

Minutes of the Board meeting
held on 3rd December 2013 at 4.30pm

Present:

Ms Louise Barry
Ms Sue Carmichael
Dr Martin Carey
Ms Clare Crowther
Mr John Denny
Mr Peter Grieve
Ms Vivienne Lacey
Mr Ian Pollitt
Councillor Nick Small
Dr Peter Tavernor
Ms Vivienne Tyler (Chair)
Mr David Wilson

Ms Elaine Bowker Principal

In Attendance:

Ms Gill Banks Vice Principal Curriculum
Mr David Brennan Vice Principal Partnerships and Business Development
Ms Angela Cox Deputy Principal
Mr David McIntyre Vice Principal Finance and Corporate Resources

Ms Christine Lenderyou Clerk to the Board

Dr David Collins FE Commissioner
Mr David Williams Adviser to the FE Commissioner

13.195 Welcome

The Chair welcomed everybody to the meeting.

13.196 Apologies

Apologies were received from Mr John Nolan. Mr Ian Pollitt had sent apologies for late arrival. The Board were informed of resignations from Mr Tony Cobain and Ms Claire Dove. Professor Gerald Pillay and Ms Martha Harris had completed their terms of office and would not be attending the meeting to enable the timely appointment of their successors

13.197 Declarations of Interest

Mr Denny had an interest in item 4 – Appointment of governors.
Ms Bowker, Cllr Small, Ms Tyler and Mr Wilson all declared an interest in item 15 as named directors within the Financial Statements.

13.198 Appointment of Governors to the Board and Committees

Ms Gemma Charters and Mr Charles King were appointed as staff governor (teaching) and student governor respectively. The Board considered the recommendations from the Search and Governance Committee regarding external governors and approved the appointment of Dr Martin Carey and Dr Peter Tavernor. All appointments were made for a period of four years, although the staff and student governor terms would end if the governor left the College during their term.

Mr John Denny had expressed an interest in joining the Audit Committee. Both the Search and Governance Committee and the Audit Committee felt Mr Denny's experience would strengthen the Committee. The Board approved his appointment.

Dr Tavernor and Dr Carey joined the meeting at this point and introductions were made.

Mr Pollitt joined the meeting at this point

Minutes 13.199-13.202 are confidential and held separately by the Clerk.

13.203 Minutes of Previous Meetings held on 15th October 2013 and 7th November 2013

The minutes were approved as a true record.

13.204 Outcome of Actions Arising from Previous Meetings

All actions were noted as being either complete or in progress. The HR policies which had been considered at the 15th October 2013 Board meeting had been approved via authority delegated to the Chair and Ms Lacey.

The Board agreed to take item 15 next while the rest of the Executive team were asked to join the meeting. Ms Banks, Mr Brennan and Ms Cox all joined the meeting during this item.

13.205 Financial Statements 2012/13 and Letters of Representation including update on current financial position

The VPFCR highlighted that the statement of corporate governance within the Financial Statements would need slight amendments to reflect recent changes in Board membership. Although there were some changes to the management letters, new letters would not be issued. The Board's attention was drawn to fact that most of the outstanding actions had since been completed. Part of minute removed as related to third party

The Chair of the Finance, Estates and General Purposes Committee (FEGP) mentioned that when the Financial Statements and accompanying budget information had been presented to the Committee, members had been encouraged by the Malcolm Cooper Associates (MCA) report and felt this validated the work which had been undertaken by the Executive team.

The VPFCR highlighted two elements in the College's letter of representation: confirmation that the College intended to proceed with the remodelling of Clarence Street and the Malcolm Cooper Associates/Deloittes review of the College's transformation programme.

Subject to the amendments outlined, the Financial Statements were approved and the letter of representation was approved.

Governors discussed the month three management accounts and were pleased to note that the budget was on track although cash flow in March 2014 remained an area requiring particularly close monitoring. The Principal referenced the ongoing staff utilisation exercise, emphasising the impact of controlling the use of part time staff and class sizes had on the budget. Very aspirational targets had been provided to Heads of Schools. The Board noted that this was the first time costs had been so visible which would enable effective management.

[part of minute removed due to commercial sensitivity]

...The Principal explained that although reliance on agency funding had reduced, the College's immediate priorities must be to deliver the provision it had already committed to, as well as continuing the transformation programme and ensuring a positive outcome from the Ofsted re-inspection.

