



**Minutes of the Governing Body Meeting No 113  
28<sup>th</sup> January 2019**

Chair: D Morran

Present: I MacNaughton (Principal), C Goldsworthy, R Wilson, I Vipond, J Johnson, M Perrin, K Finnigan, A Beatty, N Gerrard, S Nolan, G Gardiner, J Owens, B Shahrabi, D Williams, P Barker, J Leslie,

In Attendance: G Rayner, J Harker, , A Johnson, E Gibson, J Cadman, A Frost

Clerk: T Johnson

Agenda Item

**113.1 Apologies for Absence**

113.1.1 Apologies for absence were received and accepted from governor, I Hutchins. Apologies for absence were also received from observer, S Williams

**113.2 Any Other Business**

113.2.1 The Chairman briefed governors on the new style of meeting agenda, produced in response to the governor's operational survey

**113.3 Declarations of Interest**

113.3.1 No declarations of interest were declared

**113.4 Determination of Confidential items**

113.4.1 No confidential items were identified

**113.5 Minutes of Previous Meetings**

113.5.1 The minutes of meeting No.112 held on 13<sup>th</sup> December 2018 were agreed and signed as a true record.

113.5.2 Matters Arising

The Chairman gave the following verbal updates:

- i) Insolvency Regime (incorporating the FE Special Administration procedure)

The FE insolvency regulations (in force from 1<sup>st</sup> February 2019) supplement the existing FE intervention regime run by EFSA and the FE commissioner.<sup>1</sup>

Information given at the SFCA conference indicated that in line with the current responsibilities of Trustees,<sup>2</sup> the overriding obligation of the Governing Body in the face of financial difficulty, is to keep the College functioning until it has discharged its teaching responsibilities to the current cohort of students. The Governing Body is required to ensure that if the College becomes insolvent it does not continue to trade, if trading would damage creditors.

The Government has stated that insolvency will be a 'last resort' on the basis that there are already many checks and balances in place to help prevent colleges reaching the point where an application for insolvency is the only route out of their financial difficulties. The Government's view is that FE governors are in a position to 'spot a problem' before it becomes a crisis and thus ensure mitigating action is taken. If all of the checks and balances fail, the statutory regime will enable the Government to '*facilitate an orderly process for creditors and to put in place a process that can protect the interests of learners*'.

Guidance on the Insolvency Regime is expected to be published in the near future.<sup>3</sup> It is expected that the guidance will provide technical detail in addition to general guidance on how to reduce the risk of insolvency through sound financial management.

The Principal advised governors that it has been made very clear by DfE/ESFA, including within the recent presentations at the SFCA Annual Conference, that the Government will no longer 'bail out' insolvent Colleges – (or universities).

ii) Policies and procedures

The range of policies that had been recently agreed, subject to union consultation and potential responses, were subsequently confirmed without modification.<sup>4</sup>

iii) SFCA Annual Conference (January) Feedback [see also (i) above and Principal's Report]

Higher Education [see also minute 113.7.2]

The Chair reported on the presentation given by Chris Millward (Director for Fair Access and Participation at the Office For Students (OfS)). The outcomes of the Post 18 Education and Funding review, will be implemented through the OfS and are expected to focus on improving equality of opportunity in higher

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<sup>1</sup> See clerk's briefing provided to governors July 2018 Governing Body meeting no.109

<sup>2</sup> For the most part, the wrongful and fraudulent trading provisions are consistent with governors' existing duties as charity trustees and therefore so long as governors have adequately discharged their duties, even if the college became insolvent /subject to special administration procedures, disqualification proceedings /wrongful trading claims would be highly unlikely. The tests for disqualification require evidence of serious wrongdoing, generally involving a mixture of fraud, criminal activity, personal enrichment and failure to take professional advice.

<sup>3</sup> Guidance circulated to governors via email 14.01.2019

<sup>4</sup> Two responses received - one union had failed to respond.

education and widening participation performance. The OfS will be looking closely at universities and colleges re the support given, to underrepresented student groups, to access and succeed in higher education. It was noted that for a number of years the Sixth Form College Association (SFCA) have documented the inclusive nature of Sixth Form College's (SFCs) compared to general FE institutions and selective Sixth Forms.

