

Minutes of: CORPORATION
 Date: 18th May 2023
 Time: 6:00pm
 Place: Hybrid: Training Room L3:00 and Microsoft Teams



Present: Mr S Brand
 Mr P Cook (Principal)
 Mr S Crick
 Mr I Meaton
 Ms L Miervaldis (from 6.45pm)
 Mr K Sonecha
 Mr C Todd (Acting Chair)
 Ms N Williams

In attendance: Ms J Ferguson (Vice Principal, Safeguarding and Pastoral Care)
 Mrs R Herbert (Vice Principal, Quality and Curriculum)
 Mrs P Powditch (Interim Vice Principal, Finance and Resources)
 Mrs Y Doherty (Director of Governance)

22/59 APOLOGIES

No apologies for absence were received.

22/60 DECLARATIONS OF INTEREST

There were no declarations of interest.

22/61 CHAIR/GOVERNOR APPOINTMENTS

FOR DECISION

22/62 MINUTES FROM THE PREVIOUS MEETING

The minutes of the meeting (circulated, document May 23/1) held on 23rd March 2023 were considered.

It was **RESOLVED THAT**, the minutes of the meeting held on 23rd March 2023 be approved.

22/63 MATTERS ARISING / ACTIONS FROM THE PREVIOUS MEETING

63.1 Matters/Actions Report (circulated, document May 23/2)

22/37 Governor Training

It was suggested that consideration be given to indicating that completion of the Safeguarding and Prevent training was a pre-condition prior to undertaking the role

Update: Complete

This will be included in the induction programme for new appointees.

22/50.2 External Governance Review

The scope for an informal review prior to any external review, with costings, should be considered by the Search and Governance Committee in the first instance.

Update: Continuing

Preliminary research is continuing with a view to convening a meeting of the Search & Governance Committee at the beginning of June.

It was agreed that a meeting be convened after half term and prior to the end of the academic year.

[ACTION]

22/51 Policies - Anti-Money Laundering Policy

Had consideration been given to Bitcoin?

It was agreed that this would be investigated.

Update: Complete

A statement requiring that all outstanding amounts must be settled in £GBP has been included in the Fees Policy.

Section 5, reference to 'foreign students' amend to 'international students'

This was agreed.

Update: Complete

Amendment was made to the policy.

22/52.4 Data Dashboard 2022/23: Working in Leaner Centred Structures (WILCS)

% of observed lessons where learning support is identified as Good was 69% RAG rated red, this was queried, and if it was attributable to the use of agency staff.

It was reported that although there had been a recent increase in the number of observations completed this would need to be confirmed.

Update: Complete

This figure has now increased to 80%, as per the WILCS dashboard (document 11) and is attributable, in part, to the use of agency staff.

22/54 Safeguarding and Prevent Update

Updates since the distribution of the report:

- There had been a change to the Coventry Local Authority Designated Officer (LADO), detail was provided.
- The legal age of marriage had increased to 18.

The Safeguarding Policy that was subject to annual Corporation approval would require update. It was proposed that as these were minor amends the policy be updated without the policy being presented in full.

Update: Complete

The amendments were made to the policy. It has been uploaded to the College website.

22/56.2 Learner Leadership LOOP Report

It was reported that when considering this report, the Q&S Committee had requested that for the next report detail be provided on the actions taken to ensure that the learner voice obtained as part of the LOOP survey process was obtained objectively and without staff influence.

It was suggested that this should also include additional contextualisation with regard to how the questions were asked.

Update: Complete

This context will be included in the next report.

Attendance of a student governor at meetings was raised.

It was reported that the Vice Principal Safeguarding and Pastoral Care and Director of Governance had discussed this issue. The student governor had been elected and work would now be progressed to provide the necessary support to the learner to fulfil the role. It was hoped that the learner would be in attendance at the next meeting of the Corporation in May.

