STATUTORY INSTRUMENTS

2000 No. 2173

EDUCATION, ENGLAND

The Wiltshire College (Government) Regulations 2000

Made - - - -	*8th August 2000*
Laid before Parliament	*10th August 2000*
Coming into force	*1st September 2000*

In exercise of the powers conferred on the Secretary of State by sections 20(2), 21(1) and (2) and 89(4) of, and Schedule 4 to, the Further and Higher Education Act 1992**(a)**, the Secretary of State for Education and Employment hereby makes the following Regulations:

Citation and Commencement

1. These Regulations may be cited as the Wiltshire College (Government) Regulations 2000, and shall come into force on 1st September 2000.

Application

2. It is hereby prescribed that the instrument of government and articles of government of the further education corporation to be established under the name of "Wiltshire College" shall be set out in Schedules 1 and 2 to these Regulations respectively.

Jacqui Smith
Parliamentary Under Secretary of State,
Department for Education and Employment

8th August 2000

(a) 1992 c. 13; *see* section 61(1) for the meaning of "regulations".

SCHEDULE 1 Regulation 2

INSTRUMENT OF GOVERNMENT

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Interpretation

1. In this Instrument of Government—

(a) "the Corporation" means the further education corporation known as "Wiltshire College",

"this Instrument" means this Instrument of Government,

"the Secretary of State" means the Secretary of State for Education and Employment;

(b) "business member", "co-opted member", "staff member" and "student member" have the meanings ascribed to them in clause 2;

(c) references, in relation to the Corporation, to the institution are references to the institution which the Corporation is established to conduct and to any institution for the time being conducted by the Corporation in exercise of its powers under the Further and Higher Education Act 1992;

(d) references, in relation to the Corporation, to a variable category are references to any category of members, the determined number of which is subject to variation in accordance with clauses 2 to 4;

(e) unless the context requires otherwise, a reference to—

(i) a numbered clause refers to the clause so numbered in this Instrument, and

(ii) a numbered paragraph refers to the paragraph so numbered in the same clause in which the reference appears;

(f) Unless the context requires otherwise, words importing one gender include the other gender; and words in the singular include the plural, and vice versa.

(g) the headings are included for convenience only, and shall not affect the construction of this Instrument.

Composition of the Corporation

2.—(1) The Corporation shall consist of—

(a) not more than 7 members who are, or have been, engaged or employed in business, industry or any profession, or in any other field of employment relevant to the activities of the institution (to be know as "business members");

(b) not more than two members nominated by the Further Education Funding Council for England;

(c) not more than 3 members (to be known as "co-opted members") co-opted by the members of the Corporation who are not co-opted members;

(d) at least one and not more than 3 members who are members of staff of the institution elected and nominated as specified in paragraph (4) (to be known as "staff members");

(e) at least one and not more than 3 members who are students at the institution elected and nominated by such students or (as the Corporation may determine) by a recognised association representing such students (to be known as "student members");

(f) not more than 2 members who are parents of students under the age of 19 years attending the institution, elected and nominated by other such parents or (as the Corporation may determine) by a recognised association representing such parents (to be known as ("parent members");

(g) at least one and not more than 3 members nominated by such local authorities as the Corporation may nominate;

(h) at least one and not more than 3 members nominated by a body or bodies within the local community nominated by other members of the Corporation;

(i) the Principal of the institution (unless he chooses not to be a member).

(2) For the purpose of this Instrument, a person who is not for the time being enrolled as a student at the institution shall be treated as such a student during any period when he has been granted leave of absence from the institution for the purposes of study or travel or for carrying out the duties of any office held by him in any students' union at the institution.

(3) It shall be for the appointing authority as defined in clause 3 or (as the case may be) 5 to determine any question as to whether any person is qualified in accordance with the preceding provisions of this clause for appointment as a member of the Corporation of any description or category.

(4) Every staff member shall be elected and nominated by the staff of the institution, save that where paragraph (5) applies—

(a) one may be a member of the academic staff elected and nominated only by the academic staff, and

(b) the other or (as the case may be) one other may be a member of the staff other than the academic staff elected and nominated only by the staff other than the academic staff.