The OfS Director for Fair Access and Participation, also touched on the issue of unconditional offers in the context that there has been a steep rise in students offered places irrespective of grades attained.<sup>5</sup> The Universities and Colleges Admissions Service (UCAS) has said that it would, for the first time, publish details of the numbers unconditional offers made by each institution as part of the UCAS end of cycle report for the 2018 year.<sup>6</sup> UCAS has also analysed 'conditional unconditional' offers, alongside standard unconditional offers.<sup>7</sup>

iv) SFCA Raise the Rate Campaign

The campaign continues to make its mark in Parliament and continues to be supported by the main teaching unions.<sup>8</sup>

## 113.6 **Operational and Statutory Reports**

### 113.6.1 **Chairs & Search**

The committee had not met since the last meeting, there were no urgent matters to discuss.

### 113.6.2 **Audit**

The committee had not met since the last meeting, there were no urgent matters to discuss.

### 113.6.3 **Lead Governor Reports**

Curriculum Outcomes & Educational Quality. Lead governors introduced the example governor questions template which had been created to support governors in their role as 'critical friend' to college management. Governors were informed that suggestions re changes or additional sample questions would be welcome. A governor suggested that applicable questions should be followed by *How do you know? Where is the evidence?*

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<sup>5</sup> UCAS report that overall, 34.4 per cent of 18 year old applicants from England, Northern Ireland, and Wales, received an offer that could be classed as unconditional but this varied widely between types of institution. OfS researchers looked at the two different kinds of unconditional offer, those that: i) guarantee a place, with no conditions ii) are unconditional only if an applicant makes the university their first choice and found that Applicants who accepted an unconditional offer were more likely to miss their predicted grades by two or more grades, the researchers found.

<sup>6</sup> <https://www.ucas.com/file/196151/download?token=jzRAy4kS>

<sup>7</sup> These are offers which are initially made by the university as conditional, then updated to unconditional if the offer is accepted as the student's first (firm) choice

<sup>8</sup> Governors are encouraged to sign and circulate the Raise the Rate petition <https://petition.parliament.uk/petitions/230140> Staff, students, and parents were also asked to get involved – the SFCA report a relatively, very high rate of response from our community.

#### 113.6.4 Board Self - Assessment

The Chairman informed the meeting that it is intended that an assessment of Board effectiveness, including use of the question template, would be carried out at the end of the July 2019 meeting.

#### 113.7 Principal's Report

Governors considered the first spring term report prepared by the Principal. In response to governors questions the following points were noted:

##### 113.7.1 Ofsted Common Inspection Framework (CIF)

Ofsted have recently launched (at the SFCA Annual Conference in January) a consultation re the proposed 2019-22 CIF framework. The framework will, initially be 'piloted' within approx. 250 Ofsted school and college inspections over the next few months. It is expected that the framework will then be finalised for full implementation from September 2019. The proposed criteria are very much in line with College expectations and have more focus on the holistic student experience - with less emphasis on narrow areas of data. The College welcomes this emphasis on a more rounded approach. However, there is some concern - in the context that funding for 16-18 'additionality' was cut by 80% circa 2012-13 and therefore, 16-18 providers now have very few resources to support 'non-qualification' based curriculum and student support services at a time that 'additionality' becomes more significant in Ofsted judgements.

##### 113.7.2 Post 18 Education and Funding Review

The Government's review of Higher Education, led by the Chair of the post -18 education review panel Philip Augar, is focused on 'driving up' access, quality, choice, skills provision and value for money for students of all kinds and taxpayer. The terms of reference for the review include obtaining relevant information on how the Government can ensure that people from disadvantaged backgrounds have equal opportunities to progress to and succeed in all forms of post-18 education and training. The post-18 education review report, with recommendations, is now expected to be published in spring 2019 (delayed from Winter 2018/19).

