



**Minutes of Corporation Meeting No. 116**  
**15<sup>th</sup> July 2019**

Chair: D Morran

Members Present: A Beatty, I MacNaughton (Principal), N Gerrard, M Perrin, C Goldsworthy, R Wilson, G Gardiner, J Owens, B Shahrabi, I Vipond, P Barker, I Hutchins, K Finnigan

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

Clerk: T Johnson

Agenda

**116.1 Apologies for Absence**

116.1.1 Apologies for absence were received and accepted from Corporation Members (governors): J Johnson, S Nolan, M Atherton, J Leslie, S Carmel and D Williams

116.1.2 Apologies for absence were also received from observers: A Frost and S Williams

**116.2 Any other Business**

None requested.

**116.3 Declarations of Interest**

116.3.1 No interests were declared.

116.3.2 Governors were reminded that declaration of interest and eligibility & safeguarding declaration forms should be returned to the Clerk as soon as possible.

**116.4 Minutes of Previous Meetings**

116.4.1 The minutes of meeting No.115 held on 15 May 2019 were agreed and signed by the Chair as a true record.

116.4.2 The confidential minutes of meeting No.115 held on 15 May 2019 were agreed and signed by the Chair as a true record.

*6.10pm G Gardiner joined the meeting*

**116.4.3 Matters Arising**

115.6.2 [Recruitment and Resourcing]

The Principal confirmed that the enduring inequality in the Government's treatment of the Sixth Form College sector, including the supplementary enhancements for teacher recruitment only available to schools and academies

had again been raised with Will Quince (MP for Colchester). Mr Quince has recently replied and indicated that he will be raising the matters outlined by the Principal with Anne Milton MP, Minister of State for Apprenticeships & Skills.<sup>1</sup>

115.11.3 [Visit Day - 26.04.2019]

The Chair reminded governors to return any outstanding reports and stressed the importance of governors producing written reports.<sup>2</sup>

## **116.5 Principal's Report**

Governors considered the second summer term report prepared by the Principal. In response to governor questions the following points were noted;

### **116.5.1 Review of Resilience of the FE Sector & Resourcing**

The DfE 'Review of Resilience of the FE Sector' exercise has appeared to have resulted in deeper levels of understanding at both the DfE and Treasury, with regard to the extent and range of adverse impacts resulting from of the considerable reduction in 16-18 resourcing. The review was intended to inform, establish priorities and influence decisions relating to the forthcoming 2020-23 Comprehensive Spending Review (CSR). However, the College's latest concern is that a range political issues, including the different priorities being communicated by the Conservative Party leadership candidates, and Treasury caution regarding public finances in the context of a possible 'no deal' or 'hard' Brexit scenario, is now making it less than certain that the Government will commit to instigating the increase in resources required to support 16-18 education - and at a level that will at least create a 'standstill' position at 2018/19 real terms levels.

There is currently a local lobby underway (of local MP's, Colchester Borough Council and Essex County Council) to press the need to improve educational resourcing (across all age ranges). The Principal has liaised with the organisers and has highlighted that the educational sector, which has experienced the deepest cuts, is in fact the 16-18 education sector. Despite this governor were disappointed to note that the local press had not mentioned 16-18 or colleges or college sector funding within their coverage of the lobbying.

### **116.5.2 Mental Health Support**

The Government have recently announced £9.3M of funding for the implementation of a national mental health training scheme.<sup>3</sup> Every school, college and alternative provision institution will be offered training through a series of workshops as part of the 'Link Programme', with the most appropriate member of staff from each institution put forward to take part in the programme alongside mental health specialists. The programme is designed to improve partnerships with NHS mental health services, raise awareness of mental health concerns and improve referrals to specialist help when needed. The College has been placed in Wave 2 of the roll out of the programme.

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<sup>1</sup> The ministers detailed response was shared with members via email 13.08.2019

<sup>2</sup> The Clerk is able to provide clerical support re the preparation of visit reports where required

<sup>3</sup> <https://www.gov.uk/government/news/national-mental-health-programme-between-schools-and-nhs>

### 116.5.3 Curriculum

The (latest) Government instigated review of 16-18 curriculum and assessment is still ongoing and includes a review of Government policies re funding of the IB Diploma qualification (post 2023), Applied General Qualifications and Post 16 Level 2 Maths and English qualifications. The review is not expected to be completed until Autumn or early winter 2019.

### 116.5.4 Local Secondary School Places

The local press has recently reported growing concerns re the number of secondary school places available in local schools from September 2021 through to 2024. This is despite recent Essex County Council /DfE announcements re plans to expand the number of secondary school places at The Colne Academy, Manningtree High School, Harwich & Dovercourt High School and Clacton County High School (including relocation and expansion of post 16 provision) as well as the previously announced expansions of the Colchester County High School for Girls, The Gilberd, Stanway and Philip Morant and also the and the opening of two new 11-16 schools, Paxmans Academy (phased entry from September 2019) and the Trinity Academy (expected intake from September 2021).

## 116.6 Strategic Plan and Strategic Priorities

### 116.6.1 Strategic Plan 2020 – 2023/24

The Chairman reported on the activities of the Strategic Planning Working Group. The brief for the working group had been to produce draft vision statements (future aspirations and strategic direction), strategic objectives and underpinning assumptions for approval by the Board, that would subsequently inform a 3-5 year Strategic Plan. In this context governors considered the draft mission and vision statements presented by the working group and agreed by ordinary resolution, that stakeholders should now be invited to comment on the drafts via formal consultation arranged by the Clerk.<sup>4</sup>

**Action: Clerk**

Governors discussed the underpinning assumptions informing the strategic priorities. The following points were expanded upon:

- T – Level Qualifications<sup>5</sup>

At this point the College has no plans to introduce T-Levels.<sup>6</sup> The College's programmes of study will co-exist with T levels, which the DfE plans to introduce for first teaching from September 2020. T Levels will be taught full-time through a mixture of classroom and work-based learning including a minimum 45 days work placement for each student.

The SFCA have expressed concern re the permanency of T Levels, not least as the criteria for being able to offer T-Level qualifications requires the offering

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<sup>4</sup> Including online consultation with further opportunity for prospective students and parents/carers to comment provided during College open evenings

<sup>5</sup> <https://www.gov.uk/government/publications/introduction-of-t-levels/introduction-of-t-levels>

<sup>6</sup> Skills based/technical alternatives to A Levels (equivalent to 3 A Levels)

institution to be rated Good or Outstanding for both Finance and Quality of Education.<sup>7</sup>

- College Values

Student governors commented on the importance of maintaining the College's inclusive and supportive environment and the high value students place on this aspect of the College.

Due to the current political uncertainty and the unknown impact on the educational landscape of the outcomes of the FE Resilience, Augar and Applied General and IB Reviews, the timeline for receipt and approval of the Strategic Plan was revised. Governors agreed that receipt of 1<sup>st</sup> draft of the Strategic Plan should be presented at meeting No.117 to be held on 16 September 2019 with approval of the final draft of the Strategic Plan (including Mission and Vision statements) taking place at meeting No.119 to be held on 16 December 2019.

**Action: College**

#### 116.6.2

##### Strategic Priorities 2018/19 – summer term progress review

Governors considered the summer term review of the strategic priorities presented by the College. In response to governor questions the following points were elucidated:

- Higher Education Statistics Agency (HESA)

The data for 2016/17 (circulated in advance of the meeting) and the latest available 2017/18, (tabled document) highlights that College students are well prepared for their chosen HE destinations, complete their chosen courses and overall attain higher degree classifications than students from other state sector sixth forms.<sup>8</sup> Governors commended the College on the work undertaken by staff to prepare students for their chosen destinations. Governors asked the College to consider whether, in addition to the current approaches outlined by the Principal, more could be done to highlight and publicise (to future students and other stakeholders) the College's excellent record in this area.

