

Clerking in the new era:
implications for college governance
Case studies into effective clerking



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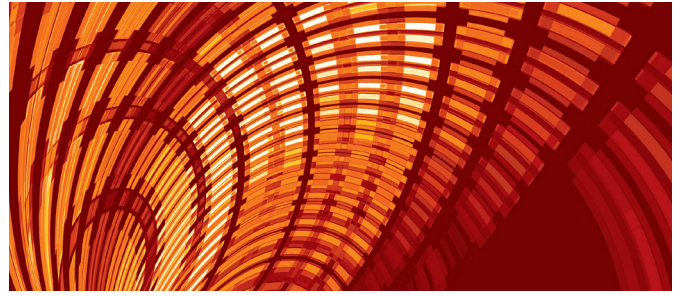
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Contents

1. Introduction	04
2. Bicton College	06
3. Brighton, Hove & Sussex Sixth Form College	12
4. Hugh Baird College	15
5. Trafford College	22
6. West Herts College	26
7. Questions for the college board	31

1. Introduction

The aim of the case studies into effective clerking is to extend the ‘Clerking in the new era’ research to show examples of clerking demonstrating good practice in the sector.

Background

These case studies are an extension of the research ‘Clerking in the new era: implications for college governance’¹ (LSIS June 2013).

The aim of the ‘Clerking in the new era’ research was to investigate the varied role of clerks and their requirements for training and development in the light of the new freedoms, set out in the government’s reform plan ‘New Challenges, New Chances’ (NCNC). The research identified six themes or conditions necessary for effective clerking as:

- the ‘triumvirate’ working relationship between the chair, clerk and principal;
- the ability to maintain high standards of public life and to assess and scrutinise risk to the college;
- sufficient skills and salary to reflect the demands and senior role of clerking;
- a recognition of the status and value of the clerk in colleges and the FE sector;
- the clerks’ capacity to fulfil their governance advisory role, including legal advice; and
- sufficient training, support and continuing professional development (CPD), including continuing professionalisation of the clerk through qualifications.

The clerks’ research by necessity focused solely on clerks in order to gain the depth of information required into the role of the clerk and the impact of NCNC. The views of the ‘triumvirate’ on the role of the clerk were outside the scope of the research. The case studies, on the other hand, are able to view clerking ‘three dimensionally’ from the perspective of the chair, principal and clerk.

The case studies were limited to five colleges. Whilst many examples of effective clerking were available, the five were selected using various criteria including examples revealed in the clerks’ research, LSIS’s and the National Clerks’ Network’s knowledge of colleges, and a desire to represent a balance of general further education (GFE) colleges, sixth form colleges and land based colleges.

The case studies involved either visits to colleges or telephone interviews. The structured interviews centred on the six themes with identical questions for chair, principal and clerk to gain this ‘three dimensional’ view of clerking. The clerk was also asked some additional questions. Judgement is not passed on areas of strength or weakness within each of the six themes, and the case study combines some of the themes together. The case study was conducted completely openly and transparently, and each college chair, principal and clerk approved the content of the case study.

For consistency, the terms ‘chair’, ‘principal’ and ‘clerk’ are used throughout the report.

¹ <http://www.lsis.org.uk/publication-content/clerking-new-era-implications-college-governance>

Colleges involved in the case studies were asked if they were willing to share examples of effective practice for the benefit of the wider clerking community and college governance. We are grateful for the contributions made. Whilst some descriptive examples are able to be included in the body of the report, and web links to college websites, many excellent examples put forward lend themselves to an online resource. Given the imminent ceasing of LSIS, and uncertainty over the future of the Excellence Gateway, it is hoped that these will be made available online in due course.

The final section outlines a series of questions for college boards. These are a starting point, presented as a set of reflective questions emerging from the clerks' research and the case studies. In time, the six themes and emerging issues may lend themselves to a self-assessment toolkit for effective clerking in college governance.

2. Bicton College

Background

Bicton College is a land based specialist further education college within an area of outstanding natural beauty in Devon. Bicton College was awarded Ofsted Grade 2, Good in October 2012. The college was in a period of recovery when the clerk was appointed in 2010. In the previous Ofsted inspection in May 2009 the college was awarded Grade 3, Satisfactory. The Ofsted Report in October 2012 states:

“Governors are highly skilled and passionate about the college, are very effective in supporting and challenging the senior management team.”

As part of the recovery, the clerk has transformed the board into a ‘Carveresque’ model of policy governance.

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

The chair, principal and clerk have a strong respectful relationship, clearly based on trust and confidence in the clerk’s professional advice. Both the chair, a longstanding governor at the college, and the principal, college principal since 2009, value the clerk’s “wisdom, impartiality and professional independence - an ‘independent adviser’”, and recognise the clerk as a “professional equal”.

The chair values the “good, strong, healthy relationship with the clerk; close but proper” adding it is “important he is separate and won’t say ‘ok it’s fine’ – he won’t tell you what you want to hear. He is wise and stands back. We are fortunate with his Audit Commission background and his application and appointment were outstanding. He completely understands the role and remains independent of management. He keeps us on the straight and narrow.”

The principal, in describing the recovery of the college from a difficult position over the three years since 2010, including a failed merger attempt and financial difficulties, felt “the clerk was the perfect clerk to steer the governing body through that transition of recovery. I have every confidence in the clerk’s advice and interpretation of rules. If he doesn’t agree with you he will say so. He puzzles things out, and always takes a considered and wise view.”

The principal described his own background and approach to governance, including his longstanding value of the role of the clerk in further education. He welcomes challenge as part of healthy governance and views governors “as an asset not a burden”. Using a colleague’s racehorse analogy he describes the college as a “horse and the governing body as the jockey; without the steering of the jockey the horse may stumble or fall or go off the rails”. He views the clerk as “the catalyst to facilitate governance, the professional adviser to guide governors”.

The clerk, who joined the college in 2010, very modestly describes his role, perhaps underestimating his clear effectiveness and direct impact on the college governance. The clerk feels he is doing “nothing exceptional or remarkable. I lead on the governance function and my accountability is to the board. I believe that I am respected in the same way as any other functional leader in the college. I view my role as being to ensure good governance, helping the governors to be good at what they do and keeping the governance and management agendas sufficiently aligned.”

The chair, principal and clerk hold regular monthly three-way meetings, occasionally fortnightly if the need arises, and this works well. Other important channels of communication include frequent (generally more than once a day) informal contact between the principal and the clerk whereby the principal keeps the clerk informed on college matters, and all three exchange emails or telephone. Again, the clerk views this as “nothing remarkable”, but communication is clearly effective. Appraisal is carried out annually by the chair and another governor, with input from the principal, and includes performance management of the clerk.

The clerk’s independence and governance advisory role in college

The clerk clearly remains independent as already described, and this extends to ensuring open and transparent governance. The principal refers to the clerk’s “transformation of the college governance to transparent and open governance.” The chair emphasises that the clerk “accords with the Nolan Principles” referring to his role with the AoC in advising on the Foundation Code of Governance and “ensures there is a standard item on declaration of interests at the start of each meeting and is mindful of the need to publish minutes of meetings.” The chair and principal both referred to two recent separate occasions when the clerk had provided advice. On both occasions the clerk highlighted the need for transparency and openness, and ensured there was no possible or potential conflict of interest, on both occasions protecting the interests of the board. The clerk effectively provides advice, but would benefit from funded, ready access to a legal subscription service.

The clerk is recognised as a senior member of staff by governors and the senior leadership team. The chair commented, “the job title clerk does not necessarily do the job justice as it sounds like a junior role, and possibly sounds like just minute taking, yet it is a highly skilled occupation and a clear career choice”. The chair felt job titles such as ‘director of governance’ or ‘director of board’ would better reflect the clerk’s role, in particular the governance advisory role. The clerk works with senior managers to ensure board papers are produced to a sufficient quality, clarity and standard for the board. The principal envisages the clerk attending senior leadership team meetings when items are relevant, which may further forge links between management and governance.

