governance leader’ or ‘governance developer’. Clerking is not just about compliance.”

“The title ‘Clerk’ needs to go and be replaced by something that reflects better the stature that the role should be – whether its ‘Governance Executive’, ‘Governance Adviser’, ‘Board Secretary’ or whatever. (This in turn may assist colleges who don’t really understand the role by making them stop and think before they appoint ‘senior minute takers’ to these key roles).”

It is very clear that many clerks feel the title clerk does not help the status and recognition of the role. There were a small number of clerks who were ambivalent or did not have a view. Only a small minority prefer the title ‘clerk’:

“I like being called ‘Clerk’! It is old fashioned, but I like it. I think it describes the role well. I’m not sure about ‘director of governance’, but it is important for people coming into the sector to understand the role better. The role is varied, and not what I expected, but I enjoy it. I love being a clerk!”

This love of clerking was expressed by other clerks, and seems a fitting end to the chapter on the status and value of clerking. Harnessing and nourishing this enthusiasm for clerking is, it could be argued, at least as important as considering a change to the job title of clerk to the corporation.

“I love my job! I love being a clerk!”

“It’s the best job at X College! Clerking is really exciting.”

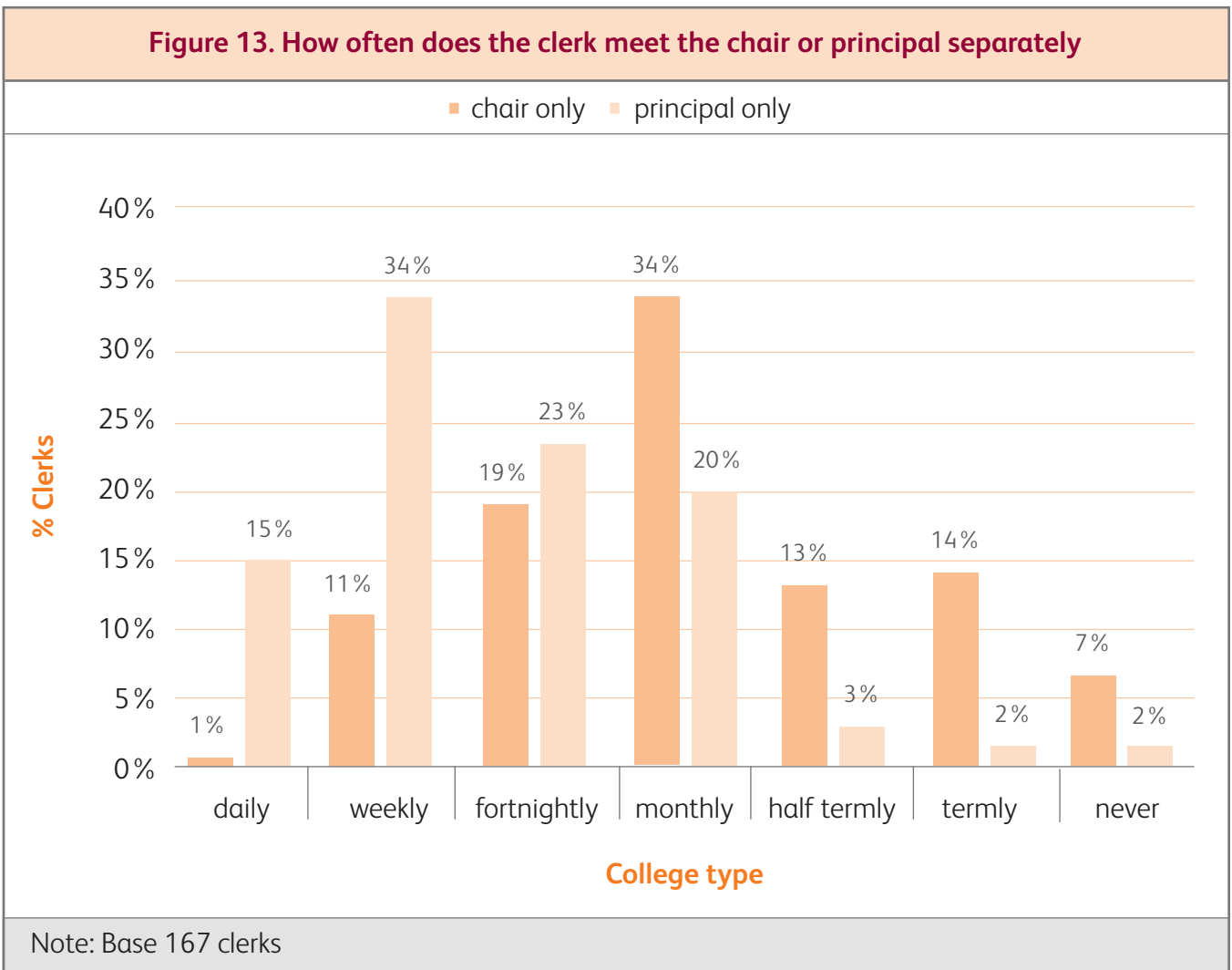
## 6. Communication with the chair, including appraisal

