



THE SIXTH FORM COLLEGE, COLCHESTER

Minutes of the Search & Governance Committee No. 54

7th July 2021

[Virtual Meeting held via Microsoft Teams]

Chair K. Finnigan
Present D. Morran, I Vipond,
In Attendance None
Clerk T. Johnson

Agenda Item .

54.1 Apologies for absence

Apologies were received and accepted from governors; J. Leslie and N Gerrard. Apologies were also received from I. MacNaughton, observer. A Beatty was absent.

54.2 Any other business

None.

54.3 Determination of confidential items

None.

54.3 Minutes of meeting no. 53

The minutes of meeting No. 53 held on 9th October 2020 were confirmed as a true record of the meeting.¹

54.4 Matters arising

54.4.1 53.4.1 - the planned and subsequently deferred meeting with union representatives, remains on hold, due to the ongoing situation. Union representatives are aware that channels of communication remain open. The Clerk will contact representatives with a view to scheduling a meeting date during the autumn term, although this will be largely dependent on what phase is on operation /staff workload at the time

Action: Clerk

54.4.2 53.4.2 - consideration of stakeholder engagement/ consultation re the strategic plan will be ongoing. Governors agreed that the outcomes of the FE white paper underline the importance of work in this area and the need to better utilise the annual report as tool for stakeholder engagement.

Action: Chair/Clerk

54.4.3 53.4.3 – The Chair will be making arrangements to conduct the end of year performance reviews for Senior Post Holders, early in the autumn term.

Action: Chair

¹ Made available November 2020, Received by members of the Corporation November 2020

54.5 Membership

54.5.1 Members were provided with copies of the Corporation's skills audit, detailing outcomes as at July 2021 and post September 1st 2021

Recruitment, retention & retirements

54.5.2 **Retirements:** the Chair reported that term of office of C. Goldsworthy, community governor is due to expire at the end of the academic year. However, in order not to lose the financial expertise that C. Goldsworthy, through his background as an accountant in the higher education sector, brings to the board the audit committee will be asked to consider appointing C. Goldsworthy, as a co-opted member of the audit committee. [see also minute 54.5.6]

54.5.3 **Community governor:** the Clerk reported that following the focused recruitment campaign, reported at the last meeting, 2 new community governors had been appointed. Both appointments were in keeping with the identified need to consider the gender balance of the board's membership.

54.5.4 **Gender balance:** current constitution of the board - 19 governors (5 elected posts plus one ex-officio)

Category of governors	Governors identifying as female	Governors identifying as male
14 community posts [13 in post- 1 vacancy]	4 [31%]	9 [69%]
6 elected posts plus principal (ex-officio) [no vacancies]	2 [33%]	4 [67%]
Totals (all governors) [1 vacancy]	6 [32%]	13 [68%]
Co-opted members of the audit committee	0	1

54.5.5 **Parent governor:** the parent governor election, held via survey monkey, had been very successful with 6 candidates standing for election. 1 candidate confirmed in their election papers they identified as a Black candidate. Unsuccessful candidates had been offered the opportunity to express an interest in becoming a community governor.

54.5.6 **Board diversity:** the Clerk advised that the outcomes of the FE white paper re strengthening governance and in particular the emphasis on board diversity, should be given due consideration when appointing to the vacant posts. Advertisements for community governors will be placed with wording drafted to take account of the need to ensure a diverse board membership.

Action: Clerk

54.5.7 **Skills audit:** the skill set and experience of members of the Corporation pre and post September 2021 was considered. It was noted that one governor, who had indicated they had intended to take retirement from September 2021 had agreed to continue in post to the end of the autumn term.

The Clerk reported that in some areas, the skills matrix showed anomalous results, for

example, long serving members of the Corporation. were reluctant to identify any experience in the area of safeguarding, despite receiving in-house and online training and detailed and consistent reporting from the College. This was similar for the areas of experience of FE education and student pastoral matters.

The matrix showed marginal gaps in the areas of estates, marketing & communication, equality & diversity, health & safety. Governors agreed that although there was no urgency, it would be beneficial to recruit governors who would add additional expertise in these areas.

Action: Clerk

The Clerk was asked to refresh the skills audit for circulation to governors, with a view to a revised matrix being presented at the next meeting. Governors instructed that this work should be undertaken in the autumn term informing the new year recruitment.

Action: Clerk

54.5.8

Induction feedback: all recently appointed governors had been provided with opportunities to provide confidential feedback on their induction experience, either to the Clerk or to the Chair.

During the 7 months November 2020 – May 2021, 7 new governors were appointed. Of the 5 eligible to provide feedback, 1 formal response was received. If further responses are received these will be anonymised, collated and reported to the committee.

Action: Clerk

The Clerk reported that each element of the induction process had been reviewed and modified in order that each element could be carried out virtually. It was agreed that a summary of feedback should be circulated via email.

Action: Clerk

54.5.9

Governor mentors: the Clerk reported on the difficulties that had been encountered whilst trying to secure volunteer mentors. The Chair agreed to highlight the need for volunteers at the next Corporation meeting.

Action: Chair

54.6

Delegation

54.6.1

Lead governors: the annual review of the lead governor schedules was undertaken. Governors reiterated the importance of effective lead governors as an integral part of the Corporation's operational structure. Knowledge of the prerequisites of a lead governor, beyond the generic role descriptor, had been identified as a potential barrier to governors volunteering for the roles. Detailed terms of reference, for each post had been drafted by the Clerk for committee approval. Current lead governors and managers had been consulted on the drafts.

The terms of reference for the following posts were agreed:

- Pastoral – SEND (required post)
- Pastoral – Child Protection (required post)
- Health & Safety
- Information Technology
- Curriculum, (agreed subject to outcome of consultation with managers)
- Mental health and wellbeing annex (agreed subject to outcome of consultation with managers)

In the context of the Corporation's inclusive ethos and prior decision, to operate a limited

committee model of operational governance, a discussion regarding the inclusivity and effectiveness of the lead governor scheme, led to the decision that all governors should be expected to take an active part in the scheme.

It was agreed that for each lead area, the scheme would be enhanced with support governor roles. Following the initial call for volunteers, governors will be allocated to posts. The revised schedule will be approved by the Chair prior to presentation at the corporation meeting to be held on July 12th 2021.

Action: Clerk

In the context of the FE White paper and the resulting strategic governance outcomes, governors agreed that retaining the post of strategy lead governor was critical. It was also considered vital that chairs and strategy lead governor, meet regularly to consider strategic matters and reporting frequently to the board.

Draft terms of reference for the post of strategy lead governor will be drafted for consultation with the lead governor and final approval by the Chair.

Action: Clerk

54.6.2

Committee terms of reference: governors undertook the annual review of the committee terms of reference for the 2021/22 year. The Clerk explained the revisions that had been made to the standing orders and terms of reference for each of the operational committees including additions to make the provisions within the I&As clearer re the statutory requirements around the calling of meetings.

It was agreed, to recommend approval of the following terms of reference to the Corporation:

- Disciplinary and Disciplinary Appeals Committee (senior post holders)
- Appeals Committee
- Remuneration Committee
- Search & Governance Committee

Action: Clerk

54.7

Operational Governance [Self-Assessment]

54.7.1

Corporation: self-assessment review: the Clerk had been asked by the Chair to draft an operational survey for governors to complete as part of the Corporation SAR. The survey will support operational decisions 2021/22 onwards and is expected to be circulated at the beginning of the autumn term.

Action: Clerk

54.7.2

Code of Good Governance • Charity Code • Remuneration Code: in furtherance of demonstrating outstanding governance, the Corporation had previously adopted the Code of Good Governance (118 key principles) on a comply or explain basis. The Corporation, also gives due regard to the 10 key principles of the Charity Code (incorporated into the Code of Governance reporting framework) and adopted the Remuneration Code, as applicable to Sixth Form Colleges.

Governors considered the Code of Good Governance benchmarking review and report. The Clerk explained that the reporting framework had been revised to take account of the revisions to the Charity Code. The benchmarking of both codes had been undertaken at the end of June 2021. At this point governors were reminded that a revised Code of Good Governance, in line with the FE white paper and DfE strengthening governance outcomes is expected to be published before the beginning of

the next academic year.

Members agreed that although the 2020/21 review showed further advancement and progress towards full compliance with the key principles, further work on enhancing the opportunities for engagement with stakeholders was an area of pressing importance. The Clerk advised on the opportunities available within the annual report (and financial statements) as one mechanism for reporting to stakeholders.

The end of year compliance review will be presented to the Corporation at the December 2021 meeting.

54.7.3

Code of Good Governance revised code 2021 - consultation: The Clerk provided background to the AoC Code of Good Governance Consultation, noting that having early sight of the proposals has enabled the Corporation to take a proactive approach. Governors were reassured that in that for many of the new priorities the required (must) policies and procedures, were already in place and having previously offered governors the opportunity to start engaging with, for example, the FE climate roadmaps many of the 'new' principles were already in progress. The final version of The Code is expected to be published prior to the start of the 2021/22 academic year. The Clerk's benchmarking activity is expected to take place before the December Corporation meeting.