- International Baccalaureate (IB)

The College is again very pleased with the recently received 2019 IB results which remain in line with the College's 8-9 year trend:

96% pass rate (international pass rate 77%),  
32 average points (international average points 29.5).

- HLN Funding

For the benefit of new members, the Principal provided an explanation of the funding streams for High Level Needs (HLN) students i.e. Essex County Council (ECC) and the Education and Skills Funding Agency (EFSA). The Principal explained that the current funding system requires that the College bears much of the risk and makes advanced planning for example engagement of LSAs, or access adjustments (contracts awarded and works

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<sup>7</sup> <https://www.gov.uk/government/publications/providers-selected-to-deliver-t-levels>

<sup>8</sup> HESA data does not include data on students study medical, dental or veterinary degree courses

commenced) problematic.

There has been a significant increase in HLN applications for the 2019/20 year (potentially 24 new students). Funding bids for each student have been submitted to ECC but exact allocations from Essex County Council will not be known until well into the 2019/20 year.

The current National Government system exposes Colleges and Schools to risk. At this point in the year the only information the College has is 'potential' funding information based on the number of students 'expected' to enrol in September and the subsequent 'bids' for funding placed with ECC, therefore the College can either accept the 'risk' and put in place the anticipated support and adjustments for each HLN student (who may or may not enrol), or wait for the required funding confirmation and put in place the requirements during the first 6 weeks post enrolment, which is unlikely to be in the students best interests<sup>9</sup>. In addition, if an HLN student enrolls in September but subsequently drops out, for example due to deteriorating health, ECC will only pay for the time the student was in College regardless for example, of whether specialist staff have been employed, and will normally claw back funding in the following academic year.

Nationally the system is being reviewed and the College has provided comment as part of the consultation process.

- Careers

Following a review of their Careers Strategy, ECC have now terminated their relationship with the Careers Enterprise Company (CEC). The College will now need to work directly with CEC to ascertain whether an advisor will (finally) be allocated to the College.

A final review of the 2018-19 Strategic Priorities will be undertaken at meeting No.117 to be held on 16 September 2019, following publication of the summer exam results.

**Action: College/Clerk**

### 116.6.3 Strategic Priorities - 2019/20

Governors unanimously approved the 2019-20 Strategic Priorities and further agreed that the Priorities should be tabulated with targets and key performance indicators, for consideration and first review at meeting No.117 to be held on 16 September 2019.<sup>10</sup>

**Action: College**

## 116.7 Finance Matters

### 116.7.1 Cost Centre Review May 2019

The Finance Lead Governors and Finance Manager gave a verbal report on the current budgetary position. Governors noted that the Cost Centre review

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<sup>10</sup>NB Strategic priorities are not listed in order of importance. The priorities are interconnected and can be influenced by external variables for example, the local and national educational landscape.

reported a surplus of £421K for the month which has resulted in a net operating deficit of £265k for the first ten months of the financial year. The 2018-19 agreed budget showed an expected deficit of £49k (for this point in the year) and therefore the year to date (YTD) actual against the 2018-19 budget, shows a negative variance of £216k.

In April the year- end forecast changed from the previous reported forecast by a negative variance of £41k.

The balance sheet shows the cash and bank balances at 31 May 2019 at £4.12m against the budget figure of £4.00m

The projected balance sheet showed that the College will have cash and bank balances in excess of £3.7m at year-end 2019 and £3.5m at year-end 2010. This is approximately 40K less than previously forecast due to changes in operating surplus/deficit

The ESFA and College self-assessment financial health grading of the College remains 'Good'.

#### 116.7.2 2019-20 Year Budget

Governors considered the draft budget for the 2019-20 year. The budget showed an operating deficit of £(288k) offset by a release from revaluation reserve of £166K to give a historical cost surplus of £(122)K. The key assumptions and significant changes used in the preparation of the draft budget were discussed including projected student numbers, reductions in funding and staffing costs.

The following points were highlighted:

- Overall Resourcing

In addition to the reduced funding allocations, the College forecasts that it will incur approximately £350k of additional cost increases in the 2019-20 year. In addition to general inflation.