Communication between the ‘triumvirate’ – the chair, principal and the clerk - is vital for effective governance. Clerks were asked, outside of board meetings, how often they meet the chair only, the principal only, or the chair and principal together. They were also asked if they use other forms of communication. Clerks generally meet the chair and principal regularly, as shown in figure 13.

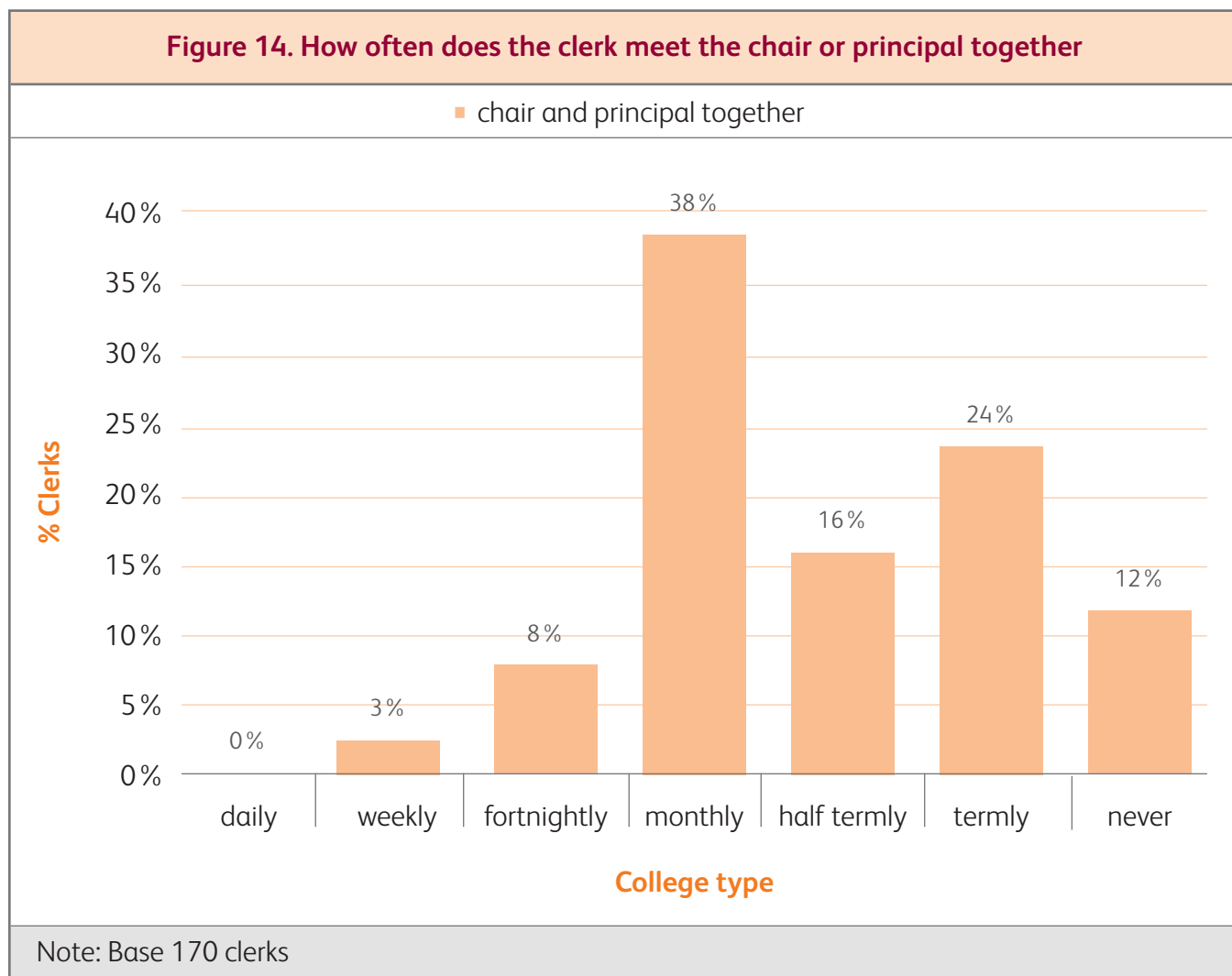
Clerks are more likely to meet the principal regularly than the chair. Almost half (49%) of clerks meet the principal at least weekly, including 15% daily when they are in college. In fact over nine in ten clerks (92%) meet the principal at least monthly.