Update: Continuing

A meeting had been held with the member of staff supporting the learner and it had been agreed that further work was required in order to support attendance in the early evening, and in preparation for and understanding of the role and reports that would be presented. It was hoped that attendance would be possible at the next meeting on 29th June 2023.

It was agreed that an introduction to the learner would be provided to members

[ACTION]

22/57 Any Other Business

In discussion it was highlighted that staff and students had little awareness of the who the Governors were. It was suggested and agreed that photos and pen portraits be developed for publication/display around the campus.

Update: Partially Complete

The College external facing website has been updated.

Governors were asked to consider if they would wish to 'personalise' the pen portraits for use internally e.g., hobbies/interests. Some had been received. **[ACTION]**

It was **RESOLVED THAT** update report on actions from the previous meeting be noted and received.

63.2 Chairs Action

Members considered the formal report of Chairs Action (circulated, document May 23/).

It was confirmed that this was a copy of the correspondence that had been previously issued on 24th March 2023.

No queries had been raised.

It was **RESOLVED THAT** report on Chairs Action be noted and received.

22/64 STRATEGY / POLICIES**64.1 Accountability Agreement**

The Principal presented a report on the Accountability Agreement (circulated, document May 23/4).

The purpose of the Accountability Agreement was provided from the guidance issued by the Department for Education, and included:

'The agreement allows colleges to focus on what and how they intend to deliver to support local, regional and national needs.'

It was reported that the objectives contained in the agreement were connected to the Local Skills Improvement Plan (LSIP) which had recently been published and included actions from the College Strategic Plan, QuIP, and other general strategies. It was intended to evidence to the ESFA how the College was meeting skills need.

Discussion points included:

Who it was intended for?

It was reported that this had been developed to provide for a standardised approach by the ESFA to how colleges could document their key objectives and actions intended to meet local, regional and national skills needs.

Could the content support applications for additional funding should this become available.

It was suggested that this could be a consideration when developing the next iteration of the Strategic Plan in the autumn.

It was also advocated that the document evidenced that the College was meeting of skills need without the capital investment that other colleges had been able to access. It was proposed that once the agreement had been submitted in line with the required deadline, it could potentially be utilised as a basis to begin discussion on capital investment funding. It was further suggested that the Ofsted assessment of meeting skills need could support this.

The support of SEND/supported internships was also highlighted as a factor.

It was **RESOLVED THAT**

- i. the Accountability Agreement be approved;
- ii. the Accountability Agreement be signed by the Acting Chair and Principal and submitted to the ESFA by the 31st May 2023 deadline.

64.2 Fees Policy

The Interim Vice Principal Finance and Resources presented the Fee Policy 2023/24 (circulated, document May 23/5).

The policy had been reviewed and amendments were highlighted via the tracked changes facility.

It was reported that very few learners paid fees and a number of the activities referred to in the previous version of the policy no longer take place. The policy had been re-drafted to set a framework in which fees were compliant with EFSA guidelines, delivered value for money for learners and meet the financial needs of the College.

Discussion points included:

The requirements of the residency provision – 3 years?

Residency requirement for whole of course?

Co-funded courses

Use of bursary funds

Payment for trips/materials

It was agreed that these points would be followed up by a discussion between the Interim Vice Principal Finance and Resources and Acting Chair outside of the meeting. **[ACTION]**

It was **RESOLVED THAT**, subject to any necessary amendments agreed between the Interim Vice Principal Finance and Resources and Acting Chair, the Fees Policy 2023/24 be approved.

64.3 HR Policies

The Interim Vice Principal Finance and Resources presented two HR policies (circulated, document May 23/6).

64.3.1 Recognition Agreement

This policy had been updated to reflect the AoC's updated guidance. The policy now included confirmation of what the college and unions will negotiate on and the process where a dispute arises.

Once approved it would be presented to the Unions.

Discussion points included:

Use of the Acas acronym – spell out at its first use (on page 3).

[ACTION]

It was **RESOLVED THAT**, subject to the suggested amendment relating the Acas acronym, the Recognition Agreement be approved.

