

Minutes of the Board meeting
held on 15th October 2013 at 4.30pm

Present:

Ms Louise Barry
Mr Tony Cobain
Ms Clare Crowther
Mr John Denny
Mr Peter Grieve
Councillor Nick Small
Ms Vivienne Tyler (Chair)
Mr David Wilson



External Governors

Ms Elaine Bowker

Principal

Mr John Nolan

Staff Governor – Business Support

In Attendance:

Ms Gill Banks
Mr David Brennan
Ms Angela Cox
Mr David McIntyre

Vice Principal Curriculum
Vice Principal Partnerships & Business Development
Deputy Principal
Vice Principal Finance & Corporate Resources

Ms Christine Lenderyou

Clerk to the Board

Mr Bryan Davies (for part of meeting)

HMI Ofsted Inspector

13.163 Welcome

As the inspectors carrying out the monitoring visit had indicated they wished to attend the meeting for certain items, it was agreed to alter the running order of the agenda accordingly.

13.164 Apologies

Sue Carmichael, Claire Dove, Martha Harris, Vivienne Lacey, Gerald Pillay and Ian Pollitt.
Angela Cox would be late as she was with the inspection team.

Aaron Booth had left the College and was therefore no longer eligible to be a student governor.
Neil Lazenbury had informed the Chair, Clerk and Principal that his business demands meant that he was unable to continue as a governor.

The Board were advised that Gerald Pillay had almost completed two terms of office and therefore would be standing down at the end of his term.

13.165 Declarations of Interest

Members of staff had an interest in items 14.2 - 14.5 (Human Resources policies for approval).

13.166 Minutes of the Previous Meeting

The minutes of the previous meeting held on 3rd September 2013 were agreed as a true record.

13.167 Outcome of Actions from Previous Meeting

The report was noted.

13.168 **Principal's Report**

The fifth monthly case conference had taken place the previous week; the Principal commented that the Ofsted 'support and challenge' pilot which the college was participating in had been tremendously helpful. Work Based Learning was acknowledged as needing further improvement as progress had been slow in comparison to that of Learner Responsive provision.

The College had been subject to a funding assurance audit and had received positive feedback so far.

The Board were updated on developments within the Wider Leadership Team (WLT). Unfortunately the new Director of Finance would not be taking up her appointment with the College as she had been offered a significant promotion at her own college. Malcolm Cooper Associates were providing interim support to the finance department and were assisting with recruitment as the position had been advertised twice already. Interim support was also in place around the HR Director role and interviews for the permanent appointment would take place later in the week. The WLT had recently participated in the first leadership development programme which had been generally well received. The Principal mentioned there had been some comments from staff regarding the cost of the event in the context of the College trying to reduce its expenditure, however the WLT had not previously had any money spent on their development and it was felt to be a worthwhile investment. In addition, the Executive were noted as paying for the cost of their own accommodation.

The Board had asked to be kept updated regarding the use of zero hour contracts. The Principal had recently met with the trade unions and while she understood their concerns, there was currently no viable alternative. By using its own pool of staff, the College would avoid paying agency fees. A lot of full time staff had been appointed but, like most colleges, an element of flexibility was required. The use of zero hour contracts would be kept under review and to a minimum. The Board agreed that the College needed to balance flexibility, cost and quality.

Regarding the efforts to change the culture of the College, the Principal was able to report that there were some fabulous staff who were rising to the challenge. However there was also a number of staff that were reluctant to embrace the necessary changes being made and were unhappy with the vigorous performance management process.

Councillor Small joined the meeting at this point.

There were still under-performing areas and these would need to be reviewed. The Executive team were examining ways to reward high performing staff. Hill Dickinson were being used to provide further training to managers in dealing with poor performance, capability, attendance etc as it had been recognised managers needed support to intensively performance manage. Governors asked whether it was possible to put a timescale on all instances of under-performance having been dealt with and were advised some progress had been made and the process was continuing. The capability process had been tightened with the period for improvement being reduced to 12 weeks; the Executive were able to confirm that most staff going through the process did improve. In addition, improved Continuing Professional Development (CPD) had been put in place to ensure swift improvement.