Clerks are less likely to meet the chair at least weekly (12%). Around two thirds (65%) meet the chair at least monthly, and over a quarter (27%) half termly or termly.

Perhaps surprisingly 7% of clerks never meet the chair, and 2% of clerks never meet the principal outside of board meetings.



Clerks were also asked, outside of board meetings, how often they meet the chair and principal together. Figure 14 reveals around one in ten (11 %) meet the chair and principal together at least fortnightly. A further four in ten (38 %) meet the chair and principal together monthly. The remainder meet their chair and principal together half termly (16 %) or termly (24 %). Again, perhaps surprisingly, 12 % of clerks never meet their chair and principal together outside of board meetings.



Clerks were also asked to indicate other forms of communication they use. By far the most common form of communicating is email, listed by the majority of clerks who responded. Other forms of communication include telephone, conference calls and Skype. The varying levels of communication are described with this sample of comments:

“I have a 30 minute conference call with the chair of corporation every week. We don’t tend to meet face-to-face other than when doing my appraisal or at external “events.”

“Formal meetings with chair and principal are scheduled monthly, but in practice I talk to the principal almost every day that we are both in and to the chair most weeks.”

“Communicate via email and telephone and do meet up, but not so regularly as to meet the frequencies described.”

“Main form of communication with chair is through email.”

“Telephone and emails constantly to each to supplement physical meetings.”

“We run a ‘Keep in Touch’ meeting every six weeks with principal, chair, vice chair and clerk.”

“Very rarely meet outside of meetings. Huge usage of email and telephone.”

“In addition to the monthly meetings with each of them separately, I will meet with the chair and the principal together as and when the need arises.”

“Have used Skype to speak to the chair which worked well!”

## Appraisal

Clerks were also asked, in their role as clerk, how often they were formally appraised. Under the original Instruments & Articles of Government <sup>6</sup> (I&As) the corporation has an obligation to appoint the clerk and determine their pay and conditions:

“The Corporation shall be responsible for the following functions - the appointment, grading, suspension, dismissal and determination of the pay and conditions of service of the holders of senior posts and the Clerk... Subject to the responsibilities of the Corporation, the Principal shall be the Chief Executive of the institution, and shall be responsible for the following functions - the appointment, assignment, grading, appraisal, suspension, dismissal and determination, within the framework set by the Corporation, of the pay and conditions of service of staff, other than the holders of senior posts or the Clerk...”<sup>6</sup>

As noted earlier, the amendments to the I&As under the Education Act 2011 <sup>5</sup> still place a statutory duty on corporations that “an instrument must make provision for there to be a chief executive of the institution and clerk to the body” and “must make provision about the respective responsibilities of the body, the chief executive and the clerk”<sup>5</sup>.