13.206 Revised Post Inspection Action Plan (PIAP)

The Board welcomed the refined PIAP. The “use of” measure for the Virtual Learning Environment (VLE) was queried as governors felt the quality should also be a factor. The Deputy Principal acknowledged that this could be included as the VLE was audited in each curriculum area, however she was mindful that the monthly case conferences required sharp KPIs.

The Deputy Principal highlighted that there were currently two red rated areas of the plan with actions having been identified to address them.

Currently, 81% of Teaching and Learning Observations were classed as effective.

The revised Post Inspection Action Plan was noted.

13.207 Quality Strategy

There were few changes with the main changes regarding context. The Board were pleased to hear that the newly appointed Teaching and Learning Manager, Jo Dooley, had settled in very well.

The revised quality strategy was approved.

13.208 College Self-Assessment Report (SAR) 2012/13 (incorporating Quality Improvement Plan (QIP) and final results for 2012/13)

The Deputy Principal clarified that on page 19, the 2011/12 figures were in brackets and also that on page 9, the progress to date needed to be changed by 0.1%. Some content and language would need to be standardised, but the focus was on the development plans for 2013/14.

[Part of minute removed due to commercial sensitivity]

Governors remarked that areas of the SAR were extremely honest and were advised by the Deputy Principal that all sections were owned by the areas represented and the SAR had been a truly reflective document. Governors were reminded however that the SAR was a review of the previous year and many of the issues identified had since been resolved.

The SAR was approved.

Governors discussed the QIP, noting its links to the PIAP. The QIP was approved.

13.209 Principal's Report

Governors had previously had sight of the draft report from the Ofsted monitoring visit and a copy of the published report was included for information. The Principal emphasised that City 6 was much improved and a positive impact on results was anticipated.

The outcome of the Funding Assurance Review had already been communicated to members of the Audit and Finance, Estates & General Purpose Committees but the Principal drew other governors' attention to it. The adjustments of c£1,500 against a turnover of £48m were exceptionally low, as stated by the Internal Audit Service. Governors suggested this validated the CIS project.

Bill Harrop had been appointed as the HR Director. The Leadership Development Programme was ongoing. Performance Review 1 was underway. Two schools had been rated red with the Principal and Deputy Principal each taking the role of executive lead in one of the schools, working alongside the Head of Schools. Walk-throughs with Course Team Leaders had taken place and a number of actions had been identified. The theme of support and challenge continued.

The Principal had held a series of briefings across the College and the accompanying presentations were included for governors' information. The executive team remained committed

to driving through a cultural change and the majority of staff were on board, although there was some resistance. The Principal had met with the Trade Unions and discussed the vote of no-confidence which had been delivered to the previous Board meeting. The main areas of contention were redundancies and zero hour contracts. While the Principal had sympathy with these concerns, the need for the College to change was paramount. The Board were reminded that the College now used a relatively small number of bank staff as a number of permanent appointments had been made. The teaching union, UCU, had raised concerns regarding the administrative burden on staff and it was acknowledged that they were being asked to do more than previously but there remained some administrative requirements. The VPPBD had been tasked with exploring this further with a Business Improvement Group in order to identify issues and examine what could be reduced or improved. The VPPBD was able to give a couple of examples of where processes had already been identified for improvement such as bank staff having immediate access to registers when covering sick leave and the potential for online enrolment of certain types of student.

Governors highlighted that due to the timing of the presentation of the vote of no-confidence they had been unable to respond to it appropriately during the last Board meeting, although governors had felt the vote of no confidence was a consequence of increased challenge. The Chair had been made aware that the unions had expected a response. The Board were happy to confirm that they had complete confidence in the management and direction of the College.

13.210 Performance Dashboard

It was clarified that darker brown representation on the Value Added chart related to the percentage of students ahead of progress targets. The Principal commented that this kind of information had not been readily available during the Ofsted inspection. As there would be few success rates received before the Ofsted re-inspection, having access to information clearly showing progress was critical.

The VPPBD explained that as the funding software was still unavailable, a different source of information had been used for the statistic relating to the estimated retention post 42 days.

Governors noted that progress against the Mayoral targets in the growth section was good and suggested there may be scope to renegotiate with the Mayor's office. In response to a query the VPPBD advised that sector benchmarks were applied where applicable.

The retention figures were above target and governors stated that this indicated the strategies were working and showed strong outcomes which could be clearly demonstrated.

