

Subject:
**GOVERNING BODIES OF
COLLEGES OF FURTHER
EDUCATION: TEMPORARY
ARRANGEMENTS FOR FILLING
GOVERNOR VACANCIES**

**Circular
Number:
FE 04/06**

Date of Issue:
5 June 2006

Target Audience:
Chairs of governing bodies
Secretaries of governing bodies

**Status of
Contents:**
Guidance

Summary of Contents:
This circular sets out the process by which governor vacancies can be filled in the event that the reserve list from the 2002 appointments process has become exhausted. In these circumstances, governing bodies can nominate possible replacements for the Department's consideration where vacancies exist in the business, industrial and professional category. Previous arrangements continue for other governor categories.

Related Documents:
None

**Superseded
Documents:**
None

Expiry Date:
31 July 2007

DEL Website:
<http://www.delni.gov.uk/further-education>

Tel: 028 90 257538

Fax: 028 90 257528

E-mail:
frances.hazell@delni.gov.uk

Response:
Where the reserve list has been exhausted and a vacancy exists, governing bodies can nominate a replacement.
Governing body secretaries should contact DEL in the event of any vacancy arising.

Enquiries:
Any enquiries about the contents of this circular should be addressed to:
Frances Hazell
Further Education Corporate Governance and Accountability Branch
Department for Employment and Learning
Adelaide House
39 – 49 Adelaide Street
BELFAST
BT2 8FD

Background

1. Angela Smith, Minister with responsibility for employment and learning, announced the new size and structure of the further education sector in September 2005: the sixteen existing colleges would merge to form six area-based colleges from 1 August 2007 at the latest. Because the tenure of the sixteen existing governing bodies would have expired on 31 March 2006, and because the six new governing bodies would not be appointed before January 2007, it was necessary to extend the lifetime of the existing bodies until the date of the merger by means of an amendment to each governing body's instrument of government. A corollary of this has been that the reserve lists from the 2002 governor appointment exercise, which had been used to replace governors who resigned before the end of their tenure, have tended to become, increasingly, exhausted.
2. The instrument of government of each governing body sets out the methods by which governing body vacancies are filled and this varies according to the category of membership. The current circular concerns only those members who are, or have been, engaged or employed in business, industry or any profession (sub-paragraph 2(1)(a) of Schedule 3 to The Further Education (Northern Ireland) Order 1997 refers). When vacancies in this category arise, the governing body contacts the Department to arrange for a replacement to be appointed from the reserve list. Different arrangements are in place for other categories of governor (sub-paragraphs 2(1)(b) to (f) of the same schedule).
3. In order to ensure that the governing bodies continue to function as effectively as possible, governing bodies can now, where a vacancy exists and no candidates remain on the reserve list, nominate a candidate to the Department to fill the vacancy. The instrument of government allows for this course of action. The nomination should be made on the basis of merit and

account taken of any particular skills or knowledge that the nominee may bring to the governing body, particularly skills or knowledge which may have been lost through the departure of previous governors. The nomination should be accompanied by a supporting statement which justifies the governing body's decision and demonstrates how the nominee meets the statutory requirements of the position: that they are, or have been, engaged or employed in business, industry or any profession. The Department will then consider appointing the nominee as a replacement. It should be noted that normal procedures with regard to checking under The Protection of Children and Vulnerable Adults Order 2003 will apply.

4. Where a college still has candidates on a reserve list, those people will be considered first and no nomination should be made. Only when the reserve list is exhausted should the procedure at paragraph 3, above, be employed. The other categories of governor will continue to be appointed in the same way as before.
5. The procedures set out in this circular only apply until 1 August 2007 or the merger date for each college grouping, whichever comes first.

Action

6. The Department will contact governing body chairs where vacancies exist to discuss appointing a replacement. Where reserve lists are exhausted, the governing body can nominate in writing a replacement for the Department's consideration. Secretaries should ensure that all vacancies have been notified to the Department.