64.3.2 Staff Disciplinary Procedure

The policy had been reviewed as part of normal review cycle. Additional examples of gross misconduct had been included, and additional guidance on suspension and clarity provided in regards to investigation / disciplinary hearings and the process to be undertaken. The proposed removal of text was identified via tracked changes, with new additions to the policy highlighted in yellow.

Discussion points included:

Interchangeable use of the terms 'agency worker' or 'agency employee'. It was suggested that this be one or the other. **[ACTION]**

It was **RESOLVED THAT**, subject to the suggested amendment, the Staff Disciplinary Policy be approved.

FOR INFORMATION

22/65 STANDING AGENDA ITEMS

65.1 Principal's Report

The Principal provided a summary report of developments and issues (circulated, document May 23/3).

The confidential classification of the report was noted.

See confidential minutes.

64.2 Student Numbers

The Vice Principal Quality and Curriculum presented the report on the Student Numbers (circulated, document May 23/8).

It was highlighted that the reported position was very similar to that at the same point in the previous year.

It was reported that subsequent to the distribution of the report there had been an increase in the number of places with agreed funding.

Discussion points included:

Were any issues anticipated?

It was confirmed that there was recognition that the process of application through to funded place could be challenging, but that the College was prepared.

It was **RESOLVED THAT** the Student Numbers update report be noted and received.

64.3 QuIP 2022/23

The Vice Principal Quality and Curriculum reported on updates against the Quality Improvement Plan (circulated, document May 22/4).

The following points were highlighted:

pg. 4:

training for Whitbread staff had taken place on 17th May 2023

pg. 8:

'all learners have targets recorded on the Databridge system, linked to their EHCP and are sufficiently personalised and challenging'

An additional external review concluded that targets were well embedded into lessons, in the majority of cases, across all Pathways.

pg. 13

'identify and implement strategies to support learners at risk of not achieving their qualification outcomes' - identify what would really support those learners in an exam setting

Maths Level 1 – further 10 exams taken, 2 passed, all improved scores

Maths Level 2 – 8 exams taken, 2 passed, 1 pending result, all improved scores

Reading Level 1 – 6 exams taken, 5 passed

Reading Level 2 – 1 exam taken and passed

pg. 17:

current retention of Tier 3 learners – 97% (71/73)

Includes two learners originally assessed as Tier 3 who had recently been re-categorised as Tier 2.

pg. 24:

Work experience data indicates that 77% of learners had already had encounters with employers and 62% of learners have direct experience of the workplace.

pg. 28:

'Improve the well-being of staff'

In addition to previously reported initiatives the E&D forum was planning an event to support staff well-being and events had been provided for staff in support of mental health week (w/c 15th May 2023). It was expected that these initiatives would be repeated in the summer term.

Discussion points included:

pg.13 the value of the inclusion of the data regarding those who had improved scores was raised. It was advocated that if a learner was not expected to pass the exam, then this should be anticipated and necessary action taken in order for them to meet whatever could be achieved, with this being used as an alternate means to measure progress and that progress towards achieving the qualification should be celebrated.

The possible position of learning having plateaued was raised, and if there was merit in attempting the exam for the experience, without it being recorded as a failure for data purposes.

It was reported that if a learner was entered for an externally validated exam it would have to be recorded as a failure to pass. The intention was for the internal processes to assess if a learner was ready to sit and pass the exam.

The use of mock exams was queried.

It was reported that if a learner was registered for an exam and it was anticipated that they would not pass an opportunity to re-sit was provided. If at the point of assessing the potential to pass or fail was close to the timing of the exam then the learner would be given the benefit of doubt.

It was emphasised that it was important that all decisions/actions were completed with integrity.

Improvement with a grade – would this be reflected in the learner records?

This was confirmed that improvements were celebrated.

pg.22

'Promote strategies to support positive mental health across College'

Exploration of a Suicidal First Aid course by Safeguarding Team - members would look forward to an update.

It was **RESOLVED THAT** the update against the Quality Improvement Plan (QuIP) 2022/23 be noted and received.