The Principal felt that relationships with trade unions were at the lowest point since she had been appointed and she had some sympathy as a lot was being asked of staff. The Principal had heard that a vote of no confidence had been passed by union members although she had no official confirmation of this [later in the meeting this was hand delivered]. One area of contention was that the trade unions wanted voluntary redundancy to be offered up front but the Executive felt that this was neither effective nor practical; in order to maintain a focus on performance and genuine transformation throughout any restructures, voluntary redundancy needed to be targeted and, furthermore, at a financial level, the College did not have the resources to be able to offer up front voluntary redundancy to those who might choose it as a 'lifestyle' choice.

Governors queried whether the challenges facing the College were common across the sector and were advised that while some were, generally other colleges had gone through these changes years earlier. The Board were aware that the Executive were addressing historical issues as well as a changing landscape across the sector.

The Principal drew the board's attention to the appendices to her report: the feedback from Ofsted; and her letter to the trade unions (which as yet had not been responded to).

Ms Cox and Mr Davies joined the meeting at this point.

13.169 Success Rates

The Deputy Principal advised governors that there was one further update and that there were some null grades to be rectified which would also make a difference. The 0.7% decrease in success rates for 19+ long qualifications was now a 0.4% decrease and expected to lessen further. All other results remained as stated in the report. There was still work to be done on recording achievement for apprenticeships, but timely completion rates would improve. The Board were advised that until the final Individual Learner Record (ILR) was completed, the figures were provisional, but they provided a good overview. The Quality Improvement Plan (QIP) would come to the next board meeting. The Self-Assessment Report (SAR) had been discussed at the recent governors' strategic planning event. There had been some changes to grades as a result of PR4 discussions. The initial basis of the grades were success rates and trend data which were then adjusted to account for teaching, learning and assessment.

In reference to the apprenticeship success rates, governors asked whether the College was making the right progress to be able to embrace national strategies. It was acknowledged that so far the improvement programme had been targeted at the bulk of provision which was Learner Responsive, however there was a strategy for improving apprenticeships, including bringing more of the provision in-house to ensure rigorous quality assurance and to enable swifter intervention. The management team were also examining whether best practice from First 4 Skills was transferable to the College and using First 4 Skills as a 'critical friend' where they performed better than the College. In the immediate term, changes would include focused curriculum leadership led by the Assistant Principal for Business Development and improved compliance. Changes already made to process would force improved practice by staff. Regarding the economic context, the College was effective at engaging with employers and apprentices had good skill levels. The College could demonstrate its record for responding to employer needs and this was endorsed by governors who were familiar with apprenticeship delivery. The Deputy Principal advised that timely completion needed to improve as although apprentices did achieve, timeliness was an issue.

As some success rates had increased but others had decreased, governors were keen to understand the success rates in relation to where the College wanted to be. The Deputy Principal used vocational qualifications as an example and explained that the target had been to improve by 3% and while this was achieved by 16-18 year olds in terms of vocational provision, Access and City 6 programmes had brought it down. Unfortunately there had been a number of issues in City 6 which had affected progress but the Deputy Principal was confident that the work put in would show in the success rates for 2013/14 as there had been a huge cultural shift and the infrastructure was now in place to bring around sustainable improvements.

The Principal commented that evidence of impact through changes would come to the board in the form of a final success rates report and the new QIP. It was suggested that areas where improvement had been made but the target had not been achieved should be shown as amber rather than green.

13.170 Post Inspection Action Plan (PIAP)

Governors were informed that the format of the PIAP would be reviewed after the monitoring visit and would be simplified following feedback from the SFA. As usual, the cover report focused on any red

rated items which included rescheduled items and items which were almost complete but needed aspects to be finalised.

Governors noted the references to ProMonitor and requested an update. The system was fully implemented with report writing and SMART target setting facilities being available. By 1st November the system would be aligned to the college structure and would give visibility to the Heads of Schools. Compass Computing had come into the college to work with the College Information System (CIS) and were impressed by the progress which had been made. For the first time ever at risk students throughout the College could be identified in one place and there was visibility on whether students were meeting their targets, enabling reports to be produced and actions taken. Governors asked if the information generated was new or was it a better way of seeing information and were advised it was a more consistent way of seeing information, improving visibility and reporting.

Governors asked when the 18 red items would become green and were reminded that the PIAP was a dynamic document and while some red items would become green, some currently amber items may become red, however all items would be green at some point through the year as the actions were completed in full.

Governors were pleased to see that tutors were using the Virtual Learning Environment (VLE) but requested assurance on how the quality of content was monitored. All members of teaching staff could add material to the VLE, but the ILT Manager would carry out audits three times a year which would systematically go through the content and result in reports being issued to Heads of Schools. Course Team Leaders and Advanced Lecturers would also continually review content throughout the year.

The Deputy Principal was pleased to report that good feedback had been received from the Observations of Teaching and Learning (OTLs) with only 3 out of 40 being deemed inadequate. In response to a question on how OTLs fed into the changing culture of the College, governors were informed that data would go to the Heads of Schools to share with staff and the College was committed to increasing celebration of good performance of individuals and teams. It was reiterated that “effective practice” corresponded to Ofsted grades 1 and 2 while “practice not effective” corresponded to Ofsted grades 3 and 4; the Deputy Principal was confident that they were matched accurately.

Governors enquired about Value Added and were informed progress was mixed. At Performance Review, each school would be given an Advanced Level Performance System (ALPS) target. If the current ALPS rating was below 5 (i.e. ALPS grade 1-4) then the target would be to improve by 1 point. If the score was 5 or higher the target would be to improve by 2 points.

The Board were pleased to hear that data collection on enrolment had improved, with almost complete capture of prior attainment for 16-18 year olds.

The Deputy Principal advised that initial data for high grades at Vocational Level 5 showed a significant improvement, but this would be confirmed at the next Board meeting. **Act: AC**

Mr Davies left the meeting at this point.

13.171 Budget Update

In the place of a formal update on the budget by way of a paper, governors had received the management accounts for month 1 (August) as there had been little movement which was natural given the time of year. [*some commercially sensitive information removed*] The Board requested that a forecast come to every meeting. **Act: DMcl**

13.172 Assurances on Finance and Budget Processes

The Board had previously requested a report which would give assurance that the College's finance and budget processes were suitably robust, given the College had faced pressures with both the previous year. The Chair of the Audit Committee had met with the external auditors and was acutely

aware that the controls in place needed to be adequately robust, although other governors noted a recent green audit report from the internal auditors on budgetary controls.

The Chair welcomed the level of detail in the report. The VPFCR had attempted to cover the key areas of financial control and was confident the right areas had been examined, confirming that Malcolm Cooper Associates had also been brought in to review the College's finances and controls in order to provide additional assurance; this report would also come to the Board. A specific issue remained regarding forecasting the year end position of the adult skills budget as the agency software required was not available yet; it was anticipated that the SFA would resolve the situation, which was affecting colleges nationally, by November.

13.173 Dashboard and Strategy

Although the dashboard and revised strategy built on discussions at the recent strategic planning event, governors agreed they needed additional time to consider the final versions and were asked to email feedback to the Vice Principal Partnerships and Business Development (VPPBD). Once feedback was received, the Clerk would issue a written resolution to all governors regarding the approval (or otherwise) of the proposed strategy.

Act: Govs/CL

The VPPBD clarified that the future direction of the College was based on a clear improvement from a rating of inadequate.

13.174 Compliance Review

The Board had previously requested a report showing which areas of the College were least compliant with processes and the actions taken to address non-compliance. Governors were surprised that seemingly basic tasks such as completing registers featured. It was explained that although there was a system in place which worked, it was over-complicated and not user-friendly. The VPPBD had been successful in revising the admissions process and had been asked to undertake a similar review of the register system, which would include codes, timetabling and process. Registers were central to the College's operation, not least because of their links to managing retention and it was essential the system operated effectively and efficiently, however some resistance was anticipated. Locking down registers to prevent retrospective marking had been effective but not well received by staff.

Governors were pleased to see the report included a strategy to deal with compliance issues around Work Based Learning as this had previously been raised. It was noted that progress had already been made on this front.

It was noted that non-compliance was more common in certain areas of the College and that intensive support would be provided to these managers around performance management in order to effect step change around compliance.

13.175 Risk Register 2013/14 and Annual Review of Risk Management

At its September meeting the Audit Committee had considered and recommended approval of the Risk Management Plan. The overall risk appetite was "cautious" but two specific areas were "open":

- 12/02 – The impact of the Ofsted grade 4 will be to constrain growth and may lead to decreases in College activity and turnover. To offset this, the College must continue to invest in the strengthening of its brand and pursuing new commercial opportunities, whilst also ensuring successful delivery of existing programmes.
- 12/11 – The financial position of the College will necessitate that decisions will have to be taken that may have a short/medium impact on its delivery and which may prove unpopular, impacting negatively upon the College's reputation.

The Board approved the Risk Management Strategy for 2013/14.

13.176 Internal Audit Strategy 2013/14

At its September meeting the Audit Committee had considered and recommended approval of the Internal Audit Strategy. The proposed 2013-14 plan formed part of a three year strategy. The Board

noted that the annual plan had fewer audits than in previous years, but they would be more penetrative and focused on areas where assurance was needed.

The Board approved the Internal Audit Strategy for 2013/14.

13.177 Health and Safety Policy

This item was deferred to enable further work to be undertaken.

**13.178 Disciplinary Policy and Procedures
Grievance Policy and Procedure
Redundancy Policy
Redeployment Policy and Procedure**

Consultation on the policies was not due to end until 27th October, however it was felt it would be useful to have the Board's view during the consultation process. Governors were asked to comment on the policies with final approval being delegated to the Chair and Ms Lacey on the basis that the consultation did not result in major changes to the policies.

The Staff Governor for Business Support had previously raised some concerns directly with the Principal, in particular that some wording could be open to interpretation, i.e. "minor work errors" in the Disciplinary Policy. It was accepted that some terms were quite vague and while the Board appreciated that it was not feasible to include every specific scenario that could occur, it was suggested the wording be examined to see if it could be tightened up.

Governors asked whether all amendments were legal and were told that employment law specialists, through use of the College's retainer with Hill Dickinson, had reviewed them. Governors were also assured that the policies were in line with those of other colleges, with the terms and conditions of employment also comparing favourably.

The change in timescales from 10 days to 5 days for notification and appeal was noted as being significant. Governors were not clear whether this represented working days or calendar days and wanted to understand the rationale for change. The Executive were clear that this had a twin imperative – a desire to reduce any anxieties caused to staff through a drawn out process and the need to enable significant improvements in delivery within a short space of time.

There was some debate about the removal of a friend being able to accompany a member of staff to disciplinary hearings. Some Board members felt this was a sensible move, although others felt it should be permitted in certain circumstances, with the friend possibly being named in advance.

Governors noted that warnings would remain indefinitely on file and requested clarity on the implications of this. As references generally requested information on "live" warnings, lapsed warnings would not usually be disclosed. However, in the case of tribunals, it was appropriate for the College to be able to respond to claims an individual had an "unblemished record".

The Board were asked to email further feedback to the Principal with final approval being delegated to the Chair and Ms Lacey. The Board requested that they receive a summary of any changes as a result of the consultation and a copy of the final policies.

Act: VT/VL/All govs

13.179 Safeguarding Policy

The Board was required to review the Safeguarding Policy on an annual basis. The changes in the policy largely reflected changes in the law, particularly around vetting and barring. The Safeguarding Policy for 2013/14 was approved.

13.180 Revisions to Instrument and Articles of Government

Under the Education Act 2011, Boards were given the freedom to amend their Instrument and Articles of Government subject to the new Schedule 4 which came into force on 1st April 2012. The Search and Governance Committee and the Clerk had suggested a number of changes and had sought legal advice from Eversheds LLP. Most changes were made with the intention of streamlining the Instrument and Articles, so areas covered by College policies or the Policy Governance Manual were removed. The revised Instrument and Articles was designed to be a better reflection of how the Board and College actually operated. The role of the Clerk was no longer treated in the same way as the senior post-holders. Other key changes were the introduction of written resolutions and the redefinition of quorum. The revised Instrument and Articles of Government was approved.

13.181 Safe College Report

The annual report on safeguarding was noted by the Board.

13.182 Committee Minutes

The draft minutes of the Audit Committee's 12th September meeting were noted.

13.183 Confidentiality of Items

Auditor fees in Item 13 should remain confidential.

13.184 Any Other Business

13.184.1 During the meeting, union representatives hand delivered confirmation of a vote of no confidence in the Executive and Chair of Governors. Copies were circulated to each governor.

13.184.2 Along with their Board papers, governors had received a submission on behalf of the Pastoral Support area. Governors noted the submission but were in agreement that the review of Pastoral Support was a management function.

13.185 Date of Next Meeting

The next meeting would take place on 3rd December 2013 at 4.30pm

All staff with the exception of Ms Bowker, Mr McIntyre and Ms Lenderyou left the meeting at this point.

186-189 Confidential Minutes held by Clerk.

Meeting Closed at 7.55pm