(5) This paragraph applies where the Corporation determines—

(a) (pursuant to clause 4(2)) that there are to be 2 or 3 staff members, and

(b) that both or (as the case may be) 2 of those members are to be elected and nominated as specified in paragraph (4)(a) and (b).

Initial Appointments

3.—(1) The Secretary of State is the appointing authority for the purpose of this Instrument in relation to the appointment of the first members of the Corporation.

(2) In determining the number of members to appoint within each variable category he shall secure that the number of business members of the Corporation as first constituted shall be equal to one third of the total number of members rounded up to the nearest whole number.

Determination of Membership Numbers

4.—(1) At its first meeting the Corporation shall make a determination with respect to its membership numbers, which shall be not less than 12 but not more than 20.

(2) Such a determination shall fix the numbers of members of each variable category of which the Corporation is to consist, subject to the limit which applies to each category set out in clause 2.

(3) In making such a determination, the Corporation shall secure that the number of business members of the Corporation, when constituted in accordance with that determination, shall be equal to one third of the total number of members rounded up to the nearest whole number.

(4) Such a determination shall not have effect so as to terminate the appointment of any person who is already a member of the Corporation at the time when it takes effect.

(5) Such a determination may be varied by a subsequent determination, to which paragraphs (1) to (4) shall apply.

Subsequent Appointments

5.—(1) Subject to paragraph (4) the Corporation is the appointing authority in relation to the appointment of any member of the Corporation at any time after the appointment by the Secretary of State of the first members.

(2) The Corporation may not make any such appointment before it has made the first determination under clause 4.

(3) Any appointment made pursuant to a nomination under clause 2(1)(b) shall take effect notwithstanding anything in clause 4.

(4) If the number of members falls below the number needed for a quorum, the Secretary of State is the appointing authority in relation to the appointment of such number of members as is required for a quorum.

Appointment of Chairman and Vice-Chairman

6.—(1) At the first meeting of the Corporation, the members shall appoint a Chairman and a Vice-Chairman from among their number.

(2) Neither the Principal nor the Vice-Principal nor any staff or student member shall be eligible to be appointed Chairman or Vice-Chairman.

(3) The Chairman and Vice-Chairman shall hold office for such a period as the Corporation may determine.

(4) If both the Chairman and the Vice-Chairman are absent from any meeting of the Corporation, the members present shall choose one of their number to act as chairman for that meeting, provided that the member chosen shall not be the Principal or a staff or student member.

(5) The Chairman or Vice-Chairman may resign his office at any time by giving notice in writing to the Clerk of the Corporation.

(6) At the first meeting following the expiry of the term of office of the Chairman or the Vice-Chairman, or following the resignation of the Chairman or the Vice-Chairman, the members shall appoint a new Chairman or Vice-Chairman, as the case may be, from among their number.

(7) At the expiry of this term of office the Chairman or Vice-Chairman shall be eligible for reappointment.

Appointment of the Clerk to the Corporation

7.—(1) The Corporation shall appoint a person to serve as Clerk to the Corporation.

(2) The Clerk to the Corporation shall be entitled to attend all meetings of the Corporation (including all meetings of any committee of the Corporation) but shall withdraw from that part of any meeting at which his remuneration, conditions of service, conduct, suspension, dismissal or retirement are to be considered, in which case the members of the Corporation shall appoint from their number a person to act as Clerk to the Corporation for the duration of such a meeting or part of a meeting.

Persons Ineligible to be Members

8.—(1) Any person who is under the age of 18 years shall be ineligible for appointment as a member except as a student member.

(2) Subject to paragraph (3), no person who has attained the age of 70 years shall be eligible for appointment as a member of the Corporation.

(3) A person over the age of 70 shall not by virtue of paragraph (2) be disqualified for appointment as a member of the Corporation where—

(a) the appointing authority in relation to the appointment is the Secretary of State; or

(b) the appointing authority in relation to the appointment is the Corporation and the members determine to make the appointment by a vote representing an absolute majority of all the members of the Corporation (whether or not taking part in the vote).

(4) A person who is a member of staff of the institution shall be ineligible for appointment as a member except as a staff member or in his capacity as Principal.

(5) A student at the institution shall be ineligible to be appointed as a member except as a student member. A person who is already a member other than a student member shall not be required to resign if during his term of office he enrols on a part-time course at the institution, but if he enrols on a full-time course at the institution he shall cease to be a member of the Corporation and thereupon his office shall become vacant.

(6) The Clerk to the Corporation shall be ineligible to be a member.

(7) Subject to paragraphs (8) and (9), a person shall be disqualified from holding, or from continuing to hold, office as a member if that person has been adjudged bankrupt or has made a composition or arrangement with his creditors.

(8) Where a person is disqualified by reason of his having been adjudged bankrupt, that disqualification shall cease—

(a) unless the bankruptcy order made against that person is previously annulled, on his discharge from bankruptcy; and

(b) if the bankruptcy order is so annulled, on the date of the annulment.

(9) Where a person is disqualified by reason of his having made a composition or arrangement with his creditors and he pays his debts in full, the disqualification shall cease on the date on which the payment is completed and in any other case it shall cease of the expiration of 3 years from the date on which the terms of the deed of composition or arrangement are fulfilled.

(10) A person shall be disqualified from holding, or from continuing to hold, office as a member if, within 5 years before his appointment would otherwise have taken effect, or since his appointment, he has been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than 3 months without the option of a fine.

(11) Upon a member of the Corporation becoming disqualified from continuing to hold office by virtue of paragraph (7) or (10), he shall forthwith give notice of the fact to the Clerk to the Corporation.

Term of Office

9.—(1) A member of the Corporation shall hold and vacate office in accordance with the terms of his appointment, but the length of his term of office shall not exceed 4 years.

(2) Members retiring at the end of their term of office shall be eligible for reappointment, and clause 5 shall apply to the reappointment of a member as it does to the appointment of a member's successor.

Determination of Membership

10.—(1) A member may resign his office at any time by giving notice in writing to the Clerk to the Corporation.

(2) If at any time the Corporation is satisfied that any member—

(a) has been absent from meetings of the Corporation for a period longer than 6 consecutive months without the permission of the Corporation; or

(b) is unable or unfit to discharge the functions of a member,

the Corporation may by notice in writing to that member remove him from office and thereupon the office shall become vacant.

(3) Any person who is a member of the Corporation by virtue of being—

(a) a member of the staff (including the Principal) of the institution, or

(b) a student of the institution,

shall cease to hold office if he ceases to be a member of the staff or (as the case may be) a student of the institution; and thereupon the office shall become vacant.

Members not to be financially interested in the Institution

11.—(1) Except with the approval in writing of the Secretary of State no member shall take or hold any interest in any property held or used for the purpose of the institution.

(2) A member who has any financial interest in the supply of work or goods to or for the purposes of the institution, any contract or proposed contract concerning the institution, or any other matter relating to the institution shall—

(a) disclose to the Corporation the nature and extent of his financial interest; and

(b) if he is present at a meeting of the Corporation at which such supply, contract or other matter is to be considered, shall not take part in the consideration or vote on any question with respect to it and shall not be counted in the quorum present at the meeting in relation to a resolution on which he is not entitled to vote.

(3) The Clerk to the Corporation shall maintain a register of the financial interests of the members of the Corporation which are disclosed to the Corporation, and the register shall be made available during normal office hours at the institution to any person wishing to inspect it.

(4) This clause shall not prevent the members of the Corporation considering and voting upon proposals for the Corporation to insure the members against liabilities incurred by them arising out of their office or the Corporation obtaining such insurance and paying the premiums.

Meetings

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

(2) Subject to paragraph (3), all meetings shall be summoned by the Clerk to the Corporation, who shall, at least 7 calendar days before the date of the meeting, send to the members written notice of the meeting and a copy of the proposed agenda.

(3) However, if it is proposed to consider at any meeting the remuneration, conditions of service, conduct, suspension, dismissal or retirement of the Clerk to the Corporation, the Chairman (and not the Clerk) shall, at least 7 calendar days before the date of the meeting, send to the members a copy of the agenda item concerned together with any relevant papers.

(4) A special meeting of the Corporation may be called at any time by the Chairman or at the request in writing of any 5 members. Where the Chairman or, in his absence, the Vice-Chairman so directs on the ground that there are matters demanding urgent consideration, it shall be sufficient if the written notice convening the meeting and the proposed agenda are given within such period, being less than 7 calendar days, as he specifies.

(5) Every member of the Corporation shall act in the best interests of the Corporation and accordingly shall not be bound in speaking and voting by mandates given to him by any other body or person.

Quorum

13.—(1) Meetings of the Corporation shall be quorate if the number of members present is at least 40% of the membership numbers determined in accordance with clause 4(1).

(2) If the number of members assembled for a meeting of the Corporation does not constitute a quorum therefor, the meeting shall not be held. If in the course of a meeting of the Corporation the number of members thereof present ceases to constitute a quorum, the meeting shall be terminated forthwith.

(3) If for lack of a quorum a meeting cannot be held or, as the case may be, cannot continue, the Chairman shall, if he thinks fit, cause a special meeting to be summoned as soon as conveniently may be.

Proceedings of Meetings

14.—(1) Every question to be decided at a meeting of the Corporation shall be determined by a majority of the votes of the members present and voting on the question. Where there is an equal division of votes the chairman of the meeting shall have a second or casting vote.

(2) A member may not vote by proxy or by way of postal vote.

(3) No resolution of the members 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.

(4) Except as provided by Articles 12 and 13 of the Articles of Government (relating to appeals and representation about staff discipline and dismissal), a member of the Corporation who is a member of staff of the institution shall withdraw—

(a) from that part of any meeting of the Corporation at which his remuneration, conditions of service, promotion, conduct, suspension, dismissal or retirement are to be considered;

(b) from that part of any meeting of the Corporation at which his reappointment or the appointment of his successor is to be considered; and

(c) if so required by a resolution of the other members present, from that part of any meeting of the Corporation at which the appointment, remuneration, conditions of service, promotion, conduct, suspension, dismissal or retirement of any member of staff holding a post senior to his own are to be considered.

(5) A Principal who has chosen not to be a member of the Corporation shall still be entitled to attend and speak at all meetings of the Corporation, except that he shall withdraw in any case where he would be required to withdraw under paragraph (4) above if he were attending as a member.

(6) A student member who is under the age of 18 shall not vote on any question concerning any proposal—

(a) for the expenditure of money by the Corporation; or

(b) under which the Corporation, or any members of the Corporation, would enter into any contract, or would incur any debt or liability (whether immediate, contingent or otherwise).

(7) Except as provided by rules made under article 15(2) of the Articles of Government relating to appeals and representations by students in disciplinary cases, a student member shall withdraw from that part of any meeting of the Corporation at which his conduct, suspension or expulsion is to be considered.

(8) In any case where the Corporation is to discuss the appointment, remuneration, conditions of service, promotion, conduct, suspension, dismissal or retirement of a member or prospective member of the staff of the institution, a student member shall—

(a) take no part in the consideration or discussion of the matter in question and not vote on any question with respect to that matter; and

(b) where required to do so by any one member of the Corporation present at the meeting, withdraw from the meeting.

Minutes

15.—(1) At every meeting of the Corporation the minutes of the last meeting shall be taken as an agenda item; and, if agreed to be accurate, those minutes shall be signed as a true record.

(2) Separate minutes shall be taken of those parts of meetings from which staff or student members have withdrawn. The Clerk to the Corporation who has withdrawn from a meeting in accordance with clause 7(2) shall not be entitled to see the minute of that part of the meeting or any papers in relation thereto. A staff or student member who has withdrawn from a meeting in accordance with clause 14(4), (6) or (7) shall not be entitled to see the minutes of that part of the meeting.

Public Access to Meetings

16.—(1) Subject to clause 14(5), and to paragraph (2) below, any question whether any person who is not—

(a) a member of the Corporation; or

(b) the Clerk to the Corporation

should be allowed to attend a meeting of the Corporation shall be determined by the Corporation.

(2) An observer from the Further Education Funding Council for England shall be entitled to attend meetings of the Corporation (including meetings of any committee of the Corporation), provided that no more than two such persons shall be so entitled under this paragraph.

Publication of Minutes and Papers

17.—(1) Subject to paragraph (2), the Corporation shall ensure that a copy of—

(a) the agenda for every meeting of the Corporation,

(b) the draft minutes of every such meeting, if they have been approved by the Chairman of the meeting,

(c) the signed minutes of every such meeting, and

(d) any report, document or other paper considered at any such meeting,

shall, in each case as soon as may be, be made available during normal office hours at the institution to any person wishing to inspect them.

(2) There shall be excluded from any item required to be made available in pursuance of paragraph (1), any material relating to—

(a) a named person employed at or proposed to be employed at the institution,

(b) a named student at, or candidate for admission to, the institution, or

(c) any matter which, by reason of its nature, the Corporation is satisfied should be dealt with on a confidential basis.

Allowances to Members

18. The Corporation shall have the power to pay to the members of the Corporation such travelling, subsistence or other allowances as the Corporation may determine, but shall not without the approval in writing of the Secretary of State pay allowances which remunerate the members for their services as members.

Copies of Instrument of Government

19. A copy of this Instrument shall be given to every member, and shall be available for inspection upon request during normal office hours to every member of staff and every student.

Change of Name

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

Application of Seal

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

(a) the signature of either the Chairman or of some other member authorised either generally or specially by the Corporation to act for that purpose, and

(b) the signature of any other member.

Accounts and Audit

22.—(1) The Corporation shall—

(a) keep proper accounts and proper records in relation to the accounts; and

(b) prepare in respect of each financial year of the Corporation a statement of accounts.

(2) The statement shall—

(a) give a true and fair account of the state of the Corporation's affairs at the end of the financial year and of the Corporation's income and expenditure in the financial year; and

(b) comply with any directions given by the Further Education Funding Council for England as to the information to be contained in it, the manner in which the information is to be presented, the methods and principles according to which it is to be prepared and the time and manner of publication.

(3) The accounts (including any statement prepared under this clause) shall be audited by persons appointed in respect of each financial year by the Corporation.

(4) Such auditors shall be appointed, and other audit work conducted, in accordance with any requirements of the Further Education Funding Council for England.

(5) In this clause in relation to the Corporation—

(a) "financial year" means the first financial year and each successive period of 12 months; and

(b) "the first financial year" means the period commencing with the date on which the Corporation is established and ending with the second 31st July following that date.

Amendment of Instrument of Government

23. This Instrument may be modified or replaced in accordance with section 22 of the Further and Higher Education Act 1992.

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SCHEDULE 2 Regulation 2

ARTICLES OF GOVERNMENT

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Interpretation

1. In these Articles of Government—

(a) "the Academic Board" means the body constituted in accordance with article 4,

"the Articles" means these Articles of Government,

"the Corporation", "the Secretary of State", "staff member" and "student member" have the same meaning as in the Instrument of Government,

"senior post" means the post of Principal and such other senior posts as the Corporation may determine for the purposes of these Articles,

"the staff" means all the staff of the institution,

"the Students' Union" means any association of the generality of students formed to further the educational purposes of the institution and the interests of students as students,

"operative date" has the same meaning as in The Wiltshire College (Incorporation Order) 2000**(a)**;

(b) unless the context otherwise requires, a reference to—

(i) a numbered article refers to the article so numbered in these Articles, and

(ii) a numbered paragraph refers to the paragraph so numbered in the article in which the reference appears;

(a) S.I. 2000/2145.

(c) unless the context requires otherwise, words importing one gender include both genders, and words in the singular include the plural, and vice versa;

(d) the headings are for convenience only and shall not affect the construction of these Articles.

Conduct of Institution

2. The institution shall be conducted in accordance with the provisions of the Education Acts (as defined in section 578 of the Education Act 1996), any subsequent Education Acts, any relevant regulations, orders or directions made by the Secretary of State and subject thereto, in accordance with the provisions of the Instrument of Government, these Articles, any rules or bye-laws made under these Articles and any trust deed regulating the institution.

Responsibilities of Corporation, Principal and Academic Board

3.—(1) The Corporation shall be responsible for—

(a) the determination of the educational character and mission of the institution and for the oversight of its activities;

(b) the effective and efficient use of resources, the solvency of the institution and the Corporation and for safeguarding their assets;

(c) approving annual estimates of income and expenditure;

(d) the appointment, grading, suspension, dismissal and determination of the pay and conditions of service of the holders of senior posts and the Clerk to the Corporation;

(e) setting a framework for the pay and conditions of service of all other staff.

(2) Subject to the responsibilities of the Corporation, the Principal shall be the Chief Executive of the institution, and shall be responsible for—

(a) making proposals to the Corporation about the educational character and mission of the institution, and for implementing the decisions of the Corporation;

(b) the organisation, direction and management of the institution and leadership of the staff;

(c) the appointment, assignment, grading, appraisal, suspension, dismissal, and determination, within the framework set by the Corporation, of the pay and conditions of service of staff other than the holders of senior posts;

(d) the determination of the institution's academic activities, and the determination of its other activities;

(e) preparing annual estimates of income and expenditure for consideration and approval by the Corporation, and the management of budget and resources within the estimates approved by the Corporation;

(f) maintaining student discipline and, within the rules and procedures provided for within these Articles, suspending or expelling students on disciplinary grounds, and implementing decisions to expel students for academic reasons.

(3) Subject to—

(a) the provisions of these Articles,

(b) the overall responsibility of the Corporation, and

(c) the responsibilities of the Principal,

the Academic Board shall be responsible for advising the Principal on the standards, planning, co-ordination, development and oversight of the academic work of the institution, including arrangements for the admission, assessment and examination of students and the procedures for the expulsion of students for academic reasons.

Academic Board

4.—(1) There shall be an Academic Board of no more than 30 members, comprising the Principal (who shall be chairman) and such other members of staff and students as may from time

to time be approved by the Corporation. The Principal may nominate a deputy chairman from among the members of the Academic Board to take the chair in his place. The period of the appointment of members and the selection of election arrangements shall be subject to the approval of the Corporation.

(2) The Academic Board may establish such committees as it considers necessary for the purpose of enabling it to carry out its responsibilities provided that in each case the establishment of a committee is first approved by the Principal and the Corporation. The number of members of any such committee and the terms on which they are to hold and to vacate office shall be determined by the Academic Board, and any such committee may include persons who are not members of the Academic Board.

Delegation of Functions and Committees

5.—(1) Subject to the following provisions of this article, the Corporation may establish a committee of the Corporation for any purpose or function, other than those assigned elsewhere in these Articles to the Principal or to the Academic Board, and may delegate powers to—

(a) such a committee,

(b) the Chairman or the Corporation, or

(c) the Principal.

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

(3) The Corporation shall establish a committee, to be known as the Search Committee, to advise on the appointment of the members of the Corporation and such matters relating to membership and appointments as the Corporation may remit to them. The Corporation shall not appoint any member of the Corporation (other than the Principal) unless it has first considered the advice of the Search Committee in relation thereto. The Corporation may make rules specifying the procedures for the conduct of the Search Committee and a copy of any such rules, together with the remit of the Search Committee and its advice to the Corporation, shall be available for inspection by any member of the public during normal office hours.

(4) The Corporation shall establish a committee, to be known as the Audit Committee, to advise on matters relating to the Corporation's audit arrangement and systems of internal control. The committee shall consist of at least 3 persons and may include employees of the Corporation other than those in senior posts, and shall operate in accordance with any requirements of the Further Education Funding Council for England.

(5) Any committee established by the Corporation (other than the Special Committee referred to in article 12) may include persons who are not members of the Corporation.

(6) The Corporation shall not, however, delegate the following—

(a) the determination of the educational character and mission of the institution;

(b) the approval of the annual estimates of income and expenditure;

(c) the responsibility for ensuring the solvency of the institution and the Corporation and for safeguarding their assets;

(d) the appointment or dismissal of the Principal;

(e) the appointment or dismissal of the Clerk to the Corporation; and

(f) the modification or revocation of these Articles.

(7) The Corporation may not delegate to the Principal the power to determine an appeal in connection with the dismissal of a member of staff under article 13(3) unless the Principal has previously delegated his power under article 13(1) to dismiss a member of staff to a holder of a senior post.

(8) The Corporation shall ensure that a written statement of their policy regarding—

(a) attendance at committee meetings by persons who are not committee members, and

(b) the publication of the minutes of committee meetings,

is made available during normal office hours at the institution to any person wishing to inspect it.

(9) The Principal may delegate any of his functions to the holder of any other senior post.

Appointment and Promotion of Staff

6. Each member of staff shall serve under a contract of employment with the Corporation.

7.—(1) Upon the occurrence of a vacancy or expected vacancy in a senior post the Corporation shall—

(a) except in relation to the first appointment of a Principal following the operative date, advertise the vacancy nationally; and

(b) appoint a selection panel consisting of—

(i) (where a vacancy is for the post of Principal) at least 5 members of the Corporation including the Chairman of the Corporation and/or the Vice-Chairman, or

(ii) (where the vacancy is for any other senior post) the Principal, and at least 3 other members of the Corporation.

(2) The members of the selection panel shall—

(a) determine the arrangements for selecting the applicants for interview;

(b) interview those applicants; and

(c) where they consider it appropriate to do so, recommend to the Corporation for appointment one of the applicants they have interviewed.

(3) If the Corporation approves the recommendation of the selection panel, that person shall be appointed.

(4) If the members of the selection panel are unable to agree on a person to recommend to the Corporation, or if the Corporation does not approve their recommendation, the Corporation may require the panel to repeat the steps specified in paragraph (2)(a) to (c), with or without first re-advertising the vacancy.

(5) A member of staff may be required to act as Principal or in any other senior post in the event of a vacancy or the temporary absence of the holder of that post, and shall have all the duties and responsibilities of the Principal or holder of such other senior post (as the case may be) during the period of the vacancy or temporary absence.

8. The Principal shall have general responsibility for selecting for appointment all members of staff other than appointments to senior posts.

Conduct of Staff

9. After consultation with the staff, the Corporation shall make rules relating to the conduct of the staff.

Academic Freedom

10. In making rules under article 9, the Corporation shall have regard to the need to ensure that academic staff of the institution 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 institution.

Suspension of Staff

11.—(1) The Chairman of the Corporation or, in the absence of the Chairman, the Vice-Chairman may suspend from duty, with or without pay, the holder of a senior post for misconduct or other good or urgent cause. The Chairman or Vice-Chairman shall report such suspension in writing to the Corporation within 2 working days or as soon thereafter as is practicable.

(2) The Principal may suspend from duty, with or without pay, any member of the staff other than the holder of a senior post, for misconduct or other good and urgent cause.

(3) Anyone who is suspended from duty under paragraph (1) or (2) shall be entitled to receive from the Principal or, in the case of a holder of a senior post, from the Chairman or the Vice-

Chairman, written notification of the suspension, setting out the grounds on which the decision to suspend has been taken.

(4) Nothing in this article authorises the suspension of a person without pay where such suspension is not expressly provided for under his contract of employment.

(5) Procedures for the suspension of staff under paragraph (1) or (2) shall be specified in rules made by the Corporation after consultation with the staff. The rules shall include provision that—

(a) any person who has been under suspension for 3 weeks or more may appeal in writing to the Corporation against the suspension, save that no such right of appeal shall lie if the person is the subject of a reference to a Special Committee under article 12(1) or has been notified of a proposal to dismiss pursuant to article 13(2);

(b) any appeal made under sub-paragraph (a) above shall be considered as soon as is practicable;

(c) a suspension against which an appeal is made shall continue to operate pending the determination of the appeal.