##### 113.7.3 Resilience Review of the FE Sector

The DfE instigated, 'review of the resilience of the FE sector' is still ongoing. It is still unlikely that the outcomes will have any impact on the 2019/20. 16-18 funding allocations. However, it is hoped that recommendations from the review, will result in Comprehensive Spending Review outcomes that will influence 16-18 funding allocations from 2020/21. Although Junior Minister Anne Milton<sup>9</sup> has indicated that she is sympathetic with regards to the situation re 16-18 funding and resourcing, there have still been no promises made that anything can be done pre 2020-21.

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<sup>9</sup> Anne Milton was a speaker at the recent SFCA Annual Conference.

#### 113.7.4 'Little Extras Capital Grant'

Detail re the level of the 2018/19 'little extras' capital grant has not yet been received (detail and payment now expected to be received February 2019). Using the DfE published 'ready reckoner' it is expected that the grant will be IRO £190k. There remains uncertainty as to whether the awarding of the grant will be a 'one off' or recurrent. Thus far there has been no clear spending criteria published. However it is expected that the grant will need to be spent on capital projects and in the current financial year.<sup>10</sup>

Governors resolved that the £80K minor capital works budget, previously agreed to be drawn down from the 2018/19 reserves, should, following receipt of the grant, be deferred to 2019/20.

#### 113.7.5 Pay Awards<sup>11</sup>

The Government continue to hold firm re their decision to only award the Teacher's Pay 'top up' Grant to schools and academies including 16-19 academies.<sup>12</sup> The SFCA and the teaching unions have pressed for a meeting with the Secretary of State for Education to discuss the impacts on SFCs of this Government's decision– a meeting date was not forthcoming but a meeting with Anne Milton Junior Minister has been arranged for February 2019. Therefore, there is still no further progress re agreeing a 2018/19 Teachers Pay Award and Unison are reluctant to proceed with negotiations re a 2018/19 pay award for support staff until there is an agreement reached for teaching staff.

#### 113.7.6 Meeting with Will Quince, MP

The Principal reported that he had met with Will Quince, MP on 25 January 2019. As expected discussions focused on funding and diminishing resources including the impact of employers' pension and national insurance contributions, the increasing number of students presenting with mental health concerns and Sixth Form College sector VAT payments. Will Quince is sympathetic and has indicated that he will, again, talk to Anne Milton (Junior Minister). He has also indicated that he is confident that previous and impending conversations with Anne Milton, on a range of issues will have an influence on the outcomes of the 'FE resilience review'. Governors were informed that it would cost the Government a relatively minor sum of approximately £33M<sup>13</sup> to put SFCs on a relatively level playing field with 16-18 resourcing in schools and academies (including 16-19 academies).

#### 113.7.7 Applied General (AG) Courses

The second Govt. review, that commenced a year ago, has not yet resulted in a final report. Presentations were given at the recent SFCA Conference and there is

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<sup>10</sup> Funding for capital projects to meet an institutions priorities. This may include improvements to buildings, equipment and other facilities, such as ICT.

<sup>11</sup> In the college sector there is specific concern that any potential part mitigation of the 2010 - 2020 resource reductions, that may arise from the outcomes of the 'Resilience Review' and Comprehensive Spending Review 2020-23 exercises, could be substantially eroded by the cost of the pay awards and the increases to the employers contributions to teachers pensions.

<sup>12</sup> Direct funding of the salary cost increases above 1%

<sup>13</sup> Removal of requirement to pay VAT approx.£25M and teachers pay top up grant approx.£8M

some concern that the Government are still seeking to end AG courses with a view to just providing two distinct 16-18 pathways (academic and vocational). Even if this blunt approach is not carried through, it is felt that Govt. may in future axe at least those AG courses that have relatively comparable vocational or A Levels and/or potentially compete with T levels or Apprenticeships.

#### 113.7.8 Student Applications

Applications for 2019 entry are currently approximately 130 'up' on last year (a slight further increase in market share – in the context of demographic trends).

The Principal circulated some recently prepared Essex County Council information re the number of students on role in Colchester area schools, (years 7-13, declared as part of the October 2018 school census) (appendix A). The documentation illustrated the impact of the forthcoming age cohort demographic rise on potential student numbers. The Principal advised those present that, in the context that student contact hours have been reduced, the College in the future could reasonably accommodate up to 3,500 students with existing capacity. Governors agreed that in the near future a robust strategic discussion re future student numbers (in the context of the anticipated demographic rise) will need to take place.

### 113.8 **College Self-Assessment Review (SAR) and Quality Improvement Plan (QIP)**

113.8.1 Governors considered the 2017/18 College SAR and 2018/19 QIP. Governors were reminded that the SAR & QIP had been written in the context of the feedback received from governors and Ofsted. It was noted that the bulk of the document is a collation of data and statistics previously presented to governors.

The following points arising from governor questions were elucidated.

113.8.2 *What is the benefit of setting targets/predictions with very marginal statistical gains:*

Governors were reminded that College aspiration is to be above national benchmarks. However, in the context that the examination and assessment environment is not stable it is increasingly difficult to accurately benchmark. In addition, the profile of reported data has changed considerably – as a result of reforms at A Level there has been some grade inflation and therefore the proportion of students starting and passing then A Level courses is now higher than in the past. Therefore in part, the predictions and targets detailed in the QIP reflect that these grades will be more plentiful. GCSE reforms have also resulted in substantial changes to GCSE grades. In the context, of the above the Principal advised through a transitional period that governors should not become too preoccupied with data.

113.8.3 *Is there a prediction for each department where outcomes have become constant?*

Governors were informed that at whole College level there is one level of data analysis and target setting and at department level a further forensic level of data

analysis and target setting takes place. Internal assessments and examination outcomes demonstrate that departments know their students well.

113.8.4 *Re the forensic interrogation of data at department level – how does this translate to the quality of teaching and learning?*

Managers reported that a significant amount of work has been undertaken on triangulating LSQ / focus group outcomes, learning walks and teaching observations.<sup>14</sup> Outcomes of this work shows that students are receiving as a minimum consistently good teaching and learning.

113.8.5 *How does the College intend to build on consistently good to become outstanding?*

Governors were reminded that significant detail is contained in the Cross College QIP and departmental SARs/QIPs. In addition to departmental actions, a range of whole college strategies are deployed. For example, placing more emphasis on students' personal learning by developing independent learning skills, encouraging more independent learning and further development of the peer mentoring programme.

A governor commented on the sizeable number of students volunteering to be peer mentors and raised a query as to whether the mentoring programme and the very positive HESA (Higher Education Statistics Agency) data is sufficiently emphasised in the SAR.

Governors were informed that as the year progresses, departments will be evaluating the impact of peer mentoring including analysing the value added outcomes of mentored/non mentored students (during the period of mentoring).

It was also noted that although the HESA data provides evidence that the College prepares students well for their next steps, the data provided to the College is several years out of date. The College endeavours to make contact with its students 3 years after they have left the College, with the aim of collecting and analysing its own statistics re 'where students are' i.e. HE, employment, graduate trainee etc.

113.8.6 *Impact of change from a core programme of 4 A Levels to 3 A Levels?*

*As students' study time and study requirements will not be spread so thin student grades will increase?*

Recently released Government data (summer 2018 examinations)<sup>15</sup> shows that the College's average A Level grade improved from a C- to a C; the increase in may in part be attributable to the reduction in the number of A level subjects now studied by students on average. However, this improvement is also in a backdrop of influencing external factors such as an increase in the number of students presenting with mental health difficulty and also the average GCSE point score of students upon entry.

