

LONDON BOROUGH OF SUTTON

**INSTRUMENT OF GOVERNMENT**

*SUTTON COLLEGE OF LEARNING FOR ADULTS*

*In exercise of the powers conferred upon them by Section 85 of the Further and Higher Education Act 1992, the Council of the London Borough of Sutton, acting as Local Authority, hereby order as follows:*

**1 INTERPRETATION**

1.1 In this Instrument of Government, unless the context otherwise requires, the following expressions shall have the meanings indicated in this paragraph:

*“The College”* means Sutton College of Learning for Adults;

*“The Governors”* means the Governing Body of the College;

*“The Authority”* means the London Borough of Sutton;

*“The Strategic Director of Resources”* means the Strategic Director of Resources of the Authority, or any officer of the Authority nominated by him/her;

1.2 The headings are included for convenience only, and shall not affect the construction of this Instrument.

**2 COMPOSITION OF THE GOVERNING BODY**

The Governing Body of the College shall consist of a minimum of 14 and a maximum of 18 members (in addition to the Principal) who shall be selected and appointed for a term of **three years** as follows:

- i) A minimum of six and maximum of nine members who appear to the Governors to have the necessary skills to ensure that the Governing Body carries out its functions under Article 2 of the Articles of Government. These shall be known as **Business and Community Governors**.
- ii) A minimum of two and maximum of four members of the Authority or representatives (if appointed) which represent the political composition of the Council. These shall be known as **Local Authority Governors**.
- iii) One Head Teacher/Principal from a state-funded secondary school in the London Borough of Sutton. He/she shall be known as the **Head Teacher/Principal Governor**.
- iv) Two members representing the staff of the College who have been nominated and elected by the staff of the College. These shall be known as **Staff Governors**.
- v) Two members who are students at the College and have been nominated and elected by their fellow students. These shall be known as **Student Governors**.
- vi) The **Principal** of the College, unless he/she chooses not to be a member.
- vii) In addition a **Senior Officer** with responsibility for Adult Learning from the Council will act as an Adviser to the Governing Body, but will have no voting rights.

### **3 APPOINTMENT OF CLERK TO THE GOVERNING BODY**

- 3.1 The Governors shall appoint a person to serve as Clerk to the Governing Body. The Clerk shall be entitled to attend all meetings, except where he/she would be required to withdraw from the meeting in circumstances set out in paragraph 13. The Clerk is responsible for managing the business and ensuring that all members are kept informed.
- 3.2 The employment rights of the Clerk must be clearly set out in the terms of their contract of employment, which must clearly indicate that the Clerk must be treated as a senior post-holder on matters of appointment, grading, suspension, dismissal and determination of pay and conditions of service.
- 3.3 The Clerk cannot be line-managed by the Principal in their capacity as Clerk to the Governing Body. However, he/she may be line-managed by the Principal in another category if they are employed in another role by the College.
- 3.4 In the event of a temporary absence of the Clerk, the Governors shall appoint a person to serve as a temporary Clerk, and any reference in this Instrument to the Clerk shall include a temporary Clerk appointed. The Principal shall be ineligible to be appointed as Clerk or as temporary Clerk.

### **4 APPOINTMENT OF CHAIR AND VICE-CHAIR**

- 4.1 The members of the Governing Body shall appoint a Chair and a Vice Chair from amongst their number. The Chair and Vice Chair shall hold office for a period of **three** years.
- 4.2 The Chair and Vice-Chair retiring at the end of their respective terms of office shall be eligible for re-appointment, with the recommendation of a maximum length of service of **six years** (two terms).
- 4.3 The Principal, Staff Governors and Student Governors shall not be eligible to be appointed as Chair or Vice Chair of the Governing Body or its committees.
- 4.4 At the final meeting before the expiry of the term of office of the Chair or Vice-Chair, or following the resignation of the Chair or Vice-Chair, the Governors shall appoint a new Chair or Vice-Chair from among their number.
- 4.5 If both the Chair and Vice-Chair are absent from any meeting of the Governing Body, the Governors present shall choose one of their number to act as Chair for that meeting, provided that the Governor chosen shall not be the Principal, Staff Governor or Student Governor.
- 4.6 The Chair and Vice-Chair may resign from office at any time by notice in writing to the Clerk to the Governing Body.
- 4.7 If all members of the Governing Body are satisfied that the Chair or Vice Chair are unable or unfit to discharge their functions, the members may, in writing to the Chair or Vice Chair, remove the person from office. When this happens, the office becomes vacant, though the person remains a member of the Governing Body.
- 4.8 The full Governing Body shall be responsible for agreeing the appointment of the Chair for each of its committees.

## 5 PERSONS INELIGIBLE TO BE GOVERNORS

- 5.1 No person under the age of 18 years shall be eligible for appointment as a Governor.
- 5.2 The Clerk to the Governing Body cannot be a member of the Governing Body.
- 5.3 No person shall be a member if adjudged bankrupt, or who has made a composition or other arrangement with creditors. A composition is an agreement whereby the creditors accept payment of less than the full amount due, in full satisfaction of the debt. People in these circumstances will become eligible to be members again when they are discharged from bankruptcy, or if the bankruptcy order is annulled. In the case of persons disqualified because they have made a composition or arrangement, they will become eligible again when they have paid their debts in full, or three years have passed since they fulfilled the terms of the composition or arrangement.
- 5.4 A person who, in the last five years, has been convicted in the United Kingdom, the Channel Islands or Isle of Man, or in any other country, of an offence which carried a sentence of imprisonment of not less than three months, without the option of a fine. This includes convictions and suspended sentences that have occurred since their appointment.
- 5.5 If an existing member becomes ineligible because of bankruptcy or conviction, they must inform the Clerk immediately and resign from the Governing Body.
- 5.6 If the composition of the Governing Body comprises four members of the authority (Local Authority Governors section 2.ii), additional elected members of any local authority shall **not** be appointed as Business or Community Governors. This shall not disqualify a member of the Governing Body for becoming an elected member of any local authority.

## 6 TERM OF OFFICE

- 6.1 All Governors, apart from the Principal who shall be a member continuously unless he/she chooses not to serve, shall serve for a period of **three years**.
- 6.2 Governors retiring at the end of their term of office shall be eligible for re-appointment. The recommended maximum length of service shall be a period of six years, but this period shall be subject to regular review.

## MEMBERSHIP

- 7.1 A Governor may at any time, by communicating to the Clerk to the Governing Body, resign his or her office.
- 7.2 The Governing Body may remove a member by giving notice in writing if the following should apply:
- i) If a member has been absent from all meetings of the Governing Body for a period longer than six consecutive months from the date of the first meeting missed without the permission of the Governing Body. Acceptance of apologies for absence must be clear and definite, and must be agreed by Governors at the start of each meeting.
  - ii) If a member is deemed unable or unfit to discharge the functions of a member. This may also apply in circumstances where the Governing Body believes the member is not acting in the best interests of the College, or is representing another interest.
  - iii) If a staff member leaves the employment of the College, they automatically cease to be a Staff member of the Governing Body.
  - iv) If a student member ceases to be a student at the start of the new academic year, or if the student is expelled from the College, they automatically cease to be a Student member of the Governing Body.

## **8 VACANCIES**

- 8.1 Upon the occurrence of a vacancy or expected vacancy amongst members, the Governing Body should make arrangements to fill the vacancy as soon as possible.
- 8.2 Upon the occurrence of a vacancy for a Local Authority Governor, the vacancy shall be notified as soon as possible to the Authority. It shall be for the Authority to nominate a person to apply for the vacancy.
- 8.3 A Search Committee, consisting of a minimum of three Governors including the Principal of the College, a member of the College's senior management team, and the Chair or Vice-Chair of the Governing Body, shall be established and will identify the criteria for the search.
- 8.4 The selection process for new Governors will be informed by priorities determined by the Governing Body which will include: the skills needed by the Governing Body and the College; succession planning; and any need to increase diversity amongst the membership. The Search Committee will make recommendations for appointment to the Governing Body.

## **9 VALIDITY OF PROCEEDINGS**

- 9.1 The validity of any proceedings of the Governing Body, or any committee of the Governors, shall not be affected by any vacancy amongst the members, or by any defect in the nomination, election or appointment of a member.

## **10 GOVERNORS NOT TO HOLD INTEREST IN MATTERS RELATING TO THE COLLEGE**

- 10.1 Except with the approval in writing of the authority, no Governor shall take or hold any interest in any property held or used for the purpose of the College, or receive any remuneration for his or her services as a Governor. A Governor who is a member of the staff of the College (including the Principal) may receive remuneration in that capacity.
- 10.2 Governors shall not be bound in their speaking or voting by instructions given to them by other persons.
- 10.3 A Governor who has any financial interest in:
- i) the supply of work or goods to or for the purpose of the College; or
  - ii) any contract or proposed contract concerning the College; or
  - iii) any other matter relating to the College

and is present at a meeting of the Governors at which their supply, contract or other matter is to be considered, shall at that meeting disclose the fact, and shall not take part in the consideration or vote on any question with respect to it. Their attendance shall not count towards the quorum for that meeting.

- 10.4 The Clerk to the Governing Body shall maintain an annual Register of Interests of the members, which shall be made available during normal office hours at the College to any person wishing to inspect it.

## **11 MEETINGS**

- 11.1 The Governing Body shall meet at least once every term, and shall hold such other meetings as may be necessary.
- 11.2 All meetings shall be summoned by the Clerk to the Governors, who shall send to the Governors written notice of the meeting and a copy of the agenda at least seven days in advance of the meeting.
- 11.3 A special meeting of the Governors may be called at any time by the Chair of Governors, or at the request in writing of any five Governors. Where the Chair, or in his/her absence, the Vice-Chair, decides that there are matters demanding urgent consideration, written notice convening the meeting and the agenda shall be circulated.

## 12 QUORUM

- 12.1 A meeting of the Governing Body shall be quorate if 40% or more of the members are present.
- 12.2 The Governing Body is free to decide quoracy rules for other committees.
- 12.3 If the number of Governors assembled for a meeting of the Governing Body does not constitute a quorum, the official meeting shall not be held. If in the course of a meeting of the Governing Body the number of members present ceases to constitute a quorum, the meeting shall cease, although a general discussion may continue.
- 12.4 If for lack of a quorum a meeting cannot be held, or cannot continue, the Chair shall, if he/she thinks fit, call a special meeting.
- 12.5 Governors may attend meetings by participation in a video conference, tele-conference or other multimedia communication links as appropriate. Such attendance will be governed by the above rules on quoracy.

## 13 PROCEEDINGS OF MEETINGS

- 13.1 When a question needs to be decided at a meeting of the Governing Body by a vote, it shall be determined by a majority of the votes of the Governors present and voting on the question. Where there is an equal division of votes, the Chair of the meeting shall have a second or casting vote. Governors may not vote by proxy or by postal vote.
- 13.2 No resolution of the Governors may be rescinded or varied at a subsequent meeting unless consideration of the rescission or variation is a specific item of business on the agenda for that meeting.

### **Withdrawal of Staff Governors from meetings:**

- 13.3 In certain cases, it may be necessary for Staff Governors to withdraw from meetings. If the meeting is to consider ***\*matters relating to*** a member of staff of the College who is also a Staff Governor, that member must withdraw from that part of the meeting, except for appeal hearings relating to staff discipline and dismissal. This also applies to the Principal and the Clerk where the Clerk is also a staff member of the College.  
***\*Matters relating to*** means remuneration, conditions of service, promotion, conduct, suspension, dismissal, retirement, or appointment or re-appointment of his/her successor.
- 13.4 Staff members should withdraw from that part of any meeting when a resolution is required of the other Governors present, at which the remuneration, appointment, promotion, conduct, suspension, dismissal or retirement of any member of staff holding a post senior to his/her own is to be considered.
- 13.5 The Clerk shall withdraw from that part of a meeting at which his/her remuneration, conditions of service, conduct, suspension, dismissal or retirement are to be considered. If employed as a member of staff, the Clerk shall withdraw in any case requiring withdrawal as if attending as a member of the Governing Body.
- 13.6 A Student governor, in his/her role as a student, shall withdraw from that part of any meeting of the Governing Body at which his or her conduct, suspension or expulsion is to be considered.
- 13.7 A Principal who has chosen not to be a member shall still be entitled to attend and speak at all meetings of the Governing Body, except when he/she shall be required to withdraw in any case if attending as a member.

## **14 MINUTES**

- 14.1 At every meeting of the Governing Body, the minutes of the last meeting shall be taken as the first substantive agenda item, except in cases where the Governors present decide otherwise. If agreed to be accurate, the minutes shall be dated and signed by the Chair, or his/her substitute, as a true record.
- 14.2 Separate minutes shall be taken of those parts of a meeting from which Staff or Student member, or the Clerk, have withdrawn. Those who needed to withdraw shall not be entitled to see the minutes of that part of the meeting, nor the relevant papers.
- 14.3 At the conclusion of each meeting, Governors shall agree on which items discussed shall be deemed confidential and therefore will not be included in the minutes made available more widely.

## **15 PUBLIC ACCESS TO MEETINGS**

- 15.1 The Governing Body shall determine whether anyone who is not a member of the Governing Body or the Clerk to the Governing Body, should be allowed to attend a meeting of the Governing Body.

## **16 PUBLICATION OF MINUTES AND PAPERS**

- 16.1 The agenda, minutes of each meeting, and any report, document or paper considered at the meeting, shall be made available via the College's intranet and internet site, unless there are any matters of confidentiality or market sensitivity, which preclude this approach.
- 16.2 The papers made available for public inspection should not include material relating to a named member of staff or a named student, or any material, which the Governing Body deems, should be treated as confidential.
- 16.3 These provisions are intended to protect the identity of individuals who are the subject of discussion, and not meant to refer to contributions to the debate made by student and staff members of the Governing Body. This should not be used to prevent information that is sensitive but not confidential from being disclosed.

## **17 ATTENDANCE of the Strategic Director of Resources**

- 17.1 The Strategic Director of Resources may attend any meeting of the Governing Body or committees, and may speak for the purpose of giving advice.
- 17.2 The Clerk to the Governors shall, if requested, make available to the Strategic Director of Resources or his/her representative, copies of papers relating to financial matters concerning the College.

## **18 ALLOWANCES TO MEMBERS**

- 18.1 The Governing Body may agree to pay travel, subsistence or other allowances (for example childcare) to its members in line with the College's expense policy.
- 18.2 Except with written approval of the Secretary of State, neither payments to members for their services as Governors of the College, nor payment to cover loss of earnings, are allowed.

## **19 COPIES OF INSTRUMENT**

- 19.1 A copy of this Instrument shall be given to every Governor and a copy will be placed on the College intranet and website.

## **20 DATE OF INSTRUMENT**

- 20.1 This Instrument shall come into operation on 12 March 2012.

LONDON BOROUGH OF SUTTON  
**ARTICLES OF GOVERNMENT**

**SUTTON COLLEGE OF LEARNING FOR ADULTS**

*In exercise of the powers conferred upon them by Section 85 of the Further and Higher Education Act 1992, the Council of the London Borough of Sutton, acting as Local Authority, hereby order as follows:*

**1 INTERPRETATION**

1.1 In these Articles, unless the context otherwise requires, the following expressions shall have the meanings indicated in this paragraph.

*“The Act”* means the Further and Higher Education Act 1992;

*“The Authority”* means the London Borough of Sutton;

*“The Senior Officer with responsibility for Adult Learning”* means the Senior Officer with responsibility for Adult Learning of the Authority, or any Officer of the Authority nominated by him/her;

*“The Strategic Director of Resources”* means the Strategic Director of Resources of the Authority or any Officer of the Authority nominated by him/her.

*“The College”* means Sutton College of Learning for Adults;

*“The Governors”* means the Governing Body of the College;

*“Senior staff”* means the Principal and other such senior posts as the Governing Body may determine for the purpose of these Articles;

*“Staff”* means both teaching and non-teaching support staff;

*“The Scheme”* means the scheme drawn up by the Authority in accordance with Section 85 of the FHE Act 1992.