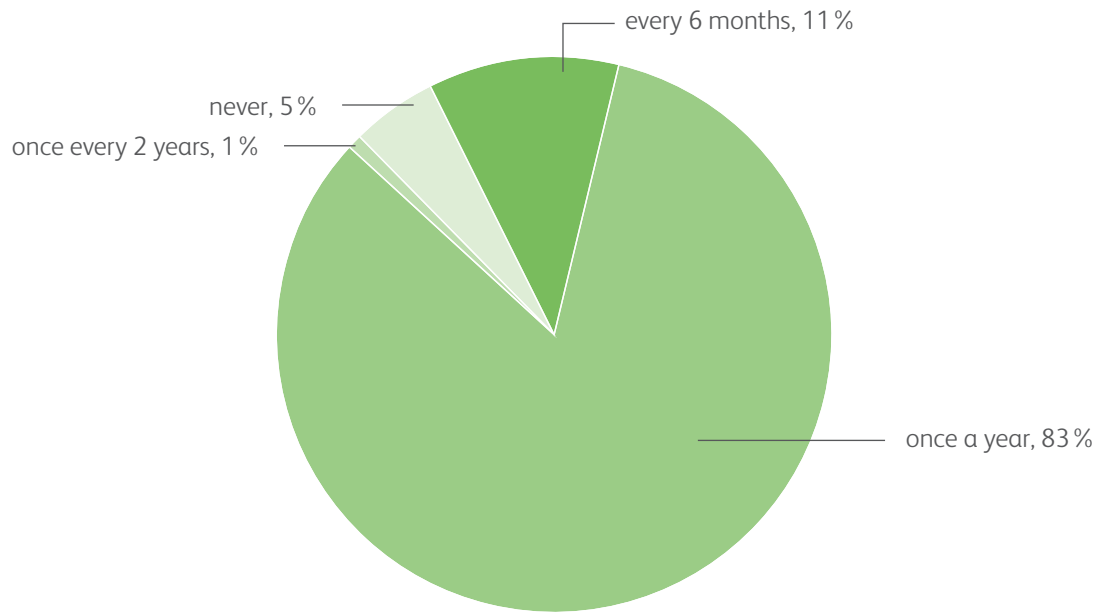
Appraisal is an important aspect of the clerk’s performance management, and is the responsibility of the chair and the board. Figure 15 overleaf reveals over one in ten (11 %) clerks are formally appraised every six months, and a further eight in ten clerks (83 %) are formally appraised yearly. However, a small minority (2 %) are only formally appraised biennially and 5 % are never formally appraised.

Clerks were asked if their appraisal was carried out by the chair, the principal or the chair and principal together. Of those clerks who responded (80 %) almost three quarters are appraised by the chair and the remaining quarter the chair and principal together. A very small proportion (2 %) are appraised by the principal alone.

Clerks explained the various ways in which their appraisal is carried out by the chair. Many appraisals are carried out by the chair and vice chair together, or by the Remuneration Committee. For clerks with a dual role in college, the clerk role is appraised by the chair and the college role by the principal.

**Figure 15. Formal appraisal of clerks**

■ every 6 months ■ once a year ■ once every 2 years ■ never



Note: Base 176 clerks



## 7. The ‘triumvirate’ relationship between the chair, principal and clerk

The ‘triumvirate’ relationship between the chair, principal and the clerk is absolutely crucial for effective governance. This relationship has been shown elsewhere to be a major factor in effective governance. The Schofield Report <sup>7</sup> highlights the interaction between the chair and principal, and in turn the clerk, as shown in the following table:

<b>Figure 16. Approaches to governance based on chair and principal interactions</b>		
	The chair seeks actively to maximise the effectiveness of the corporation	The chair does not seek actively to maximise the effectiveness of the corporation
The principal or chief executive seeks actively to involve the corporation	<b>Partnership approach to governance</b>	<b>Under-developed approach to governance</b>
The principal or chief executive does not seek actively to involve the corporation	<b>Conflict approach to governance</b>	<b>Managerial approach to governance</b>
<p>In summary, the types are:</p> <p><b>A partnership approach</b> – where both the chair and the principal or chief executive are jointly committed to ensuring an actively involved and effective board.</p> <p><b>A conflict approach</b> – where the principal or chief executive seeks to deny the corporation the active involvement it seeks. This is potentially unstable with governance becoming a battle about who has the right to decide what.</p> <p><b>An under-developed approach</b> – where the principal or chief executive seeks the active involvement of the corporation, whose chair is for some reason unable or unwilling to respond. This may leave the executive with a lack of support and constructive feedback, and an under-developed governance system.</p> <p><b>A managerial approach</b> – where the principal or chief executive is in an overly dominant position because of a lack of commitment by the chair, usually making the board a ‘rubber stamp’.</p> <p>In addition to the importance of the two-way relationship between the chair and principal, is the relationship of both parties with the clerk to the corporation. The most relevant work here is that of Llewellyn <sup>8</sup> who undertook a study of the impact of ‘triad’ in higher education, however, his conclusions are likely to apply to FE colleges as well.</p>		
<p>Source: LSIS Schofield A, Matthews J, Shaw S, LSIS A review of governance and strategic leadership in English further education (2009) <sup>7</sup></p>		

The interaction between the chair, principal and clerk is a complex area, but it is crucial to effective governance. Whilst Llewellyn's study<sup>8</sup> referred to by Schofield was based on the role of the college or university secretary in higher education, the same principles apply to further education. Llewellyn's study revealed there could be significant tensions and overlap between members of the 'triad' and that the management of this relationship was crucial to governance:

"There is a triadic network in operation between the secretary, chair and head of institution, and, through the relationships displayed in this network, the secretary can have considerable influence over the institution's approach to governance.

The secretary's key areas of influence are in the management of communications between the institution and the governing body, governor induction, the planning of meetings and the overall management, or even 'directing' of institutional governance."

*Source: Leadership Foundation for Higher Education Llewellyn D The Role and Influence of the Secretary in the UK Higher Education Governing Bodies (February 2009)<sup>8</sup>*

Llewellyn points to the importance of communication between the 'triadic network'. This three way working relationship is described extremely well in the LSIS Governance Training Materials Module 5<sup>9</sup>, and also highlights the importance of open communication:

### **The triumvirate – chair, principal and clerk**

There is likely to be a good or even excellent standard of governance when the chair leading the governing body, the principal leading the senior management team, and the clerk leading the process of governance, work together effectively and efficiently. There needs to be regular and open communication, with all three individuals fulfilling their agreed roles in the best interest of the governing body. Exactly how these relationships work in practice will depend upon the individuals concerned (see Module 4: Working relationships), and also, for instance, on whether the clerk is a full-time employee based in the college, or is contracted in part-time. Regular meetings between the clerk, the chair and the principal can provide a focus for forward planning .... Between meetings, or when meetings are difficult to arrange, they should also be in contact by phone and email.

LSIS Governance Training Materials: Module 5 The process of effective governance<sup>9</sup>

The evidence from this survey of the 'triumvirate' relationship working well is shown to be essential to the clerk's ability to clerk effectively, and in turn effective governance. This goes beyond communication and appraisal as outlined in chapter 6 and extends to the dynamics of this three way working relationship.

## **The triumvirate relationship in the survey**

The importance of the triumvirate cannot be underestimated, as sourced elsewhere, and this is confirmed within the survey. Numerous clerks described the three way working relationship as 'crucial' to their job and their ability to effectively clerk.

The experience of some clerks at interview and in the survey, either currently or in previous colleges, is not conducive to effective clerking largely due to difficulties in this triumvirate relationship:

“The chair meets regularly with the principal but despite my efforts I am not included in such meetings.”

“There has been a recent change in senior leadership and principal/chair/clerk meeting arrangements. It is difficult to say what the arrangements will be going forward.”

“I think this is difficult to assess and very much depends on the relationship you have with the principal and the chair – this has changed for me each time we have a new chair/principal.”

“The ‘triangle’ is so crucial – not just for compliance but also for open governance.”

“Having worked in other quasi-public sectors I think the role of the clerk is undervalued both in monetary terms and by senior staff. That said, the college in which I work does not have a ‘closed’ approach to meeting with governors as I have heard from other colleges ie principals not allowing staff to meet with governors and/or having meetings with the chair of which the clerk is not aware.”

“In order for the sector to fully appreciate the role that clerks can and ought to play, it’s perhaps more helpful if training/briefings/education in this regard were focused on principals and chairs (and other governors) rather than clerks. It’s critical this is done, or progress in the sector won’t be made – you’re preaching to the converted to aim much of this sort of ‘awareness’ and training at clerks, the message needs to go to others!”

“The perception of the skills and the role of clerk is improving but many governors’ (and principals’) perception of governance as irritating bureaucracy still persists in many places.”

“I believe clerking roles vary considerably across the sector – the perception of the role is linked to the level of the understanding on the part of a principal. Clerks need to be empowered to be independent in their role – often overruled by the principal and/or chair.”

“Hypothetical. The clerk is beholden to the principal. Governors are volunteers and in general try to avoid problems. If the clerk is assertive and he/she and the principal have a profound disagreement to the extent that the principal requires the clerk to be dismissed, regardless of the clerk being in the right the governors will support the principal. In my view the whole structure creates bad governance.”