The clerk feels the full time salary reflects the seniority of the role, as equivalent to senior/middle management in colleges. The 0.6 / three days a week can, however, be absorbed with administrative tasks as there is limited administrative support, as recognised by the principal.

Training, support and continuing professional development (CPD) and skills

The chair, principal and clerk recognise the value of training and CPD for the clerk and governors, and there is a specific budget for governance, including training. The chair, principal and clerk attend relevant national and regional events, including those organised by AoC, LSIS and Landex, in order to keep up-to-date and constantly abreast of policy issues. The clerk referred to the value of the LSIS training programme, ‘The Self-Evaluating Board’ as well as the AoC’s regional, locally accessible and convenient ‘twilight’ sessions, most recently on how governors gain assurance about the quality of teaching, learning and assessment. The chair valued the clerk’s professional links on the Clerks’ Network and AoC.

In addition to external training, the chair and principal also value the board training organised by the clerk including a development away day. Governor training sessions this year have covered Ofsted, ICT, funding developments, sustainability, the use of social networks, and customer services, among other

topics. Both also highly valued the clerk's thorough governor induction process.

The clerk undertook clerk induction training which he felt was not comprehensive, and has so far chosen not to undertake a specific clerk qualification (although he remains open to the idea). The clerk's valuable background in the Audit Commission, as well as his eight years' experience as a chair of governors, brought a wealth of experience to the role. His role at the Audit Commission included ensuring regularity, propriety and value for money, as well as researching and developing different models of governance for public services. As the clerk describes, this background has provided a good foundation for the role as "the clerk can't just focus on regularity and propriety to the exclusion of everything else, but has got to have a concern for regularity and propriety nagging away all the time".

Examples of effective practice

The chair and principal also valued the clerk's involvement in the AoC Foundation Code of Governance, its subsequent adoption in the college and the clerk's revision of the Instrument and Articles of Government.

The chair and the principal referred specifically to the clerk's effectiveness in transforming the board during the time of transition from a very difficult period of crisis three years earlier to recovery. Both the chair and principal felt the clerk was instrumental as part of this transformation of the board. They described the change from a traditional structure to a 'Carveresque' model of governance as being led by the clerk. The principal commented that "the governors were very involved in the recovery and needed the confidence and support of an effective clerk which forged a stronger bond between governance and management."

The chair described the process of moving from a traditional model to 'Carveresque' and the clerk's role in guiding this process, including arranging visits to colleges already running Carver type models and the clerk's involvement in developing the model. The chair saw a clear benefit to the governance of the college whereby the board meets ten times a year and items previously the domain of the Education and Standards Committee and the Finance and Policy Committee were now brought to the full board. Only the Audit Committee and a combined Governance and Remuneration Committee remain. Each governor also now has a 'link area' – a subject or service within the college. The principal commented on the clerk's skill in "helping us to professionalise papers to the board, enabling governors to better scrutinise, including the introduction of front sheets for clarity, an improved schedule, clear agendas and clarity for decision-making". The chair felt that the changes implemented contributed to the college's Ofsted Grade 2 in October 2012. (See example below).

The chair and the principal also valued the clerk's thorough approach to governor recruitment and induction, a governors' skills audit to identify the board's needs and a recent governor recruitment drive which ensured an open 'belt and braces' approach including the use of a recruitment agency, the production of an information pack, an information day and interviews. This rigorous approach reassured the chair and principal that high quality members were recruited. (See example below).

In addition to the examples cited above, the clerk referred to board self-assessment, the desire to introduce e-governance, his role on the AoC Governance Portfolio Group and assistance with the AoC Foundation Code of Governance.

Finally, in the spirit of public service, the clerk highlighted the importance of "accountability to learners and the community" as opposed to external agencies, viewed his approach to the role of clerk as "raising the profile of the governors" and viewed himself as a "servant leader".

Bicton College – moving to a ‘Carveresque’ model

In 2010/11, Bicton was a college in recovery, with a new management team and a significant number of new governors. The board wanted to ensure that it was effective in leading the college through what was bound to be a difficult period as it grew its student numbers to a level that was economically sustainable in a ‘lagged funding’ environment against a background of slow economic growth and fiscal restraint.

We believed that the Carver ‘Policy Governance’ model provided a framework that would enable us to ensure that the board as a whole:

- was properly accountable to the communities served by the college for delivering the outcomes that those communities required;
- was fully involved in deciding what those outcomes should be and in monitoring the progress of the college in delivering them; and
- understood the financial and non-financial risks to which the college was exposed in delivering an ambitious strategy.

Significant first steps included:

- setting up a task group, including both new and established governors, to review possible models of governance;
- a half-day development session, attended by all governors, to learn about Policy Governance;
- a board development day focusing on how governors might work effectively as a single team;
- a visit by the chair, clerk and principal to another college operating a policy governance approach; and
- a telephone conference between task group members and the chair, clerk and principal of another similar college.

By the summer of 2011, the board had in place:

- a new meeting structure in which only governance, remuneration and audit matters were to be considered in committee and all other matters would come directly to the board, which was to meet monthly;
- a clear statement of the college’s mission, vision and values, as a prelude to preparation of a strategic plan (developed during 2011/12);
- a set of performance targets for the college to reach and a balanced scorecard (with supporting data) that enabled the board to monitor progress towards those targets month by month;
- a new reporting template that required managers to make clear whether a report was for decision-making, monitoring or assurance purposes;
- a new approach to providing governors with training and briefing on important developments outside formal meetings (through the creation of a governors’ workspace on the college intranet and a programme of training seminars); and
- a relaunched links system to provide governors with insight into operational realities without involving them in operational decision-making.

The chair and clerk undertook development interviews with all governors in the spring of 2012, as part of that year's review of governance. All governors thought that the new meeting structure enabled them to be more closely involved with decision-making and monitoring of performance at a strategic level without duplication of effort. It had also enabled the board to work more effectively with the senior leadership team. Both SLT and board were better able to take a holistic view of strategy and performance, balancing educational and commercial considerations.

In 2012/13 the board has been working on further improvements to its strategic planning and performance monitoring processes, including the development of medium-term key performance indicators.

In October 2012 Ofsted described governors as "very effective in supporting and challenging the senior management team" and described how they drew on their "wealth of education, business and local enterprise knowledge ... to improve the curriculum further".

Martin McNeill, Clerk to the Corporation, Bicton College
June 2013

Bicton College governor recruitment

Bicton college had refreshed its board at about the time that I started as clerk, with six new external governors joining between August 2010 and February 2011. Two further governors were recruited in 2012 to fill specific skills gaps that had been identified in our 2011 review of governance. Terms of office were staggered in an attempt to ensure (so far as possible) a steady flow of retirements and recruitments.

In the autumn of 2012 our Governance Committee reviewed its approach to governor recruitment, and decided to work with a local agency with a large voluntary and public sector practice and experience of recruiting charity trustees and non-executive directors as well as paid employees. The agency is able to initiate and maintain contact with a large number of potential governors and can explore their interest in, and suitability for, a governor position at the college without any commitment on either side. As and when a vacancy arises it can be advertised on the agency's website, which helps to ensure that the recruitment process is open and transparent.

Working with the agency, we drew up a list of just over 40 people living in the area who we thought might have an interest in a position of this type. Just over half of these were already known to college staff or governors. The Governance Committee asked the agency initially to talk to 14 individuals – three others had already approached the college and were known to be interested. A full recruitment pack was prepared, including a job description and person specification as well as details about the college and the current board.

Rather than put candidates through formal interviews, we arranged an information day for those people who were interested in becoming governors. Eight people were invited for a tour of the college and introductory talks from members of the senior leadership team and the clerk. Members of the Governance Committee had the opportunity to assess the candidates during the day. Two candidates were invited back for further discussions, as committee members had not been able to satisfy themselves completely. We also arranged individual visits for three candidates who were not able to attend the information day.