The Student Satisfaction Survey was encouraging with increases in satisfaction in every area and 6 out of 8 areas being above the national average. The two areas below the national average were the (lack of) Students' Union and resources. An affiliated Students' Union had been in place from the start of 2013/14. The Principal cautioned that while the results placed the College in the top quartile of responses, there should be no complacency as FE students frequently underestimated the quality of provision and resources to which they should be entitled.

13.211 Narrowing the Gap

Governors queried the difference in success rates for BME students on different types of programme but acknowledged that further work would be undertaken to thoroughly understand why that had happened. There was a perceived inconsistency in the number of students with disabilities decreasing while the overall number of students enrolled had increased which would also be examined further.

13.212 Risk Management

Governors' attention was drawn to the Ofsted re-inspection replacing the Ofsted monitoring visit (13/03). Equality and any achievement gaps would be looked at together (12/08). Governors agreed that the College's financial position (12/11) was a key risk as to improve the College would need to invest money in critical areas across the College which underlined the necessity to deliver a surplus.

13.213 Annual Report of the Audit Committee

Before presenting the report in her capacity as Acting Chair of Audit Committee, Ms Carmichael wished to pay tribute to Mr Cobain's leadership and expertise which the Committee had valued over a number of years. On behalf of the Board, grateful thanks for Mr Cobain's commitment and dedication were expressed along with good wishes.

The report highlighted that it had been a challenging year for the College but there were many positive aspects to reflect upon. Ms Lacey had joined the Committee and her insight was welcomed. Progress was evident, particularly when considering the outcome of the Funding Assurance Review. The auditors had been directed to examine high risk areas with constructive action being taken as a result. Mr Denny would be joining the Committee and it would be strengthened further

13.214 Staff Pay Award

[Minute removed due to commercial sensitivity]

Councillor Small left the meeting at this point.

13.215 Health and Safety Policy

The proposed Health and Safety Policy had previously been submitted to the FEGP Committee for consideration. The Chair of the FEGP Committee referred to the processes underpinning the policy and reminded governors that they needed to be confident the statutory obligations were being carried out. The FEGP Committee had raised the point that preventative measures should be taken where possible and had requested that a letter outlining responsibilities be sent to all duty managers. Governors strongly conveyed their feelings that Health and Safety matters should be given due prominence. While the FEGP Committee received detailed quarterly reports, the Board requested an annual report be presented. **Act: DMcl**

13.216 Single Equality Strategy

Governors remarked on the high quality of the document. The Single Equality Strategy was approved.

13.217 Appointment of Board Representative to attend Liverpool Business Services' AGM

Mr Pollitt was appointed to represent the Board at the AGM of Liverpool Business Services which would directly follow the Board meeting.

13.218 Policy Governance Manual

Governors had received a summary of the main changes to the Policy Governance Manual. The revision of the Instrument and Articles of Government had resulted in a number of items being removed and added to the Policy Governance manual. There were also amendments to the process of dealing with breaches of the governors' code of conduct and references to the newly created position of President of the Students' Union.

The revised Policy Governance Manual was approved.

13.219 Committee Minutes

The minutes of the 12th September Search and Governance Committee and the 14th November Audit Committee meetings were noted. Minutes from the 21st November FEGP Committee meeting would follow.

13.220 Confidentiality of Items

Items taken under confidential section of the agenda.
Commercially sensitive elements.

Senior Post Holders left the meeting at this point.

13.221 *Minute 13.221 is confidential and held separately by the Clerk.*

13.222 Any Other Business

The Chair informed the Board that she would be resigning as Chair with effect from that day and would be resigning as a governor entirely by Christmas. The Chair thanked the Board for their support and said she had found the role of the Chair to be challenging, exciting and rewarding, particularly given the College's huge importance to the city region. The Chair felt she could resign knowing the right team were in place to take the College forwards, declaring that it was a brilliant place and can be even better which was the Board's key ambition.

The Board wished to record its thanks for Ms Tyler's support over the years and it was remarked that there had been stunning changes through the College during Ms Tyler's time as Chair. Ms Tyler was described as "formidable" and "awesome" and her willingness to drive through changes was noted, particularly in respect of the appointment of the current Executive team who would continue to take the College forward. Ms Tyler was thanked for her commitment on behalf of the whole Board.

Nominations had been sought for the role of Chair and Vice Chair. Mr Peter Grieve's nomination for Chair had been proposed and seconded by Mr Pollitt and Cllr Small. Ms Vivienne Lacey's nomination for Vice Chair had been proposed and seconded by Mr John Nolan and Ms Sue Carmichael. The Board appointed Mr Grieve and Ms Lacey to their respective positions with effect from 4th December.