**2 CONDUCT OF THE COLLEGE**

2.1 The College shall be conducted in accordance with the Education Act 1992, as amended by any subsequent enactment, with any relevant regulations or orders made by the Secretary of State for Education.

2.2 The Governing Body shall be responsible for the following functions:

- i) The determination and periodic review of the educational character and mission of the institution and the oversight of its activities;
- ii) Approving the quality strategy of the institution;
- iii) The effective and efficient use of resources, the solvency of the institution and the College and safeguarding their assets;
- iv) Approving annual estimates of income and expenditure;
- v) The appointment, grading, suspension, dismissal and determination of the pay and conditions of service of the holders of senior posts and the Clerk, including, where the Clerk is, or is to be appointed as, a member of staff, the Clerk’s appointment, grading, suspension, dismissal and determination of pay in the capacity of a member of staff;

2.3 Setting a framework for the pay and conditions of all other staff.

2.4 Subject to the responsibilities of the Authority, the Principal shall be responsible for the following functions:

- i) Making proposals to Governors about the educational character and mission of the institution and implementing the decisions of the Governors;
- ii) The determination of the College's academic and other activities;
- iii) Preparing annual estimates of income and expenditure for consideration and approval by the Governors, and the management of budget and resources within the estimates approved by the Governors;
- iv) The organisation, direction and management of the College and leadership of the staff;
- v) The appointment, assignment, grading, appraisal, suspension, dismissal and determination, within the framework set by the Authority, of the pay and conditions of service of staff, other than the holders of senior posts or the Clerk, where the Clerk is also a member of staff;
- vi) Maintaining student discipline and, within the rules and procedures provided for within these Articles, suspending or expelling students on disciplinary grounds of expelling students for academic reasons.

2.4 The Clerk shall be responsible for the following functions:

- i) Advising the Governing Body with regard to the operation of its powers
- ii) Advising the Governing Body with regard to procedural matters
- iii) Advising the Governing Body with regard to the conduct of its business
- iv) Advising the Governing Body with regard to matters of governance practice.

### **3 COLLEGE ORGANISATION**

3.1 The academic organisation of the College shall comprise of consultative committees and working parties monitored by the Senior Management Team who shall determine the membership and functions. The Governing Body shall give approval to this organisation annually.

### **4 COMMITTEES**

4.1 The Governing Body shall establish the following committees, which shall report back to the Governing Body. Each committee shall have its own constitution, quorum and terms of reference. These shall be as follows:

- Finance and Resources
- Development and Standards
- Governance and Search
- Remuneration
- Student Discipline

4.2 The Governing Body shall establish such other committees as they think fit, including where appropriate, committees with a membership which includes representatives of the staff, the students or persons drawn from outside the Governing Body or the College, and shall determine their membership and functions.



## **5 APPOINTMENTS**

### **5.1 Appointment of senior staff:**

Upon the occurrence of a vacancy or expected vacancy for a senior post holder, the Principal, in consultation with the Governors, shall:

- i) notify the Authority in writing;
- ii) advertise the vacancy in such national publications as they consider appropriate;
- iii) appoint a Selection Panel consisting of at least two Governors, of whom one shall be the Principal except when it is his or her post, which is being considered. The Governors may delegate to the Selection Panel their powers in respect of appointment of senior potholders.

### **5.2 The Selection Panel shall:**

- i) determine arrangements for selecting applicants for interview;
- ii) interview those applicants;
- iii) where they consider it appropriate to do so, recommend to the Governing Body for selection one of the applicants interviewed by them.

**5.3** If the Governing Body approves the selection panel's recommendation, they shall notify the Authority that they have selected the applicant for appointment by the Authority.

**5.4** If the Selection Panel is unable to agree on a person to recommend to the Governing Body, or if the Governing Body does not approve their recommendation, the Governing Body may require the panel to repeat the steps mentioned in paragraph 5.1, with or without first re-advertising the vacancy.

**5.5** The Governing Body shall consult the Senior Officer with responsibility for Adult Learning, or his/her representative, before making any decisions about the selection of a Principal, who may then offer advice in respect of any such selection or any matter arising in connection with it. It shall be the duty of the Governing Body and the selection panel to consider this advice before reaching any decision relating to the selection. The Senior Officer with responsibility for Adult Learning shall have the right to attend, for the purpose of giving advice, any proceedings of the Governing Body, and of the selection panel, relating to the selection of a Principal.