*7.30pm B.Shahrabi and N.Gerrard left the meeting.*

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<sup>14</sup> 'Outstanding learning' is judged as an 'outstanding' lesson, in line with current Ofsted expectations

<sup>15</sup> <https://www.compare-school-performance.service.gov.uk/school/130680/the-sixth-form-college-colchester>

113.8.7 **Governors unanimously approved the SAR for the 2017-18 year and 2018-19 QIP**

## 113.9 **Strategic Priorities**

113.9.1 Early feedback on the progress made towards the 2018-19 strategic priorities was received and considered. A detailed and 'RAG' rated review will be presented at the spring term meeting (March 2019). In response to governor questions the following points were expanded upon;

*Strategic Priority 1: Give high priority to strong quality of teaching and learning and the student experience to achieve positive outcomes for each individual student, in a context of an inclusive College:*

- Maths & English November Resits  
College results are very good and 'outstrip' national results data
- Student retention  
Student retention for the October to January period is very high – it is therefore possible that 2018/19 retention will increase above that of 2017/18 (97.3% -ESFA figure)
- Department self-assessment reviews, supported by Senior Managers are taking place (alongside departmental QIP reviews).

*Strategic Priority 2: Maintain the financial health and resource strength of the College, by realising the 3 year Finance and Business Plan to enable the College to maintain financial wellbeing, but still sustains strong performance and the Mission into the future (for current and prospective students, their parents and the community):*

See Principal's Report minute 113.7.3 - 113.7.6

*Strategic Priority 3: Increase local market share, in relation to level of enrolments to maximise future income potential within the context of the Mission and the local age cohort demographic dip.*

- New student applications are approximately 100 up on this point in 2018
- Positive feedback from external bodies/ moderators re curriculum delivery has been received

*Strategic Priority 4: Provide students with high quality information, advice and guidance, pastoral and academic support and a range of appropriate student services, from application to exit.*

- The College Careers Fair will take place on 14.02.2019
- College Careers Programme and policy have been posted on the College website

*Strategic Priority 6: Prepare students for life in 'modern Britain' by promoting all aspects of equality and diversity, employability, and 'British Values'.*

- Reunion and Awards event –emphasising student successes and how the College prepares young people for their 'next steps'.
- 975 UCAS applications were sent to UCAS by the January deadline. Proportionally the percentage of students applying to HE is approximately 2% up on last year. Those that apply and then follow through is approximately 90% of the College cohort.

## **113.10 Governance Matters**

### **113.10.1 Appointments, Resignations & Retirements**

Governors considered the recommendation of the Search, Governance and Remuneration Committee regarding the appointment of two new community governors following interviews held on 13th December 2018. Governors unanimously agreed to appoint (subject to successful completion of governor induction including an enhanced Disclosure and Barring Service check) Michael Atherton and Simon Carmel as Community Governors for a term of 4 years, commencing 28.01.2019.

*Action: Clerk*

### **113.10.2 Operational Survey Outcomes**

The Chair referred to the report circulated in advance of the meeting re the outcomes of the operational survey.

- Responses to the majority of the questions in the survey provided clear outcomes and points for action e.g. the need for executive summaries.
- Monday is the preferred day for meetings with those governors who completed the survey available from 4.45pm through to 6.30pm. Discussions were held regarding the commencement times of meetings in the context of employment and childcare arrangements. The commencement times of meetings for the 2019/20 year will be considered further when the draft dates are presented for approval at the May Governing Body meeting.

*Action: Clerk/DMo*

- The introduction of a co-ordinated and focused governor visit day was considered to be a positive development supporting the governor's strategic role and providing opportunities to engage with stakeholders. Governors requested that i) as much notice as possible is given re the date for the visit and ii) that the visit should not take place on the same day as a Governing Body meeting. Some governors expressed a wish for the visit to take place on a Friday. A proposed date will be circulated in due course.

*Action: Clerk/DMo*

113.10.3 Strategic Planning

The strategic planning evening will consist of a 3-5 year horizon scanning exercise identifying 'where governors believe the College should be to be in 3-5 years' time'. The focus will be on Programmes of Study, Student Numbers and Finance & Facilities informed by briefing and position papers prepared by the College. The resulting 'vision' will inform the College's 2019-24 strategic plan to be prepared by management for governor consideration.

*There being no other business the Chairman closed the meeting at 8.20pm*

*Date of the next meeting 18.03.2019*

Signed .....

Dated .....