As a result of this process, we were able to:

- fill our immediate vacancies (three governors had resigned in the course of the year) with governors whose skills complemented those already available to the board;
- recruit additional governors in anticipation of governor retirements in 2014 (this meant that would temporarily have an over-large board); and
- extend our network of supporters across the county – people who may not be the best fit for the board at present or who do not want to take on all the commitments that go with being a governor, but would like to be kept in touch and will act as ambassadors for us in their communities.

Another benefit is that the agency now knows the college well, and will keep a watching brief for us at times when we are not actively recruiting governors.

Martin McNeill, Clerk to the Corporation, Bicton College
June 2013

3. Brighton, Hove & Sussex Sixth Form College (BHASVIC)

Background

Brighton, Hove and Sussex Sixth Form College (BHASVIC) was awarded Grade 1 Outstanding in October 2012. The Ofsted report states:

“The governing body is experienced and highly skilled. Governors monitor the performance of learners’ outcomes very well, receiving detailed information on results, particularly the progress learners make from their starting points. They offer highly effective support and critical challenge to senior managers. The college’s financial health is good with outstanding financial management and control arrangements.”

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

The chair, principal and clerk have a long established relationship built over many years, as the principal describes “an incredibly strong working professional relationship, an absolute commitment to each other, a critical friendship and a professional maturity”. They acknowledge that they have the advantage of having worked at BHASVIC for a number of years, the principal since 1998, the chair being a governor since 2003 prior to becoming chair, and the clerk since 2001. The principal and clerk value the chair’s extensive experience not just at BHASVIC but in the local community, local connections and politics as well as nationally through the Sixth Form College Association (SFCA). The principal has also been directly involved in the SFCA, and all three have a sound grasp of national issues, particularly those relevant to sixth form colleges. The principal and chair clearly value the clerk’s long experience, skills, background and qualification as a qualified Chartered Secretary under the Institute of Chartered Secretaries and Administrators (ICSA), having also previously worked in the private sector.

There is a clear understanding of the separate but complementary roles and the principal is open to suggestions from the chair and the clerk which lends itself to a healthy working relationship between the three. As the principal describes, himself, “Each of us perform better by genuinely listening to, and working with, the other two”. The three work together in a spirit of open communication and teamwork, and the principal will sound the chair out with new ideas, welcome suggestions, and also trust the clerk’s advice on governance.

The chair and principal meet every two weeks and there is a regular flow of information between the clerk, chair and principal via email and telephone. This regular communication works well for them. The clerk always copies all three into emails and has ready access to both the principal and chair as and when required. The clerk’s annual appraisal, conducted by the chair, is an open process incorporating feedback and consultation from committee chairs and the principal, clear targets, a half yearly review, and reported through the Remuneration Committee alongside other senior postholders appointed by the board.

The principal summarises the essence of their collective ‘teamwork’ approach as a “willingness to serve, which is the opposite of power”. It is this joint commitment to the college, whilst recognising the value of each other’s roles that seems to form the foundation of their extremely effective ‘triumvirate’ relationship.

The clerk's independence and governance advisory role in college

The clerk clearly offers impartial, independent advice and this 'sense of independence', as described by the chair, is recognised by both the chair and the principal. The principal defers to the clerk on matters of governance, seeking and accepting the clerk's advice and has 'total confidence' in the clerk, for instance recently when the clerk led and proposed revisions to the Instrument and Articles of Government (I&As). The clerk has a clear understanding of her role and will not intervene, for instance during corporation or committee meetings, unless the matter is procedural or legal. The clerk has ready and funded access to legal advice and a legal subscription service which she uses occasionally for verification.

The clerk maintains high professional standards both in her own role, and confidentiality is strictly adhered to and clearly understood, assisted by her background and qualification. A spirit of transparency and openness exists in terms of governance, and high standards of public life are maintained by the clerk's "extremely effective and systematic processes" as described by the chair. Examples include: an explanation of the Nolan Principles and code of conduct from the outset as new governors are inducted by the clerk; standard items at meetings to include any declaration of interest by board members; transparency at meetings and in minutes, with the exception of confidential items; and clarity and implementation of procedures during meetings.

The clerk is valued and utilised as the governance advisor by the principal, chair and board members and perceived by each as a senior member of staff being a senior postholder. The clerk works remotely and, whilst being able to, does not normally attend senior management meetings, although she has done in the past. There is a robust annual review of governance, including self-assessment of the clerk's role, which includes feedback from senior management that feeds into the college SAR. The clerk provides systematic reporting of college reports including an established front sheet and clarity of decision-making for board members at corporation and committee meetings.

The clerk works 0.5 full time equivalent (fte) and has a personal assistant (PA) shared with the college's finance director. The clerk also clerks another local college and maintains absolute professionalism and confidentiality between the two colleges, as fully recognised by the chair and principal.

Training, support, continuing professional development (CPD) and skills

There is an annual budget for governance training for governors and the clerk. Training and CPD is offered and available to governors and the clerk. This includes attendance at training/CPD events, an in-house induction for governors and a governors' away day. The clerk devotes extra time in particular to the induction of student and parent governors and their contribution is highly valued by the principal, chair and board. Each committee identifies their training requirements annually and this is considered as part of the self-assessment by the Governance Committee which feeds into the college SAR. There is a training item at the start of each corporation meeting, including for instance in-house training such as safeguarding, equality, curriculum areas etc. The biggest obstacle to external training can be governors' ability to devote time to training.

The clerk is a graduate and a fully ICSA qualified Chartered Secretary and maintains her status and training. The clerk is also a qualified Chartered Insurer under the Fellowship of the Chartered Insurance Institute (FCII). Her qualifications and private sector background in the financial services sector has provided a sound foundation for the role of clerk, including compliance and regularity.

Examples of effective practice

The principal specifically referred to the clerk's important role in the recruitment and composition of the board members. The clerk alerts the Search Committee to likely ceasing of governors' terms of office and, using a skills audit, outlines the necessary skills required for new board members. The principal also referred to the clerk's thorough approach to systems which provide the foundation for good governance, such as the Financial Management and Control Evaluation (FMCE), review of the Instrument and Articles of Government (I&As), ensuring high standards of governance through a code of conduct and a thorough approach to board self-assessment.

The chair similarly valued the clerk's meticulous approach to good systems of governance, and he referred specifically to the high quality of minutes which demonstrated discussion and challenge. The minutes were used as evidence of challenge in the recent Grade 1 Ofsted inspection, providing reassurance and evidence of scrutiny by the board. Although the clerk was not in the meeting with the inspector and governors, she was telephoned and also felt that the minutes had provided evidence to the inspectors. The clerk had also built up a file of earlier Ofsted questions.

The chair valued the clerk's role in the training and induction of new governors, particularly student governors. In the recent Ofsted inspection one of the student governors was selected and interviewed and was able to effectively demonstrate their own contribution to governance assisted, the chair felt, by the initial induction and training by the clerk.

The clerk recommended the adoption of the AoC Foundation Code of Governance in September 2012, although the board at that point in time decided not to adopt. This was influenced by SFCA advice, of which the chair is a member, as the chair acknowledged. The clerk was reassured that the board complied with almost all areas ready for if or when the board chose to adopt. The chair also referred to the electronic distribution of papers which the clerk confirmed was being piloted with the Audit Committee initially.

A good practice example is available on the BHASVIC College website. This outlines the 'Governing Body Information Procedures and Standing Orders'². This document demonstrates the thorough and meticulous attention to detail in all matters of governance as carried out effectively by the clerk and acknowledged and valued by the chair and principal.

² http://www.bhasvic.ac.uk/downloads/policies/documents/Governing_Body_Information_Procedures_Standing_Orders.pdf

4. Hugh Baird College

Background

Hugh Baird College is a further education college situated in Bootle near Liverpool, Merseyside. The college was last inspected in February 2010 and awarded Grade 2 Good. The Ofsted report states:

“Governors have very good local knowledge, experience and strong commitment to the success of the college. They are well informed about the external factors that impact upon the future direction and the quality of the services provided for current learners. They monitor the performance of the college well and fulfil their statutory duties effectively. They self-assess their performance regularly and implement plans to increase their impact. Governors are aware of the need to review the membership of the board to ensure it reflects the communities the college serves.”