64.4 Data Dashboard 2022/23

The Data Dashboard was considered (circulated, document May 23/10).

The following points were highlighted:

Working in Learner Centred Structures (WILCS)

- % retention rates for learners with clinical intervention was at 97%
- % of observed lessons where learning support is identified as ' Good' had increased to 80%

Delivering Responsibilities in Partnerships (DRP)

- Staff Safeguarding training was 100%

Making the Most of College Resources (MMCR)

- Sickness absence rate – 4.21%. This usually peaked in January but there had been a further increase in March 2023
- Staff appraisal rate now at 91%. Review had identified the inclusion of probationary reports, with the data recording now to be adapted, and that compliance was better in relation to the learner facing staff.

It was **RESOLVED THAT** the Data Dashboard 2022/23 update report be noted and received.

22/65 SAFEGUARDING and PREVENT

The Vice Principal Safeguarding and Pastoral Care presented a Safeguarding Update Report (circulated, document May 23/11).

The report provided detail on a number of aspects:

- Safeguarding Overview
- Operational MDT (Multi-Disciplinary Team)
- Clinical MDT (Multi-Disciplinary Team)
- Meeting with local Police Constable
- Safeguarding Braille posters for visually impaired learners
- Safeguarding communication aids
- Safeguarding training for employers
- Safeguarding data
- External referrals
- Staff and Governor Training – 100%

Discussion points included:

It was requested that future reports provide clarity relating to if the report referred to college staff. This was agreed. **[ACTION]**

The Acting Chair invited the Vice Principal Safeguarding and Pastoral Care to report on the significance of the relationship with the Local Authority Designated Officer (LADO).

It was reported that the team worked very hard at establishing and maintaining good relationships with the LADO, not least as this provided the Local Authority with assurance regarding how the College operated in terms of safeguarding the learners.

Detail was provided as to the positivity of this in relation to the recent Ofsted inspection.

It was commented that this and the report provided a good level of assurance to Governors.

It was **RESOLVED THAT** the Safeguarding Update Report be noted and received.

22/66 FINANCE AND RESOURCES**66.1 Monthly Management Accounts**

The Interim Vice Principal Finance and Resources presented the Monthly Management Accounts for Month 8 (circulated, document May 23/12).

Detail of key issues included:

- The Financial health assessment
- The cash balance at the end of the period
- Banking covenants were forecast to be met
- Re-forecast and surplus
- Revised capital spend
- Updates against previous reporting and current risks
- Current Position

- YTD position with detail on identified key issues including:
 - Income, expenditure, underspends and inclusion of prior year figures for comparison
- Full Year data with detail on identified key issues including:
 - income and expenditure
- Risks and opportunities

It was noted that some of the detail was incorrect and that this had updated in either the issue of the P9 Monthly Management Accounts (published to the Portal 16th May 2023) or in a revised version of the P8 Monthly Management Accounts subsequent to the meeting. **[ACTION]**

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It was further confirmed that it was **not** expected that the levels of surplus would continue.

Discussion points:

The position with stakeholders in relation to achieving surpluses

It was reported that this was under review and actions had included the additional non-consolidated payment to staff. However, there was a need to recognise the impact of the existing bank covenants and the appetite to change/challenge this.

It was also confirmed that previous discourse with the Local Authority had included a recognition of the need to make to reasonable surplus in order to reinvest. The College had previously absorbed some inflationary increases and this year had rationalised the delivery of services.

The approach to the fees had been to increase like for like hours by between 1.5% – 2.00% despite the rate of inflation being in double figures.

The impact of the ONS reclassification especially on borrowing/banking

It was confirmed that there were no issues at the moment but it would need consideration against any future capital investment / borrowing.

It was highlighted that the capital spend would all be in-year for 2022/23.

Attention was brought to the fact that the surplus could also be affected disproportionately by income from other activities such as AEB and DSA.

Further points raised included the need to clear of the underlying position, that capital investment also had the potential to benefit the local society, and the need for prudence in relation to potential future pay claims.