**5.6** In the event of the absence of the Principal for a period of more than six weeks, Governors shall make arrangements for a designate Acting Principal to be appointed. This person shall have all the duties and responsibilities of the Principal, and will act on the direction of the Chair of Governors and Senior Officer with responsibility for Adult Learning or his/her representative. Accordingly any reference in the Instrument or Articles of Government to the Principal shall include a person acting as Principal in accordance with this paragraph.

### **5.7 Appointment of teaching staff**

The Principal shall have general responsibility for selecting for appointment any members of the teaching staff (other than senior staff) and for notifying the Authority accordingly. He/she shall exercise that responsibility in accordance with arrangements made with the Governors.

### **5.8 Appointment of non-teaching staff**

The Principal shall have general responsibility for selecting for appointment members of the non-teaching support staff (other than senior staff) and for notifying the Authority accordingly. He/she shall exercise that responsibility in accordance with arrangements made by the Governors.

## **5.9 Appointment of all staff**

All staff shall be appointed to specified posts in the College in the service of the Authority on such terms and conditions of service as the Authority may determine.

- 5.10 Governors may exercise any discretion of the Authority with respect to the remuneration to be paid to such staff.

## **6 CONDUCT, DISCIPLINE AND GRIEVANCE**

- 6.1 After consultation with staff, the Governing Body shall agree rules relating to the conduct of staff.

- 6.2 In making rules under article 6.1, the Governors shall have regard to the need to ensure that staff at the College have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without putting themselves at risk of losing their jobs or any privileges which they may enjoy at the College.

- 6.3 Matters relating to the conduct and discipline of staff, and staff grievances about their employment, shall be regulated in accordance with arrangements made by the Governors after consultation with representatives of the staff.

- 6.4 Those arrangements shall include the establishment of a panel, whose members shall include three Governors (excluding Staff and Student Governors); to consider such categories of disciplinary cases and staff grievances as may be specified by the Governors for the purpose.

- 6.5 Those arrangements shall also include procedures whereby a member of staff may appeal to the Governing Body against any determination made by such a panel.

- 6.6 No Governor who has been a member of the Panel shall take part in the relevant part of the meeting of the Governors at which any such appeal is considered.

- 6.7 Any member of staff shall be given an opportunity to make representations about his/her case (including oral representations, for which purpose he/she may be accompanied by a friend if he/she so wishes) to a panel established under paragraph 7.3 and (where an appeal is made) to the Governing Body.

## **7 SUSPENSION**

- 7.1 Suspension must be made in accordance with the model procedure issued by the Authority contained within the personnel handbook.

- 7.2 The Governing Body, or the Chair on their behalf, or the Vice-Chair in his/her absence, shall have the power to suspend the Principal or senior post holder for misconduct or other good and urgent cause. Where the Chair or Vice-Chair has exercised that power, he/she shall immediately report that action to the other Governors.

- 7.3 The Principal shall have power to suspend any member of the College staff other than senior post holders for misconduct or other good and urgent cause. He or she shall immediately report that action to the Chair of the Governing Body, and to the Governing Body at their next meeting.

- 7.4 A suspension made under paragraph 7.2 may be revoked only by the Governors. A suspension made under paragraph 7.3 may be revoked only by the Principal.

## **8 DISMISSAL**

8.1 Subject to the provisions of this section, where the Governing Body determine that any person employed to work at the College should cease to work there, they shall notify the Authority in writing of their determination and the reasons for it.

8.2 After consultation with representatives of the staff, the Governing Body shall make rules, in accordance with the model procedure issued by the Authority with respect to procedures, and notifying the Authority accordingly.

8.3 Those rules may delegate to the Principal general responsibility for making such determinations in respect of staff falling within categories specified in the rules, and for notifying the Authority accordingly.