The clerk was appointed in March 2010, and the chair, principal and clerk share the same aim and commitment, to get the college to Grade 1 Outstanding.

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

The ‘triumvirate’ relationship between the chair, principal and clerk is clearly effective and based, as the chair describes, on the “cornerstone of the relationship which is absolute trust”. The chair, who is a longstanding associate and governor at the college, previously chair of audit, and corporation chair for two years, describes the necessity to understand each other’s views, and the necessity for adherence to confidentiality. He not only welcomes suggestions from the clerk, he feels it is important that the “clerk is not afraid to make a contribution and must be able to challenge”. He referred to the care that the college took in recruiting the clerk and felt the postholder matched the needs of Hugh Baird extremely well, including being a ‘people person’.

The principal clearly values the clerk and views the clerk as a “professional clerk with the status of a senior postholder who has a full understanding of the role, is innovative, pro-active rather than reactive, prevents problems rather than reacts to problems and effectively manages governance”. The principal values the clerk’s independence and welcomes challenge. The principal specifically referred to the 0.8 contract as being almost full time, and the value the college places on the role of the clerk. The principal felt, particularly with recent government policies including the introduction of the FE Commissioner, that this was a “wake- up call” for colleges and would like to see the role of the clerk as a “full time professional job” in the FE sector. The principal commented, “you don’t know what you’re missing until you have it” and that a near “full time independent clerk, with the required skills and commitment, was the only way to achieve a Grade 1 in governance. Grade 1 in governance doesn’t just happen”. The chair, principal and clerk have a shared aim and commitment to get the college to Grade 1 Outstanding. As the clerk describes, “the three of us have a deep commitment to what the college is striving to be, Grade 1 Outstanding, and we want to achieve this within the spirit of public service and accountability”.

The clerk describes the relationship as “professional with a deep understanding and respect of the separate roles of each, where the sum of the whole is deeper than the individual parts”. The clerk, who has been at the college over three years, described how the relationship has developed organically since the principal’s appointment at the college eighteen months earlier. The clerk described the principal as

being “very supportive and instilling a respect for the role within the college and senior management”, and this was reflected in the college organisational chart. The clerk concurs with the chair that the relationship is based on trust and a respect of confidentiality, and that the chair and principal are willing to take advice. The clerk valued that there was an “open door approach by the chair and the principal alike”.

The ‘triumvirate’ hold regular meetings, both formal and informal. The principal and clerk meet for an hourly meeting every week, the chair and clerk every two weeks, whilst the triumvirate also hold formal meetings together. There is good communication outside of meetings. The chair carries out the clerk’s appraisal annually, as a senior postholder appointed by the board, and includes a mid-year review. The clerk valued the chair’s approach of giving “the freedom and trust to develop the role of the clerk for the good of the college”.

The clerk’s independence and governance advisory role in college

The chair and the principal clearly value the independence and impartial advice of the clerk, clear in the knowledge that the clerk understands the college and is working in the best interests of the college. The principal also felt it was important that the clerk has no other role in the college to remain impartial. The chair also commented that the clerk was recognised as completely independent by the governors and managers, partly assisted by the organisational structure. The clerk viewed herself as “an independent clerk who stays impartial”, and explains, “When difficult advice needs to be given I have no misgivings and no conflict. I have the trust and confidence of all governors and they have confidence that I am working for the best interests of the board and the college.” The clerk has also carried out training in college to help college staff understand the role of the clerk and governance, to help break down barriers and perceptions.

The chair, principal and clerk had a shared understanding of maintaining high standards in public life. The chair described how the Nolan Principles are embedded in the induction process for new governors, undertaken by the clerk, in a spirit of public life being under scrutiny. The principal described how the Nolan Principles inherent in their college governance linked completely with the ethos of the college of fairness and attendance to high standards of public life. The clerk ensured via induction and subsequent processes and procedures that high standards were adhered to in this shared understanding of open governance.

The clerk has ready access to legal advice and a legal subscription service as necessary. The principal valued that the clerk was able to ‘triangulate risk’ and was constantly updating and reviewing governance, assisted by the 0.8 contract which “means the clerk can be meticulous, attend national and local events and understand policy changes in governance”. The chair who valued the expertise of the clerk in constantly keeping abreast of policy changes and ensuring the board was up to date, to the benefit of the college. The clerk has developed much clearer, regular risk reporting to the board through a “traffic light system within an acceptable range”.

The principal feels it is important that the clerk is, and should be, viewed as a senior postholder in college and by the executive team, having her own office which is soon to be part of the new executive suite, and this value transfers to senior managers. Both the chair and principal value the clerk’s governance training sessions for college staff which included understanding governance and report writing, as well as work with the student council in developing their constitution and work with the NUS. The clerk is also instrumental in preparing and advising on senior manager’s papers to the board, and all senior managers attend all corporation meetings, Quality and Standards Committees and Finance and

Resources Committees. The clerk values this culture of a strong and respectful relationship, and direct involvement of senior managers with the clerk and governance, which is led by the principal.

In terms of governance advice, the chair comments that “governors see the clerk as fount of all knowledge on governance issues”. The chair sees the distinction between governance advice and administration and views the key role as governance advice where the clerk is proactive, to the benefit of the chair, board and college. This relies upon complete confidence in the clerk’s skills and expertise.

The clerk is supported by a 0.7 dedicated personal assistant (PA). This includes secretarial support, administrative support for the clerk and governors, and assistance with correspondence. The PA to the clerk is experienced in her role and the clerk greatly values their professional input, discretion and confidentiality.

Training, support and continuing professional development (CPD) and skills

The clerk is the budget holder for governance which includes governor training as well as the clerk’s own CPD. As well as the clerk’s thorough induction process, the chair particularly valued the introduction of ongoing CPD for governors which now takes place in ‘bite size chunks’ at the start of each meeting, ensuring governors are up to date. Other training organised by the clerk, and valued by the chair and principal, include in-house training, a strategic planning conference and training day, a ‘link governor’ scheme which links governors to specific areas of the curriculum – whilst ensuring governors understand the distinction between governance and management – safeguarding, equality and diversity, and ‘learner-led’ training. Recent learner-led sessions have included designing a Christmas wreath with floristry students and orienteering with pre-uniform services students.

The clerk is very proactive in the search and recruitment of governors. This is specifically valued by the chair and principal. She tries to ensure the board takes equality and diversity into account and seeks a diverse range of skills and backgrounds using a variety of methods, including open advert, targeted recruitment, person specification and interview.

The clerk is qualified in the ICSA Certificate in FE and has found this invaluable not only in terms of the theory, but “the practical application using the assignments to assist in a comprehensive review of governance practices, backed up by legal advice”. The clerk specifically mentioned the influence of two tutors on the course:

“The inspiration for our new training and development plan came from the ICSA Certificate in FE Governance course and Ron Hill and Ian James in particular. Ron and Ian presented such a sound case for including learner-led training for governors in the annual training and development plan that this was one of the first things I did after the course – so full credit does need to go to them for being the inspiration.”

The clerk clearly benefited from the qualification, feeling it was timely and current, and felt it needs to be continued to be valued by the sector. The qualification was instrumental in the clerk’s ability to use the course to make changes at the pace required to the benefit of the board.

The clerk’s local authority background and role as Policy Adviser also lends itself to the clerk’s role. Whilst from a different sector, the clerk felt it gave her “the grounding in the value of public life and the role of the public servant”.

Examples of effective practice

Before turning to examples of effective practice, the chair and principal held views on why they thought their clerk was particularly effective:

“The clerk is a ‘people person’ with ‘people skills’ able to communicate and work with people at all levels, including governors, principal and senior managers and students. It is essential that a good clerk is a ‘people person’ – trustworthy, hold their counsel, are experts in their field and continue to be experts in their field through qualification, and that they are able to develop their own goals as well.”

Chair, Hugh Baird College

“The clerk has a full understanding of the role, is innovative and proactive, takes best practice but then applies it to the college in a way that best fits the college, for example governor training. Some organisations may not see the value of a clerk. I believe you need to invest in a good clerk to improve effectiveness. I believe an outstanding clerk is required to achieve Grade 1 outstanding in governance.”

Principal, Hugh Baird College

The chair and principal cited numerous examples of effective clerking including:

- governor search and recruitment, with a clear understanding and insight into the needs of the college, using a skills matrix and ensuring candidates are right for the board (see example below);
- governor induction, training and CPD, including learner-led training, ensuring governors are more informed and able to be more questioning;
- governance self-assessment, including ‘360 degrees’ feedback for the chair and committee chairs, and governor contribution to the college’s self-assessment process including performing a ‘dual role’ within the Validation Panel as both an advocate for a sector subject area (SSA) and then as a member of the panel (see example below);
- governor awareness of aspects relating to Ofsted;
- link governor scheme;
- links between senior managers, the clerk and governors;
- adoption of AoC Foundation Code;
- piloting e-governance, including continuous evaluation to ensure the best fit for the board; and
- improved governor involvement in performance monitoring and challenge.

The clerk cited many examples of effective clerking, some already listed in the above from the chair and principal. The clerk supplemented the information with the following comments:

“I feel it is in these areas where I have made the most impact:

- Governor recruitment, selection and training. Recruitment includes a clear person specification derived from a skills audit of existing members and recognition of the need to have governors experienced in strategic leadership driving change.
- Quality of reporting and advice during the report development stage and presentation, including ‘plain English’ and ‘open reporting of performance’. This has ensured that governors have accessible information that enables them to have a clear picture of the performance management of the college, for instance reducing the length of monitoring reports. Performance management reporting has reduced from 40 pages to 3

- pages and a 'traffic light' system of reporting has been introduced.
- Building a governance training programme based on identified need and future developments.
- Encouraging a better balance of support and challenge from governors, complemented by the independence of the clerk as a 'barometer' of the college.
- Constantly reviewing governor self-assessment including measuring the impact of governance against the eight strategic aims of the college and introducing a '360 degrees' appraisal for the chair of the corporation and committee chairs.
- Recommending the adoption of the AoC Foundation Code of Governance, including 'embracing the spirit of the code', high standards of governance and monitoring of the action plan to assess whether the board is fully compliant, compliant or not compliant.
- Ensuring independence and impartial advice and acting in the spirit of the collective noun for clerks as the 'conscience of clerks'.
- A shared commitment, in line with the ethos of the chair and governors, principal and college of public service to the wider community, for instance included in the public value statement of the Code of Governance, and a shared commitment to get governance to Grade 1 Outstanding.

If the clerk is properly valued, as it is here at Hugh Baird College, clerking is one of the best roles in FE. I feel I have a very exciting role in the college – which is at the very core of the college's mission. I am very fortunate in the support I receive from the board and all staff at the college. I love my job.”

The clerk would like to express her appreciation of the support and advice received from LSIS associates, the National Clerks' Network and the North West Clerks' Group in particular since March 2010.

Two specific examples of effective clerking are presented overleaf. Practical examples / tools of effective clerking, which we hope will be available online separately in due course, include:

- Hugh Baird College Governors Training and Development Plan 2012/13;
- Hugh Baird College The English Colleges Foundation Code of Governance Compliance and Action Plan;
- Hugh Baird College Overview of Self-Assessment 2011/12 (Charts);
- Hugh Baird College Self-Assessment Performance Review 2012;
- Hugh Baird College Appraisal of Chair Form;
- Hugh Baird College Appraisal of Chair of Committees Form;
- Hugh Baird College Self-Assessment of Governance (including 360 degree appraisal of the Chair and the Committee Chairs) November 2012;
- Hugh Baird College Governors Skills Audit 2012/13;
- Hugh Baird College Governor Person Specification; and
- S.M.A.R.T. Reporting at Hugh Baird College June 2013 (Powerpoint).

Hugh Baird College governor recruitment

The corporation worked with Allan Schofield to review governance in November 2009. One of the key issues arising from this review was the need to appoint an independent clerk to lead on further development of the recruitment and selection of governors, board development and board diversity. There were a number of long serving governors on the board at the time who had contributed significantly to the strategic leadership of the college and who had expressed the intention of retiring as soon as suitable replacements were found. At the time, the custom and practice for recruiting governors had been to place an external advertisement in the local paper, word of mouth and some targeted recruitment for Audit Committee. Interested applicants were invited to submit a CV and were invited to discuss their application with the principal and chair. Everyone involved agreed that there needed to be a new approach to ensure that individuals from diverse backgrounds with relevant skills and experience were encouraged to apply, as the lack of diversity on the board had been commented upon specifically in the review.

I joined Hugh Baird in March 2010. One of my first tasks was to work with the governors to produce an accurate, up-to-date audit of existing skills, match these against an assessment of desirable skills, and review the person specification before advertising for current and future vacancies on the website and in a regional publication. The advert made clear reference to the corporation's commitment to equality and diversity (as evidenced in the Ofsted inspection in February 2010) and the fact that some of the protected characteristics were currently under represented on the board. The advertisement was supplemented by a targeted letter campaign to chief executives of key regional and national public and private sector organisations. The letter and advertisement highlighted that the college aspired to be outstanding and the role of governance in this.

The campaign was successful in the sense that there were more applicants than current or anticipated vacancies. We amended the selection process to include advance submission of CVs, shortlisting by the Search and Governance Committee, and then shortlisted candidates were invited into college for a tour of the college with the Director of Estates and Resources, an opportunity to discuss governance expectations and requirements with me, and then individual interviews with the Search and Governance Committee, before final recommendations were made to the corporation. Initial terms of office were set at 12 months with the opportunity for the Search and Governance Committee to recommend extension to a full four year term following a satisfactory review with the chair. We also amended the format of the annual reporting on attendance to include contribution and attendance at college-wide events, regional events etc. to make sure that the analysis was qualitative rather than quantitative.

The recruitment exercise has resulted in us having a much more diverse board and more individuals chairing committees than before.

Anne-Marie Nixon, Clerk to the Corporation, Hugh Baird College
June 2013

Hugh Baird College self-assessment process

Towards the end of the 2011/12 academic year, curriculum areas across the college completed a course review based on the newly revised Ofsted Common Inspection Framework, providing grades for overall effectiveness; outcomes for learners; teaching, learning and assessment; and leadership and management. Following the completion of curriculum course reviews, senior academic directors completed a self-assessment for each sector subject area and then members of the college's executive management team completed a self-assessment for each of the main grades listed above.

In late November 2012 the self-assessment grades awarded for each of the 15 sector subject areas were then subject to validation by a panel, following which the Validation Panel decided the final grades for each area under consideration.

In addition to the chair of the corporation being on the panel throughout all meetings over the two-day validation period, there was significant involvement from a number of additional members of the corporation who, in their role as link governor to a specific area of the curriculum, discussed self-assessment reports with directors beforehand and attended validation meetings to communicate, through a thorough knowledge of performance, their support for grades that had been awarded. In addition, a number of governors who attended a validation meeting in support of a specific area then joined the panel to act as an additional member for a number of subsequent validation discussions.

In addition to validating the grades for each SSA, the Validation Panel also validated the grades that each business support area had awarded themselves following their self-assessment.

All grades agreed from the validation activity were subsequently discussed and agreed by the Teaching and Learning Standards Committee in December 2012.

Extract from the Hugh Baird College 2011/12 Self-Assessment Report provided courtesy of:

Anne-Marie Nixon, Clerk to the Corporation, Hugh Baird College;
Yana Williams, Principal, Hugh Baird College; and
David Rigby, Executive Director of Quality and Performance Improvement, Hugh Baird College

5. Trafford College

Background

Trafford College is a medium sized general further education (GFE) college on the outskirts of Manchester, formed in 2007 as a merger between North and South Trafford Colleges. The college was last inspected in June 2009, awarded Grade 1 Outstanding. The Ofsted report states:

“Governance arrangements are outstanding. Governors understand their roles clearly and are instrumental in setting the educational character of the college. Governors have a breadth of specialist knowledge and experience that is used well to benefit the college. Governor links with curriculum or support areas enable them to monitor rigorously the effectiveness of provision. Governor training is very good. The board is well informed about college developments, including health and safety and equality and diversity issues. It receives regular updates on all aspects of provision but in a few cases these are not summarised in annual reports.”

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

The chair, principal and clerk have a long established relationship stretching back to South Trafford College prior to the merger in 2007. The principal had been principal of South Trafford since 2003 prior to the merger, the chair a governor since 2005, and chair since 2006, and the clerk held various senior management roles at South Trafford prior to becoming independent clerk in 2000. This history makes for a strong, trusted working relationship.

The chair feels the position of the clerk is crucial to the working of the governing body adding “to be an effective chair you need an effective clerk. The clerk here moves things forward in terms of governance”. Both the chair and principal stress the importance of a good working relationship between the three, and with each other; chair and clerk, chair and principal and clerk and principal. Both also comment that “the clerk is proactive and brings added value” to the role and the board.

The principal feels it is important to have a “positive working relationship between the three, with a high level of trust that enables high confidentiality to be maintained whereby the clerk can be a sounding board”. The principal adds that he knows he “is getting independent, impartial advice” and “the strength of the governing body is partially attributed to the work of the clerk.” The principal stresses the importance of the three discrete but complementary roles of chair, principal and clerk, including the distinction between strategic and management, and the value of the governance advisory role of the clerk. The principal points out the distinction from the administrative role stating “In some colleges the clerk is seen as administrative only. This does not serve the governing body well and the governing body does not benefit from the added value that a proactive clerk brings to the board. Some principals may be fearful of the clerk, keep the clerk at arm’s length or try to manage the clerk. Those colleges lose out and the clerk becomes administrative only. The clerk here adds value.” The principal also benefits from “the clerk’s previous FE background and experience and his in depth knowledge of the sector.”

The clerk highlights the regular communication between all three, including formal and informal meetings, as well as regular separate meetings with the chair or the principal. The three also always meet formally before board meetings. There is frequent contact between the chair and clerk via telephone or email between meetings, and the clerk has ready access to both the principal and chair.

The clerk, as a senior postholder appointed by the board, reports directly to the chair and the board and the chair carries out the clerk's appraisal annually, after liaising with the principal. The clerk stresses the importance of the chair: "The chair is key and enables the clerk to be effective. To be effective as a clerk you need an effective chair. This is aided by our close working relationship and we also share the same values."

The clerk's independence and governance advisory role in college

The independence of the clerk is understood by the chair and the principal, and the governance advisory role is valued. The chair feels the ability of the clerk to retain and maintain his independence is aided by his good working relationship with the principal and the governing body. He adds, "A key part of the success of the governing body is the governance advice from the clerk. It is needed not just wanted. We can rely on the clerk to give us independent advice." The chair cites the review of board performance as an example of this independent role and his ability to act as facilitator, including using evidence and criteria to assist the board. The clerk is clear that he is independent, being appointed by the board and reporting directly to the chair. The chair and principal refer to the clerk's role in maintaining the Nolan Principles, citing the appointment and induction of new governors and register of interests as examples. The clerk states that the Nolan Principles "are inherent in all we do; we are open, democratic and transparent".

Both the chair and the principal cited the same two examples where the clerk assisted the board in assessing risk. The first, the merger between North and South Trafford College where the clerk was particularly active in aiding the board and college in assessing risk, and providing governance advice on the merger. The second, the redefining of the Instrument and Articles of Government (I&As), where the clerk ensured the revisions were thoroughly checked, including seeking legal advice. The clerk confirmed he had ready and funded access to legal advice through a subscription service, and also ensured the college's Standing Orders were revised in accordance with the revised I&As.

The clerk has always been a designated senior postholder and feels he is "well remunerated and salary reflects the responsibility and seniority of the post." The clerk is regarded as senior by governors, executive and senior members of staff in college. The principal confirms this status and adds that he "plays an active role in advising the senior management team in terms of governance advice and items for the board and committees; he adds value." The clerk has a standardised approach to reports for the board, including risk analysis, key issues and recommendations, and assists senior managers to ensure consistency. The clerk has some shared administrative support which enables him generally to focus on the governance advisory role.

Training, support and continuing professional development (CPD) and skills

The clerk is the budget holder for governance which includes training for all governors and the clerk. The clerk identifies appropriate training for governors depending on their skills, knowledge and requirements, including induction for new governors and student governors. The clerk organises internal training events for governors, including three training days per year, as well as training sessions before board meetings, for example safeguarding or Ofsted. The obstacle to training is time pressures for governors around work commitments. The training is valued by both the chair and principal. The principal views the clerk's role in governor training as "to help governors to develop their capacity to understand, and enable them to be more informed, to challenge senior management." The principal views challenge by the board as a

strength not a threat.

The clerk also ensures he is kept up to date with government policies and initiatives to enhance his own CPD, and to inform the chair and governors. He has also organised, and for the second year running, the college has hosted a very successful North West Regional Clerks Conference including topics high on the agenda for clerks.

The clerk has a long experienced background in further education, as well as in local authority education, and holds a postgraduate qualification in management studies. Rising through FE senior management roles alongside clerking, including vice principal, the clerk became an independent clerk in 2000 at South Trafford College prior to the merger in 2007. As well as independent clerk at Trafford College, he clerks another college in the North West, and has in the past organised joint training sessions between the two governing bodies. This long experienced background in FE, including senior management roles, enables him to have a full understanding of the sector and is beneficial to his role as clerk. Both the chair and the principal value this “in depth knowledge” and his previous background in the FE sector.

Examples of effective practice

The chair and principal cite numerous examples of effective clerking including:

- governor training which the principal describes “the clerk’s role is invaluable in identifying training needs and capacity which has raised standards of governance”;
- board self-assessment process and performance, including a self-assessment process based on the Ofsted Common Inspection Framework;
- recruitment and induction of new governors, including a mentoring system;
- revision of Instrument and Articles of Government;
- adoption of the AoC Foundation Code of Governance, specifically referred to by the principal, including measuring performance indicators against peer colleges;
- proactive role in the Search Committee and Remuneration Committee; and
- streamlining and standardising of board papers including cover sheets and risk analysis.

Governor recruitment and renewal

In relation to governor recruitment, the principal describes the clerk’s introduction and development of a “rigorous process of governor recruitment and renewal of membership through the Search Committee. This challenges renewal, whereby governors cannot be complacent, which is healthy and is second to none”.

The chair describes this as a “very robust system of recruitment whereby governors on their end of term of office are placed against external candidates, including an interview and scoring system. All governors are reviewed at the end of their four years and their term of office is only renewed if they are good enough.”

The clerk describes this rigorous process which includes a job description for the role, a shortlisting process and interview with chair, principal and an independent governor. This includes a point score for candidates before being recommended to the Search Committee for a decision. In practice, existing governors are placed alongside new applicants, therefore renewal is not guaranteed but based on this rigorous criteria.

The clerk explains this ensures “transparency, openness, objectiveness and independence in line with the Nolan Principles, and ensures we get the right people with the right skills in the right place”. Recruitment

is set against a backdrop of identified skills needs relative to skills gaps on the board, as well as equality and diversity. The clerk also works closely with the college marketing team when seeking new governors for recruitment and proactively advertises using various sources such as LinkedIn, Twitter, the college website and local libraries.

Board self-assessment process including Ofsted

The board self-assessment process 2012/13 introduced by the clerk was revised to include the requirements of governors under the new Ofsted Common Inspection Framework, as well as other governor responsibilities traditionally assessed including statutory duties, finance and audit.

The principal welcomed and valued this initiative, as did the chair. The principal felt this helped to shift the focus of governance towards learning outcomes, rather than solely traditional statutory requirements, and the assessment would help to measure outcomes as well as identify issues to be addressed. The principal was keen to point out this was “not just about ticking boxes for Ofsted” but about governors becoming more involved and far more able to make judgements on teaching, learning and assessment (TLA). He described it as requiring the same “forensic methodology and approach to, for instance, audit or finance”.

In addition to self-assessment, the clerk is proactive in identifying training needs of governors as a result of the new Ofsted regime and criteria. The chair explained that the clerk was instrumental in helping governors to adapt to the new regime, including training sessions, but also more involvement in the curriculum. The clerk explained four governors now assess three curriculum sectors each and report back to the Curriculum and Quality Committee.

The clerk is clearly effective, as recognised by the chair and principal. In summary, the clerk views his own role as “constantly looking at improving what we’ve already got, keeping informed and being proactive, oiling the wheels to help to make it all work, helping to manage tensions and anticipate what is coming before it lands and acting as a facilitator, all within a culture of self-assessment measured against good practice.”

Practical examples / tools of effective clerking, which we hope will be available online separately in due course, include:

- Trafford College Draft Governor Self-Assessment Process 2012/13;
- Trafford College Governor Skills Audit 2013/14, Training Needs and Self-Assessment review;
- Trafford College Audit Committee Self-Assessment;
- Trafford College Self-Assessment Process for Search Committee;
- Trafford College Role Description of Chairperson of the Board of the Corporation.

6. West Herts College

Background

West Herts College is a large general further education (GFE) college in Hertfordshire. The college was last inspected in March 2010 and achieved Grade 1 Outstanding. The Ofsted report states:

“Governance is outstanding. The governing body comprises board members with highly relevant experience which is used to very good effect in shaping strategy, monitoring performance and holding college leadership to account. Governors exhibit a very good knowledge of the work of the college and have overseen effective plans to improve the college’s accommodation and to secure financial stability.”

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

The clerk has worked at the college for nearly ten years and joined at a time when the West Herts College was in a period of recovery. She was instrumental in improving governance rated from Poor in 2003 to Good in 2005, working effectively with the then chair, principal and senior management, as outlined in the ‘Governance Good Practice Guide’ (see below). The clerk who has long experience and who is highly respected in the FE Sector, is co-vice chair of the AoC National Clerks’ Network, co-opted clerk and member of the AoC Governors’ Council, chair of the Eastern Region Clerks’ Network (ACER) and clerk member of the BIS led review of governance. She is also an LSIS Associate on their Leadership Skills for Governance programme, and her work with them includes delivery of governance inductions and workshops including the Self-Evaluating Board. She is a facilitator on The Learning Board programme, and provides intervention support for college governance through LSIS. Prior to working in FE, the clerk had a background in the education sector working with primary and secondary schools, and also had a background in training, providing a solid grounding for the role.

The current chair and principal, who have both been in post for two years, and the clerk have regular communication and work professionally. The chair and the clerk have a scheduled monthly meeting with a rolling agenda, and the clerk keeps the chair well informed of developments between meetings, including a weekly email summary with key issues for consideration, which the chair valued. The chair and principal have regular one-to-one meetings, which the principal views as critical and key, and the principal and clerk meet separately. The clerk has ready access to the principal in college, and ready access to the chair as and when the need arises. The clerk describes this as “an open, sound, professional relationship”.

Appraisal is carried out annually by the chair, liaising with the principal, and includes a mid-year review. The appraisal includes performance review, a review of the job description, clear targets for the year ahead and training needs. Targets are related to governor self-assessment. The chair comments that the clerk received an ‘A’ rating and was “well regarded by governors.”

The clerk's independence and governance advisory role in college

The clerk is a senior postholder appointed by the board and reports directly to the chair. She is fully able to provide independent, impartial advice. The principal feels it is essential the clerk is independent and views this as “healthy, the right way and very successful.” The principal also feels it is important that the clerk has no other role in college to maintain that independence, and as a result there is no conflict of interest or operational role. The clerk likewise feels it is important that she does not have another role to maintain that level of independence.

The Nolan Principles lie at the heart of the Code of Conduct, and the clerk ensures high standards of public life are upheld including maintaining a register of interests, a standard item at every meeting, and a declaration of eligibility. The clerk ensures any potential conflict of interest is highlighted before a meeting, and ensures the board takes decisions on conflict of interest at meetings. The chair refers to the clerk's thorough governor induction programme which stresses the importance of the Code of Conduct, and confirms the clerk's role in maintain high standards of public life for the board.

The clerk effectively assists the board in assessing risk, as confirmed by the chair and the principal. The principal highlighted the clerk's pivotal role in the recent revision of the Instrument and Articles of Government, whereby the clerk “carried out the revisions robustly, including consulting the lawyers, researched the facts, provided sound evidence and presented the advice and options for the board”. Also citing the same example, the chair states, “The clerk had the experience and knowledge to singlehandedly revise and simplify the Instrument and Articles of Government this year, and had the wisdom to consult lawyers. Significantly, the lawyers hardly changed the clerk's revisions at all.” The clerk has ready, funded access to a legal subscription service and is able to access legal advice when required.

In terms of recruitment, the clerk alerts the board as to necessary skills thus helping to prevent risk to the strength of the board. As well as standing items at the Audit Committee, the clerk alerts the board to the need to assess risk including, for example, the recent accountability review. For this review, the clerk scrutinised the requirements and prepared a summary paper giving the context and implications for the board, including a risk assessment.

The clerk used to attend college senior leadership team meetings when she first joined the college which “was a good introduction to FE.” Whilst this was useful when she first began clerking, she no longer feels the need to attend, recognising the meetings are more operational rather than strategic. The principal feels the clerk is more associated with the board rather than viewed as senior management by college staff, perhaps reinforcing the independent role of the clerk.

With regard to administrative support, the clerk has a governance assistant who attends to room bookings, refreshments, coordinating the register of interests, election of staff governors and electronic posting. The clerk feels she receives sufficient administrative support, which is good value for money, and this enables the clerk to effectively focus on the role. The clerk has always felt the salary was fairly positioned in terms of the senior status of the role. Over the last four years the clerk has absorbed additional duties including involvement in a major capital project, and overseeing the governance and clerking of the Francis Combe Academy which the college has sponsored since 2009.

Training, support and continuing professional development (CPD) and skills

The clerk is a budget holder which includes a budget for training for governors and the clerk. The clerk has full access to relevant training and CPD as required including attendance at conferences and workshops. Similarly, as the chair and principal confirm, governors attend appropriate conferences and CPD sessions as required and identified in their training needs. The clerk's membership of the AoC National Clerks' Network and co-opted member of the AoC Governors' Council enables the clerk to maintain her own CPD. This high profile national role brings benefit to the board in terms of up to date policy advice. Training and Associate work similarly enhances and adds value to clerk's own CPD and effectiveness in clerking, whilst also bringing income to the college. The clerk is also very proactive in carrying out training for governors.

Examples of effective practice

Governor recruitment and induction

The principal refers in particular to the clerk's effectiveness in the recruitment of governors. In this respect the principal views the clerk as "critical, essential, highly effective whereby recruitment is based on a real understanding of the need". The principal explains the proactive methods employed by the clerk to secure new governors, including marketing, initial screening, meeting prospective candidates and recommendation to the Search Committee. The chair similarly views the role of the clerk in governor recruitment as important, commenting that the clerk is continually searching, using proactive methods of search including advertisements through charity websites and 'putting the word out' to local organisations to attract the right calibre of governors. The chair also describes the role the clerk plays in initial screening, briefing and recommendation of candidates. The biggest difficulty, the chair feels, is the narrow field of people in their 20s and 30s who could make a real contribution to college governance but may not have the time, remarking, "It is like gold dust finding good recruits, they are incredibly difficult to find." The chair also commends the time the clerk devotes to student governor induction to enable them to contribute fully to the board.

The clerk describes the thorough recruitment process she has developed which includes identifying skills gaps on the board and potential membership issues for example terms of office, succession issues and succession planning. She uses a variety of strategies to attract governors to the college including marketing materials, advertisements and the use of the Department for Education funded national charity School Governors One-Stop Shop (SGOSS). The clerk confirms her proactive role in the subsequent screening, briefing and recommendation of candidates to the Search Committee. She devotes additional time to student governor induction to assist them in their initial understanding of their role, and meets students prior to each meeting to enable them to make useful contributions to the board. The clerk has also worked nationally with the National Union of Students (NUS) on the development of student governor support.

Shared materials relating to governor recruitment are outlined below, including a brief guide authored by the clerk (see examples below).

Board self-assessment

The clerk has developed a rigorous approach to board self-assessment, plays a pivotal and proactive role, drawing on her wide experience as a facilitator on The Learning Board. Peer review with a neighbouring

college has also been introduced. The West Herts Corporation Self-Assessment Strategy outlines a thorough, robust and meticulous approach to board self-assessment and performance evaluation (see example below).

The chair particularly values the clerk's effective approach to board self-assessment and feels it has had a direct impact on improved performance of the board. He highlights the clerk's role in assessing skills and producing a skills matrix, and identifying skills gaps, needs and areas for improvement, mindful of, for instance, equality and diversity. The chair also valued the clerk's introduction of a peer review with a neighbouring college.

The principal views the clerk's management and organisation of board self-assessment as very effective and having a direct impact on improved performance. The principal values the clerk's development of self-assessment aligned to the college's key values and constantly striving for continuous improvement. The principal also valued the clerk's role in regularly undertaking a skills audit of the board and her understanding of the needs of the board and the college. The principal refers to the clerk "constantly looking at ways of improving governance, ever conscious of self-assessment, and adding value."

Corporation business plan

The clerk has developed a meticulous and thorough approach to the corporation cycle of business which ensures that all key aspects of governance are included and reported in a timely fashion. The shared example outlines the West Herts Corporation Business Plan 2012/13 (see 2012/13 example below).

The Corporation Business Plan 2013/14 is being developed by the clerk to incorporate and highlight the reporting on teaching, learning and assessment (TLA) in line with Ofsted's Common Inspection Framework. The principal valued the clerk's understanding of the need for a greater emphasis on teaching, learning and assessment, citing the example of the development of the current business plan currently being amended to ensure the incorporation of TLA. The principal also valued the clerk's role in ensuring TLA is embraced in governance including an increased emphasis in governor induction, training and development, and ensuring strong links between governors and curriculum areas, including monitoring and 'learning walks'. The chair referred to a recent mock inspection, driven by the principal, vice principal and chair, whereby staff were given only two days' notice to make the mock inspection realistic and to assist in preparation for Ofsted.

Electronic governance

The clerk introduced 'electronic governance' to West Herts College in 2009 which involved organising a task group and managing the conversion to e-governance. This included evaluating security, assessing the appropriate platform, ensuring accessibility, assessing governor skills, providing training and successfully implementing e-governance for the board.

Both the chair and the principal valued the use of e-governance and iShare, and particularly valued the clerk's development of a governance library on the governors' platform. The governance library includes key documents, accessible to governors at any time, such as the strategic plan, risk register and corporation minutes and reports. The process of adopting e-governance at West Herts is outlined in detail on the college website, including a powerpoint and presentation video (see example below).

Further examples

The chair specifically referred to the clerk's role in proposing the adoption of AoC Foundation Code of Governance, which is continually monitored by the clerk for compliance.

Other effective examples include working with the college directors on draft board papers. The clerk explains this involves advising on the content and presentation, and final approval by the principal and clerk before being sent to the board. In this respect, the clerk viewed her role as “acting as a sense check; the fact that I am one step removed ie not operationally linked, assists in improving communication and board understanding.”

The chair and the principal felt the clerk was particularly effective in “constantly developing and looking to improve the governance of the college.”

Practical examples / tools of effective clerking, which we hope will be available online separately in due course, include:

- West Herts Corporation Self-Assessment Strategy: Adding Value through Good Governance;
- West Herts Corporation Business Plan 2012/13;
- West Herts Policy on Succession Planning for Governance;
- LSIS governor recruitment strategies: brief guide for governors and clerks in further education colleges authored by Sheila Selwood, Leadership Skills for Governance (LSG) Associate, LSIS November 2012. Publication reference: LSIS212 : <http://www.excellencegateway.org.uk/node/25708>
- Governance Good Practice Guide Mini Case Study: Governance Role and Responsibilities (Centre for Excellence in Leadership, AoC 2007) : Leading a Process of Recovery: <http://www.westherts.ac.uk/SiteSections/aboutus/Documents/BestPractice/GGPG-WHC%20Governance%20updated.pdf>
- West Herts Governance: <http://www.westherts.ac.uk/SiteSections/aboutus/corporation/bestpractice/governance.aspx> and <http://www.westherts.ac.uk/SiteSections/aboutus/corporation/becoming.aspx>
- West Herts Governor Recruitment Case Study: <http://www.westherts.ac.uk/SiteSections/aboutus/Documents/BestPractice/RecruitmentCaseStudy.pdf>
- West Herts Governor Recruitment Joint Advert: <http://www.westherts.ac.uk/SiteSections/aboutus/Documents/BestPractice/JointCollegesAdvert2007.pdf>
- West Herts Governor Recruitment Leaflet: <http://www.westherts.ac.uk/SiteSections/aboutus/Documents/BestPractice/WHCRecruitmentLeaflet.pdf>
- Electronic Governance: <http://www.westherts.ac.uk/SiteSections/aboutus/corporation/bestpractice/E-Governance.aspx>
- Electronic Governance presentation: <http://www.westherts.ac.uk/SiteSections/aboutus/Documents/eGovernanceMarch12.pdf>
- Electronic Governance video : 2012 LSIS Annual Governance Conference: E-governance – paperless board meetings: http://www.youtube.com/watch?v=VT_g_mk0t5Q&feature=youtu.be

7. Questions for college boards

Ideally, the 'Clerking in the new era' research and case studies could form the basis of a board self-assessment toolkit to assess the effectiveness of clerking against the six themes. Such a toolkit may supplement the 'LSIS effective college board: Keeping fit for purpose' (Project Leaders Jo Matthews & Mike Snell, LSIS Associates) LSIS 2013 Publication reference LSIS327: <http://www.excellencegateway.org.uk/node/27249>

This final section outlines a sample of a series of questions for college boards. The questions are merely a starting point, reflective questions emerging from the clerks' research and the case studies.

In order to ensure the clerks' research and case studies are effective, it is hoped that the research will now be put to practical use within college governance. In this way the research will extend the aim (and legacy) of the Learning and Skills Improvement Service (LSIS) to "accelerate quality improvement, increase participation and raise standards and achievement in the learning and skills sector in England, working in partnership with all parts of the sector to build and sustain self-improvement."

A sample of a series of reflective questions for college boards

- Does the triumvirate – chair/principal/clerk – work together effectively, including maintaining regular communication?
- Is the clerk a designated senior postholder appointed by the board and reporting directly to the chair?
- Is the clerk's appraisal carried out by the chair on an annual basis?
- Is the clerk able to remain independent and provide impartial governance advice?
- Does the clerk ensure the board adheres to the highest standards of public life including the register of interests, Code of Conduct and Nolan Principles?
- Does the clerk have sufficient access to funded legal advice or a legal subscription service?
- Is the clerk a budget holder, or do they have access to a governance budget, which includes training for governors and the clerk?

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