- Catering Income

The forecasted increase in catering income is due to receiving a full year of contactless payments on both refectory sites.

- Pay Expenditure

The staffing pay cost lines for 2019/20 year have been budgeted to provide for:

- An annual pay award (estimated at 1.5%)
- Increases in the national living wage
- Incremental drift
- Reduction of 7 teaching staff
- Reduction of 2 support staff

The teaching staff line has 'netted off' the increased cost of Teachers Employers' Pension Contribution and the Government Contribution to 31st July 2019 (£466k)

- Non-Pay expenditure - The major change is the reduction of exam fees by £50k due to the reduction in the number of Year Two students.

Governors were informed that based on the draft Budget, the ESFA Financial Indicators will continue to show a Financial Health grading of Good.

The Chair asked governors to vote on approval of the budget by a show of hands.

**The 2019/20 Budget was unanimously approved**

### 116.7.3 Financial and Business Strategic Plan & Two-year Financial Forecast

Due to unforeseen circumstances the following documents were not available for consideration:

- 2019 - 2021 Financial and Business Strategic Plan
- Two-year Financial Forecast (2019/20 & 2020/21) including Financial Plan template and Financial Plan commentary

Governors unanimously agreed that the above documents should be circulated to Members electronically for consideration and subsequent approval by written resolution, prior to the ESFA deadline for the receipt of the College's financial plan.<sup>11</sup>

**Action: Clerk**

## 116.8 Governance Matters

### 116.8.1 Search, Governance & Remuneration Committee

The minutes of the meeting No.52 held on 14 June 2019 were received.

### 116.8.2 Matters Arising

#### i) Corporation Self-Assessment

The Chair informed those present that although a detailed scrutiny of responses will be undertaken during the autumn term, initial analysis has highlighted the following matters as areas for further consideration:

- Engagement with stakeholders (*also an action point arising from the Code of Good Governance*).
- Executive summaries (for supporting documents)
- Observer attendance at board meetings

The outcomes of the 2018-19 Corporation self-assessment exercise will be reported to the Board at the next meeting and used to populate the Board's development and succession plans and inform future training needs.

**Action: Chair/Clerk**

Governors noted the 2019-20 action points that will be undertaken with the aim of further strengthen operational practices and Corporation development.

**Action: Clerk**

#### ii) Corporation Key Performance & Efficiency Indicators 2018-19

Governors considered the briefing supplied in advance of the meeting and discussed the 2018-19 key efficiency and performance indicators and outcomes

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<sup>11</sup> In accordance with the Instrument and Articles of Government, as permitted by Instrument clause 13(1)

as monitored, evaluated and analysed by the Search, Governance & Remuneration Committee. The 2019-20 targets were agreed as follows:

- To aim to achieve at least 85% attendance at all Corporation and Committee meetings overall.
- 90% of external members (governors) to engage with staff (and students, where applicable) in curriculum and support areas during the academic year.
- 100% of monitoring visits made by external members to curriculum/support areas result in written reports
- 75% of members to attend at least one social event /exhibition /show staged by the College
- 80% of all members to attend at least one training /strategy event (in addition to safeguarding refresher) and at least 25% of external members to attend a conference and/or engage in knowledge enhancing study of direct relevance to college governance
- 100% of external members who have not received training (or refresher training) in the past 18 months to complete safeguarding training (as applicable)
- 100% of eligible members (optional for Principal, staff and student governors) to complete the corporation self-assessment questionnaire
- 100% of the Corporation Code of Good Governance key principles met or the rationale for part or non-compliance documented.
- All aspects of the Charity Governance Code (as applicable to SFC's), not currently reported under the Corporation Code of Good Governance, met or the rationale for part or non-compliance documented.
- 100% of the action points arising from the Code of Good Governance completed or rationale for part completion documented

***Action: Clerk/Search & Governance Committee members***

### iii) Corporation Visit Days

The Chairman provided an update of the position regarding the arrangements for the forthcoming academic year. Following the success of the first focused 'Visit Day' held April 2019, members of the Search, Governance & Remuneration Committee had recommended that Visit Days should be held twice yearly. Governors were advised of the proposal by email and availability sought. Subsequently, it had been agreed that the first visit day for the 2019-20 year would be held on November 15<sup>th</sup>. The November visit will replicate, as far as practicable the April 2019 visit and the second visit day to be held in March 2020<sup>12</sup> would (as a one-year trial), replace the current link governor/Assistant Principal/departmental visit scheme which, in recent years has not received the required level of Member engagement.

***Action: Clerk***

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<sup>12</sup> The main focus of the March 2020 visit day is expected to be departmental SAR & QIP discussions

iv) Senior Post Holder Remuneration Code

Governors considered the briefing supplied in advance of the meeting. It was noted that The Senior Post Holder Remuneration Code forms part of the Code of Good Governance and although voluntary in order to be compliant with the Code of Good Governance, the Corporation will need to adopt and must have due regard for the Remuneration Code. Following due consideration Governors agreed that the Code replicated good practice and the Corporation version presented at the meeting should be adopted and the recommendations within the Code should be actioned.<sup>13</sup>

In making this decision governors recognised that by visibly adopting the Code, the Corporation will be further demonstrating leadership and stewardship in relation to remuneration.

v) Remuneration Committee

It was noted that the Remuneration Code highlights that 'remuneration committees must be independent, competent and should not be chaired by the Chair of the Corporation'. In this context the Search, Governance and Remuneration committee made the following proposals:

Proposal:1

The current terms of reference for the Search, Governance & Remuneration Committee be revised; removing matters relating to terms and conditions of service of Senior Post Holders.

Proposal: 2

A new committee, to be known as the Remuneration Committee to be formed to deal with matters relating to terms and conditions of service of Senior Post Holders. The terms of reference for the committee to include the requirement to produce an annual report to the Corporation which, following receipt by the Corporation will be published on the Corporation's webpage further demonstrating transparent governance.

The Chair as governors to vote on each proposal by a show of hands.

**Proposal 1 was unanimously approved**

**Proposal 2 was unanimously approved**

**Action: Clerk**

vi) Reappointment of Corporation Members

On the recommendation of the Search, Governance & Remuneration Committee and in the context of the Corporation's skills audits and on the Corporation unanimously agreed to re-appointment of the following members:

*At this point A Beatty withdrew from the meeting*

- Andy Beatty, as a Community Governor, for a further term of 4 years commencing 1<sup>st</sup> September 2019

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<sup>13</sup> The wording in the Corporation version is tailored to ensure it is appropriate to the Sixth Form College sector

*At this point A Beatty re-joined the meeting and K Finnigan withdrew from the meeting*

- Kevin Finnigan, as a Community Governor, for a further term of 4 years commencing 1<sup>st</sup> September 2019

*At this point K Finnigan re-joined the meeting*

#### 116.8.3 Terms of Reference

The following Terms of Reference for the 2019/20 academic year was approved

- Search & Governance Committee
- Remuneration Committee
- Audit Committee
- Special Committee (incl. special appeals committee)
- Appeals Committee

#### 116.8.4 Committee Membership

Membership of the following committees for the 2019/20 academic year, as circulated in advance of the meeting, was unanimously approved

- Search & Governance Committee
- Remuneration Committee
- Audit Committee

#### 116.8.5 Lead Governors

The following lead governors were appointed to serve for the 2019-20 year

- Human Resources - David Morran
- Curriculum & Academic Achievement [3]- Kevin Finnigan, Gina Gardiner, Suzanne Nolan
- Pastoral incl. SEND - Izabela Hutchins
- Safeguarding - June Leslie
- Health & Safety - Chris Goldsworthy
- Finance [2] - Chris Goldsworthy & Nick Gerrard
- Strategy - Ian Vipond
- IT [2] - Andy Beatty (plus one vacancy)

*There being no other business the Chairman closed the meeting at 8.25pm*

Signed .....

Dated .....