8.4 Those rules shall:

- i) give any member of staff in respect of whom a determination under this section has been made, an opportunity to appeal against that determination to the Governing Body or to a panel established by them before the notification is made to the Authority. No such appeal shall be heard by any person who was involved in making the determination against which the appeal is made; and
- ii) give any member of staff in respect of whom a determination under this section is being considered, an opportunity to make representations (including oral representations, for which purpose he/she may be accompanied by a friend if he/she wishes) to the person or persons responsible for making the determination, or where any appeal is made, to the Governing Body or to a panel established under paragraph 9.4 (a) above, before any notification is made to the Authority.

8.5 It shall be the duty of the Governing Body to consult the Senior Officer with responsibility for Adult Learning before any determination under this section is made in respect of senior staff. He/she shall also be consulted before any determination under this section is made in respect of other staff, except in cases or categories of cases where he or she has agreed otherwise. It shall be the duty of the Senior Officer with responsibility for Adult Learning, when so consulted to offer such advice, as he/she considers appropriate with respect to any such determination of any matter arising in connection with it. It shall be the duty of:

- i) the Governing Body in cases involving senior staff; and
- ii) in any other case, the persons responsible for considering that case

to consider that advice before reaching any decision relating to the determination. The Senior Officer with responsibility for Adult Learning shall have the right to attend, for the purpose of giving advice, any proceedings relating to the making of any such determination.

## **9 FINANCE**

9.1 The financial administration of the College shall be conducted in accordance with the Authority's scheme and with any relevant financial regulations and standing orders made by the Authority after consultation with the Governors.

## **10 REPRESENTATION OF STUDENTS**

10.1 The Governors shall make arrangements for the students' association or other bodies representing the students to conduct and manage its own affairs and funds in accordance with a constitution approved by the Governors.

## **11 STUDENT DISCIPLINE**

- 11.1 After consultation with representatives of the students and of staff, the Governors shall make rules in respect of the procedures to be followed in matters concerning student discipline:
- i) The day to day conduct and discipline of the students is the responsibility of the Principal and the Senior Management Team;
  - ii) The Governing Body will approve a Student Conduct and Discipline policy and accompanying procedures;
  - iii) The Governing Body shall establish a Student Disciplinary committee comprising three members, to include representatives in equal numbers of Staff and Student Governors. This committee will meet to hear any disciplinary case involving permanent suspension or dismissal;
  - iv) The Principal shall be empowered to suspend a student on disciplinary grounds, pending consideration of his or her case by the Disciplinary Committee, but shall report any such action promptly to the Chair of Governors;
  - v) The Governors shall establish an Appeal Committee comprising three members. This committee will meet to hear any appeal against the decision to permanently suspend or dismiss a student.

## **12 DELEGATION**

- 12.1 The Governors may delegate their functions under these Articles to a committee established under section 4 (committees), or to two or more Governors, or to the Principal.
- 12.2 In any case where urgent action is required in a matter, which would otherwise have fallen to the Governors or their Chair to determine, the Principal shall take such action as he or she judges appropriate. He/she shall report that action at the earliest opportunity to the Chair of Governors.

## **13 CONSULTATION**

- 13.1 The Governors or the Principal or both may at any time seek advice from the Senior Officer with responsibility for Adult Learning on any matter relating to the College.
- 13.2 The Senior Officer with responsibility for Adult Learning may at any time offer advice to the Governing Body or the Principal or both on any matter relating to the College.

## **14 ACCESS TO PREMISES**

- 14.1 The Senior Officer with responsibility for Adult Learning shall at any time have access to the premises of the College.
- 14.2 Before any report is made to any committee of Council or to the Director's team, which would affect use by the College of its main site at Sutton centre, Wallington Town Hall centre, or the accommodation at North Cheam, the Governors will be consulted at the earliest possible stage and invited to submit any representations for inclusion in that report as to the effect of any changes on the College programme or budget.

In any event, suitable alternative accommodation will be offered where disposal or closure is proposed.

## **15 COPIES OF ARTICLES**

- 15.1 A copy of these Articles shall be given to every Governor, and be made available on the College Intranet and website.

**16 AMENDMENT OF ARTICLES**

16.1 These Articles may be amended or replaced by order of the Authority.

**17 DATE OF ARTICLES**

17.1 These Articles shall come into operation on 12 March 2012.