The Clerk reported that the Corporation's annual report for 2021 (with the previously advised new reporting requirements) will be written in the context of benchmarking against the current Code of Good Governance. It will be optional for the Corporation to make mention of progress towards compliance with the new Code, within their reports to stakeholders.

Action: Clerk

54.8

Corporation development

54.8.1

Virtual governance week - March 2021: the Clerk presented a summary report detailing feedback and action points arising from the virtual governance week. The Chair reported on the success of the week including the engagement of governors.

- Total number of development sessions known to have been completed 59
- Total number of sessions known to have been completed (excluding the live anti-racism session) 48

Governors were pleased to note that other than human resource, the week had been delivered for zero cost.

Governors discussed the factors that may have positively influenced governor engagement with the development sessions on offer, including those associated with the coronavirus pandemic e.g. local and national restrictions and the government requirement to work from home where possible. In this context, the committee agreed that in future years, the point in the year when the week is to be held will likely significantly influence governor engagement. February /March was considered the most appropriate time for the week to be held.

In comparison to previous years, the overall number of governors engaging with external development opportunities (including those offered as part of governance week) was considerably higher.

Due to its success the initiative will be added to the annual training plan.

Action: Clerk

54.8.2 **2021/22 corporation development plan:** the clerk presented the draft headlines for approval. The Clerk informed governors that as the DfE have not yet published the awaited competency frameworks and other documents that will inform the full detail of development plan additional headlines may be required. The following headlines were agreed;

Develop a framework of support and challenge in the post Covid environment including:

- Responding to the requirements and challenges of the FE white paper and DfE strengthening governance framework
- Responding to the requirements of the new codes of governance
- Lessons from the pandemic – harnessing technology
- Equality & Diversity (and inclusivity), including profile of the board

Action: Clerk

54.9 **Policies & procedures**

The policy and procedures schedule was reviewed.

54.9.1 **Policy and procedures schedule:** the Clerk explained that the document is a working schedule, shared with managers that regularly changes in response to new legislation, statutory requirements and operational governance requirements. The current update highlights where a policy or procedure has been deferred due to the pandemic. Over the summer period the Clerk will add e-links to each policy or procedure to ensure managers are able to readily identify which version of a policy or procedure governors are working with/last approved.

Action: Clerk

54.9.2 **Conflicts of Interest policy:** in order to document the Corporation's approach to avoiding and managing conflicts of interest and to establish a policy whereby recipients are able to 'confirm' rather than recomplete their annual declarations, a conflicts of interest policy had been drafted by the Clerk. Governors were reminded that the FE/SFC statutory governance guide states: *'Your board should have a conflicts of interest policy, with systems in place to record and manage any such conflicts. Your clerk will play an important role in establishing and administering such systems'*.

The Conflicts of Interests policy was approved. It was agreed that in furtherance of transparent governance, the policy should be made available to stakeholders via the governance section of the website.

Action: Clerk

54.9.3 **Accessibility Regulations 2018:** governors received the clerk's report on action taken towards ensuring the governance webpage, linked documentation and the governance area of SharePoint complied with the Public Sector Bodies Accessibility Regulations 2018, by the associated deadlines. The Clerk's report included detail of the disproportionate burden assessments undertaken², current and planned alternative arrangements and current and proposed accessibility statements.

Governors discussed the assessments and alternative arrangements and agreed that it would be a disproportionate burden to convert historical governance documents to accessible versions, for publication on the governance pages of the website and on SharePoint. The committee also noted the Clerk's report on the

² Part 2 clause 7

limitations of the current website and the utilisation of a webpage accessibility checker to identify accessibility errors. It was noted that, the college accessibility plan includes a target to increase website accessibility.

The Clerk advised governors on the accessibility regulations, including the Corporation's public sector equality duty responsibilities. It was noted that governors, will require general assurances that the regulations are being complied with and whether any disproportionate burden arguments are being suggested or applied. If disproportionate burden arguments are being applied, governors will seek information on the alternatives that have been put in place. It was noted that the accessibility plan is due to be presented at the next Corporation meeting.

Action: governors

As the deadline dates for both static and mobile have passed new statements including reference to the disproportionate burden statements will be added. The statements will acknowledge that some parts of the webpage are not fully accessible, but that over time the Corporation will be working towards ensuring all new documents added to the webpage are accessible.

Action: Clerk

There being no other business the Chair closed the meeting.

*These minutes were approved by the Search & Governance Committee on 8th October 2021
[Minute No 56.4(i)]*