It was **RESOLVED THAT** the Monthly Management Accounts, Month 8, be noted and received.

66.2 GDPR Spring Term Update Report

The Interim Vice Principal Finance and Resources presented a Data Protection update report (circulated, document May 23/13).

An update on progress included:

- The work of the Data Protection Group; including new supplier form, completion of DPIAs
- One reported breach; risk assessment and action taken;
- 2 Data Subject Access Requests, with detail
- Review and update of Privacy Policies
- Review and update of policies
- Archiving is a focus for this year
- Achievement Cyber Essentials Plus accreditation

Discussion points included:

Mapping of the learner journey – could the timescale for completing this be assessed before the next report.

This was agreed.

[ACTION]

It was **RESOLVED THAT** the GDPR/Data Protection update report be noted and received.

66.3 ESFA – College Financial Statements Review

The Corporation considered the correspondence received from the ESFA (circulated, document May 23/14).

Financial Health Outstanding

Discussion points included:

Cash days position was positive.

There were a decreasing number of providers assessed as having Outstanding financial health.

Concern relating to the increase in staff costs as a % of income. Could this be attributed to the need for more highly qualified staff in response to the changing learner cohort and should this be reflected in increased rates to the local authorities?

It was acknowledged that the increase in staff costs was attributable to the strategic decision to offer provision for more complex learners and the need for higher staff requirements as a result.

There was a continued awareness relating to a number of factors including surpluses, streamlining delivery, and pressures on Local Authorities. However, there was also a recognition that the position could not be maintained without considering increasing rates going forward.

It was also reported the College had received correspondence from the Local Authority in relation to fee increases.

Detail was provided with regard to the LAs approach to fee uplifts where providers had good or outstanding financial health.

It was suggested that investment be considered as part of the Strategy Event that would be scheduled for the autumn term as there was a need to generate a sustainable surplus. **[ACTION]**

It was **RESOLVED THAT** the ESFA – College Financial Statements Review correspondence be noted and received.

22/67 QUALITY and CURRICULUM

Complaints Report – Spring Term

The Vice Principal Quality and Curriculum presented a report on the Complaints Spring Term 2020/21 (circulated, document May 23/15).

The report summarised the key headline data from complaints received by the College during the Spring term 2022/23

The number of complaints received by the College during the Spring term totalled 1. This was the in line with the previous three years.

Detail was provided.

Comparative data was provided.

It was **RESOLVED THAT** the Complaints Report Spring Term 2022/23 be noted and received.

22/68 ANY OTHER BUSINESS**68.1 Further Education Commissioner Letter – Spring Term**

The Chair presented the most recent letter from the FE Commissioner (circulated, document May23/16).

It was **RESOLVED THAT** the Further Education Commissioner letter be noted and received.

FOR DECISION**68.2 External Audit Service**

It was reported that the tender for the External Audit Service had been sent directly to seven firms. The interview meeting had been attended by members of the Audit Committee along with College management staff.

There had been in depth discussion including realism/pragmatism with regard to the position of the College in the market, with the bigger audit firms no longer interested in providing a service to a college with this level of income.

Murray Smith LLP were well established in the North West and currently provided a service to a number of Sixth Form Colleges and SEN schools. They were considered to have the knowledge and understanding to provide the required service and assurance. The tender price was deemed to be competitive and would be held for three years.

The Corporation were requested to approve the appointment of Murray Smith LLP for three years, subject to annual review.

Discussion points included:

The possibility of appointment for one year with the potential to extend.

It was reported that this had been considered and discussed by the panel as part of the recommendation being made (reasons were provided).

It was **RESOLVED THAT** the Murray Smith LLP be appointed as the External Audit Service for a three-year contract, subject to annual review, with effect from 1st June 2023. **[ACTION]**

22/69 DATE OF THE NEXT MEETING

The date of next meeting was confirmed as Thursday 29th June 2023.

Signed:

Chairman

Date: