STATUTORY INSTRUMENTS

2016 No. 767

EDUCATION, ENGLAND

The Ada National College for Digital Skills (Government) Regulations 2016

Made - - - -	*14th July 2016*
Laid before Parliament	*18th July 2016*
Coming into force - -	*8th August 2016*

The Secretary of State for Business, Innovation and Skills makes the following Regulations in exercise of the powers conferred by sections 20(2) and 21(1) of, and Schedule 4 to, the Further and Higher Education Act 1992(**1**).

1. These Regulations may be cited as the Ada National College for Digital Skills (Government) Regulations 2016 and come into force on 8th August 2016.

2. The instrument of government and the articles of government of the further education corporation called "Ada National College for Digital Skills" are set out in Schedules 1 and 2 to these Regulations respectively.

Anna Soubry
Minister of State for Small Business, Industry and Enterprise
Department for Business, Innovation and Skills

14th July 2016

(**1**) 1992 c.13; section 20(2) was amended by section 2(1) of the Further and Higher Education (Governance and Information) (Wales) Act 2014 anaw. 1. See section 61(1) for the definition of "regulations".

SCHEDULE 1 Regulation 2

INSTRUMENT OF GOVERNMENT

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Interpretation of the Terms Used

1. In this Instrument of Government—

(a) any reference to "the Chief Executive " shall include a person acting as Principal or Chief Executive;

(b) "the Clerk" means the Clerk to the Corporation;

(c) "the Corporation" means the further education corporation to which this Instrument applies, the Ada National College for Digital Skills;

(d) "the institution" means the institution which the Corporation is established to conduct and any institution for the time being conducted by the Corporation in exercise of its powers under the Further and Higher Education Act 1992;

(e) "this Instrument" means this Instrument of Government;

(f) "meeting" includes a meeting at which the members attending are present in more than one room, provided that by the use of audio-conferencing facilities it is possible for every person present at the meeting to communicate with each other;

(g) "necessary skills" means skills and experience, other than professional qualifications, specified by the Corporation as appropriate for members to have taking account, if appropriate, of the category of that member;

(h) "staff member" and "student member" have the meanings given to them in clause 2;

(i) "the Secretary of State" means the Secretary of State for Business, Innovation and Skills (or any successor thereto responsible for further education);

(j) "the Senior Leadership Team" includes the person acting as Chief Financial Officer, Chief Operating Officer, Dean (if appointed), and such other posts as determined by the Corporation from time to time;

(k) any reference to "staff" or "staff of the institution" shall include staff employed by the Corporation and staff employed by a subsidiary of the Corporation;

(l) "staff matters" means the remuneration, conditions of service, promotion, conduct, suspension, dismissal or retirement of staff;

(m) "the students' association" means any association of students formed to further the educational purposes of the institution and the interests of students, as students.

Composition of the Corporation

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

(a) up to fifteen members who appear to the Corporation to have the necessary skills to ensure that the Corporation carries out its functions under article 3 of the Articles of Government;

(b) the Chief Executive of the institution, unless the Chief Executive chooses not to be a member;

(c) one member who is a member of the institution's staff and who has been nominated and elected by staff of the institution in such manner as such staff approve from time to time and is approved by the Corporation as having the necessary skills to act as a member of the Corporation ("staff member"); and

(d) one member who is a student at the institution and has been nominated and elected by their fellow students, or if the Corporation so decides, by a recognised association representing such students and in any case approved by the Corporation as having the necessary skills to act as a member of the Corporation ("student member").

(2) A person who is not for the time being enrolled as a student at the institution, shall nevertheless be treated as a student during any period of authorised absence from the institution for study, travel or for carrying out the duties of any office held by that person in the institution's students' union.

(3) The first members of the Corporation shall be—

(a) Sir Rod Aldridge;

(b) Tom Ilube;

(c) Nick Wilcock;

(d) Rachel Jackson.

Determination of Membership Numbers

3.—(1) Subject to sub-clause 3(2), the number of members of the Corporation, and the number of members of each variable category shall be that decided by the Corporation at its first meeting and thereafter in accordance with sub-clause 3(2).

(2) The Corporation may at any time vary the determination referred to in sub-clause 3(1) and any subsequent determination under this sub-clause provided that—

(a) the number of members of the Corporation shall not be less than seven or more than fifteen; and

(b) the numbers of members of each variable category shall be subject to the limit which applies to that category set out in clause 2.

(3) No determination under this clause shall terminate the appointment of any person who is already a member of the Corporation at the time when the determination is made.

Appointment of the Members of the Corporation

4.—(1) The Secretary of State shall be the appointing body for the first members of the Corporation. Subject thereto and subject to sub-clause 4(2) the Corporation is the appointing authority in relation to subsequent appointments of its members.

(2) 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 those members needed for a quorum.

(3) The appointing authority may decline to appoint a member if—

(a) it is satisfied that the person has been removed from office as a member of a further education corporation in the previous ten years; or

(b) the appointment of the person would contravene any rule or bye-law made under article 16 of the Articles of Government concerning the number of terms of office which a person may serve, provided that such rules or bye-laws make the same provision for each category of members appointed by the appointing authority; or

(c) the person is ineligible to be a member of the corporation because of clause 7.

(4) Where the office of any member becomes vacant the appointing authority shall as soon as practicable take all necessary steps to appoint a new member to fill the vacancy.

Appointment of the Chair and Vice-Chair

5.—(1) The members of the Corporation shall appoint a Chair, and if the Corporation determine from time to time a Vice-Chair, from among themselves.

(2) Neither the Chief Executive nor any staff or student member shall be eligible to be appointed as Chair or Vice-Chair or to act as Chair in their absence.

(3) If both the Chair and the Vice-Chair are absent from any meeting of the Corporation, the members present shall choose someone from among themselves to act as Chair for that meeting.

(4) Within their term of office as members (see clause 8), the Chair and Vice-Chair shall hold office for such period as the Corporation decides.

(5) The Chair or Vice-Chair may resign from office at any time by giving notice in writing to the Clerk.

(6) If the Corporation is satisfied that the Chair or Vice-Chair is unfit or unable to carry out the functions of office, it may give written notice, removing the Chair or Vice Chair (as the case may be) from office and the office shall then be vacant.

(7) At the last meeting before the end of the term of office of the Chair or Vice-Chair (as the case may be), or at the first meeting following the Chair's or Vice Chair's (as the case may be) resignation or removal from office, the members shall appoint a replacement from among themselves.

(8) Unless the Corporation otherwise resolve from time to time, at the end of their respective terms of office, the Chair and Vice-Chair shall be eligible for reappointment subject to any maximum terms of office approved by the Corporation from time to time.

Appointment of the Clerk to the Corporation

6.—(1) The Corporation shall appoint a person to serve as its Clerk. The Chief Executive may not be appointed as Clerk.

(2) In the temporary absence of the Clerk, the Corporation shall appoint a person to serve as a temporary Clerk, but the Chief Executive may not be appointed as temporary Clerk.

(3) Any reference in this Instrument to the Clerk shall include a temporary Clerk appointed under sub-clause 6(2).

(4) Subject to clause 13, the Clerk shall be entitled to attend all meetings of the Corporation and any of its committees.

(5) The Clerk may also be a member of staff at the institution.

Persons who are ineligible to be Members

7.—(1) No one under the age of 18 years may be a member.

(2) The Clerk may not be a member.

(3) A person who is a member of staff of the institution may not be, or continue as, a member, except as a staff member or in the capacity of Chief Executive.

(4) Sub-clause 7(3) does not apply to a student who is employed by the Corporation in connection with the student's role as an officer of a students' association.

(5) A person shall be disqualified from holding, or from continuing to hold, office as a member, if that person has been adjudged bankrupt or is the subject of a bankruptcy restrictions order, an interim bankruptcy restrictions order or a bankruptcy restrictions undertaking within the meaning of the Insolvency Act 1986(**2**), or if that person has made a composition or arrangement with creditors, including an individual voluntary arrangement.

(6) A person shall also be disqualified from holding, or from continuing to hold, office as a member if—

(a) that person has been convicted, whether in the United Kingdom or elsewhere, of any offence (except a road traffic offence not involving death or personal injury or driving under the influence of alcohol or drugs) unless the Corporation resolve otherwise. For the purpose of this paragraph there shall be disregarded any conviction by or before a court outside the United Kingdom for an offence in respect of conduct which, if it had taken place in the United Kingdom, would not have constituted an offence under the law then or now in force anywhere in the United Kingdom; or

(b) that person is no longer eligible to be a charity trustee; or

(c) that person is certified by a registered medical practitioner as being physically or mentally incapable of discharging his duties as a member and will remain so for 3 months or more and the Corporation resolves to remove that member from office; or

(d) that person is unfit or unable to discharge his functions as a member or his conduct calls himself or the institution into disrepute and the Corporation resolves to remove that member from office; or

(e) that person without the consent of the Corporation is absent from two or more consecutive meetings of the Corporation without approval from the Corporation and the Corporation resolves to remove that member from office; or

(f) that person breaches the code of conduct applying to members of the Corporation from time to time.

(**2**) 1986.c.45 as amended by the Enterprise Act 2002 (c. 40).