Whilst the latter comment is hypothetical, unfortunately the survey revealed a small number of clerks experiencing just such circumstances, either previously in colleges or in their current role. Their response to this breakdown in the triumvirate relationship varied from leaving the college to struggling to continue to improve governance despite their own role as clerk being undermined.

This experience is not only the preserve of new clerks into the FE sector. Long experienced clerks described circumstances that rendered them almost powerless if the equilibrium of this triad relationship is damaged.

The negative experiences in this survey are important not just for the status and value of the clerk role, but for the overall effectiveness of governance.

The crucial link between the triumvirate and effective governance is described well in the following comment:

“The clerk can have a very lonely role, falling between governance and management. The quality of the role can be very much influenced / dictated by the relationship between the principal and the chair. If the quality of the relationship between the principal/chair is unsatisfactory for whatever reason, the clerk may find it exceedingly difficult to carry out their role effectively and with great detriment to the effective leadership and management of the college generally. With the new Common Inspection Framework, governance plays an increasingly important role which it would be difficult to sustain unless the clerk is afforded every appropriate opportunity to take part in leadership/management/governance.”

The importance of the triumvirate cannot be underestimated. Whilst the negative experiences described in the survey are not always the norm, and there are excellent examples where the triumvirate is working well, the issues that they raise are significant and need to be addressed. Examples of where the triumvirate is working at its best are included in the Final Report under ‘examples of effective clerking’.

## 8. Recruitment of college governors

The clerk can play a critical role in the recruitment of college governors. The survey has revealed considerable evidence of pro-active clerking with regard to recruitment. Clerks were asked whether, other than administration, they were actively involved in the recruitment of their college governors. Over eight in ten (81%) of all clerks are actively involved. The remaining 19% indicated that they are not actively involved, suggesting their role is primarily administration.

Examples of where clerks were actively involved include:

“I headhunt against skills profile and then put candidates to Search Committee for approval.”

“I undertake the search as instructed by the Governance and Search Committee, I advise on likely sources, I am the initial point of contact for those enquiring in order to be able to answer questions and take part along with the chair and principal in meeting candidates.”

“I manage the whole process, from identification of gaps and skills needs, through advertising/ search processes and assisting the Search Committee in ‘interviewing’ possible candidates.”

“I initially meet all applicants on a one to one basis to discuss their application and I detail the commitment expected from them. I play an active part at Governance and Search Committee which meets with applicants going forward for appointment.”

As part of work with Search Committee, I request the draft annual advert from Marketing Department and ensure this is placed. I have led a recruitment campaign by writing to local businesses to encourage applications. I would also liaise with SGOSS as appropriate. I also organise the staff and student governor elections.”

“I do adverts, website, contact organisations, I carry out a full induction programme.”

“I design the questions, ask allocated questions around governance, and complete candidate evaluation forms at the conclusion of each interview.”

“Assisting in identifying skills gaps; advising on the balance of membership; conducting recruitment activity; making initial contact with prospective governors; initial, informal meetings with prospective governors prior to their meeting with the Search Committee.”

With well over one hundred very detailed survey responses, endorsed by interviews, there is clear evidence that clerks are playing a pivotal role in the search and recruitment of college governors, identifying skills gaps and ensuring their boards are equipped to be effective.

## 9. List of acronyms

<b>AGC</b>	LSIS Annual Governance Conference
<b>AoC</b>	Association of Colleges
<b>BIS</b>	Department for Business, Innovation & Skills
<b>CPD</b>	Continuing professional development
<b>DfE</b>	Department for Education
<b>EFA</b>	Education Funding Agency
<b>FE</b>	Further Education
<b>FHEA</b>	Further and Higher Education Act 1992
<b>GFE</b>	General Further Education (college)
<b>I&amp;As</b>	Instruments and Articles of Government
<b>LSIS</b>	The Learning and Skills Improvement Service
<b>LEPs</b>	Local Enterprise Partnerships
<b>NCN</b>	National Clerks' Network
<b>NCNC</b>	New Challenges, New Chances
<b>SMT</b>	Senior Management Team
<b>SFC</b>	Sixth Form Colleges
<b>SFCA</b>	Sixth Form College Association

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Learning and Skills Improvement Service  
Friars House, Manor House Drive  
Coventry CV1 2TE

t 024 7662 7900  
e [enquiries@lsis.org.uk](mailto:enquiries@lsis.org.uk)  
[www.lsis.org.uk](http://www.lsis.org.uk)

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