Dismissal of Staff

12.—(1) If the Chairman, or in his absence the Vice-Chairman, or a majority of the members of the Corporation, consider that it may be appropriate for the Corporation to dismiss the holder of a senior post, then the Chairman, Vice-Chairman or Corporation as appropriate shall refer the matter to a Special Committee of the Corporation, which shall be convened as soon as is practicable to examine the case for dismissal and to make recommendations to the Corporation.

(2) The person whose dismissal is to be considered by the Special Committee shall have the right to make representations to that Committee, including oral representations, for which purpose he may be accompanied and represented by a friend.

(3) After hearing or reading any such representations, the Special Committee shall prepare a written report for consideration by the Corporation, a copy of which shall be sent to the person to whom it relates.

(4) The Corporation shall consider the recommendations of the Special Committee and take such action as it considers appropriate, which may include the dismissal of the person concerned. The person concerned shall have the right to make representations to the Corporation with regard to the recommendations of the Special Committee, including oral representations, for which purpose he may be accompanied and represented by a friend.

(5) The Special Committee shall consist of at least 3 members of the Corporation. However, the Chairman of the Corporation, the Vice-Chairman, the Principal and the staff and student members shall not be eligible for membership of the Special Committee.

(6) The Corporation shall make rules specifying procedures, including appropriate time limits relating thereto, for the conduct of the Special Committee and other aspects of the procedure set out in this article.

13.—(1) The Principal may dismiss any member of staff of the institution other than the holder of a senior post; and if the circumstances are such that he is entitled to do so by reason of the conduct of that member of staff, that dismissal may take immediate effect without any need for prior notice.

(2) Unless the circumstances are such that the dismissal takes immediate effect in accordance with paragraph (1), a member of staff, other than the holder of a senior post, shall have the right to make representations (including oral representations, for which purpose he may be accompanied by a friend) to the Principal or to any person appointed to investigate the matter and to make representations, as the Corporation may decide, before any decision to dismiss him is taken.

(3) Where a member of staff, other than the holder of a senior post, has been dismissed pursuant to paragraph (1) or a notice of dismissal has been issued, that member of staff may appeal to the Corporation against the dismissal or notice of dismissal, as the case may be. In the case of an appeal against a notice of dismissal, the dismissal shall not take effect until the appeal has been determined.

(4) After consultation with the staff, the Corporation shall make rules specifying procedures for the dismissal of staff by the Principal and for the consideration of appeals in accordance with paragraph (3), including appropriate time limits relation thereto.

Grievance Procedures

14. After consultation with the staff the Corporation shall make rules specifying procedures in accordance with which staff may seek redress of any grievances relating to their employment.

Students

15.—(1) Any Students' Union shall conduct and manage its own affairs and funds in accordance with a constitution approved by the Corporation and shall present audited accounts annually to the Corporation. No amendment to or rescission of that constitution, in part or in whole, shall be valid unless approved by the Corporation.

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

Financial Matters

16. The Corporation shall set the policy by which the tuition and other fees payable to the Corporation are determined (subject to any terms and conditions attached to grants, loans or other payments paid or made by the Further Education Funding Council for England).

Rules and Bye-Laws

17. The Corporation shall have the power to make rules and bye-laws concerning such matters with regard to the government and conduct of the institution as they shall think fit. Such rules and bye-laws shall be subject to the provisions of these Articles.

Copies of Articles of Government, Rules and Bye-Laws

18. A copy of these Articles, and of any rules and bye-laws, shall be given to every member of the Corporation and shall be available for inspection upon request during normal office hours at the institution to every member of staff and every student.

Amendment of Articles of Government

19. These Articles may be modified or replaced in accordance with section 22 of the Further and Higher Education Act 1992.

Date of Articles of Government

20. These Articles shall apply to—

(a) the Corporation, on the date of establishment; and

(b) the institution, on the operative date.

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the form of the instrument of government and articles of government for Wiltshire College.

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