



THE SIXTH FORM COLLEGE, COLCHESTER

Corporation Meeting No. 136

Monday 11th July 2022

[Virtual Meeting held via Microsoft Teams]

Chair: M. Atherton (Vice Chair of the Corporation)

Members Present: I. Vipond, I. MacNaughton (Principal), M. Sherer, J. Lesley, A. Beatty
D. Morran, D. Stebbings, J. Owens, O. Pearson, E. Calderbank

In Attendance: Assistant Principals/Senior Staff: J. Cadman, A. Johnson, A. Frost, E. Gibson,
S. Williams, I. Fraser, S. Townshend, S. Prince

Notetaker: A. Johnson

Members of the Corporation are both governors and trustees. For the purposes of these minutes and with the acknowledgement that minutes are published on the public website, the generic term 'governor' has been used, where it has been deemed appropriate to do so.

The times recorded in the minutes are those taken from the Teams digital attendance log, showing for each participant, the time of arrival and departure and any significant activity during the meeting.

*Clause 6(2) of the Instrument of Government requires a temporary clerk to be appointed to act in the absence of the Clerk to the Corporation. Due to extenuating circumstances, a temporary clerk was not appointed for the duration of part A of meeting 136. Please see minutes No. 137 for further information regarding the decisions made under agenda the items denoted *.*

136.1 Apologies for absence*

Members: K. Finnigan (Chair), J. Tallentire, H. Hallworth, J. Johnson.

T. Johnson (Clerk to the Corporation), G. Rayner (Assistant Principal)

In the absence of the Clerk to the Corporation, A. Johnson was appointed notetaker for the duration of the meeting.

The meeting was declared quorate.

The Acting Chair recognised the forthcoming retirements of E. Gibson (College Finance Manager) and A. Johnson (Assistant Principal) and on behalf of the members of the Corporation thanked them for their contributions to College and the work of the Corporation.

New Assistant Principals – I. Fraser and S. Prince were welcomed to their first meeting, as observers, in their new Assistant Principal roles.

136.2 Any other business

None

S. Codling joined the meeting

136.3 Declaration of interests

- M. Atherton and S. Codling in respect of the Election of Chair and Vice Chairs 136.9
- J. Lesley – reappointment as Community Governor 136.10 (i)

136.4 Minutes of the previous meeting – No 135 16 May 2022

(i) Approved

(ii) Matters arising

Discussion re agenda item 13.6.4. A governor suggested that the statement appeared at odds with what was being reported by HE and in the press i.e. large numbers of well qualified students (predicted BBB or better at A level) not holding offers/ unable to secure university places. College staff indicated that this is not an issue with College students.

AP Pastoral reported current UCAS application figures:

1079 offers made with 838 having accepted offers, 64 students are recorded as eligible for Extra or Clearing.

The Principal reminded the meeting of the issue with grade inflation in 2020 and 2021 and reassured Governors that large 6th form providers were unlikely to be significantly affected by any national dip in grades (having not overinflated grades in the previous years).

136.5 Principal's strategic matters

The Principal highlighted:

- Increasing levels of **Covid** absence.
National figures 4% of the population currently reporting positive tests. College staff figures 2.5-3% - although rising (many staff are exhibiting only mild symptoms and are able to work from home).
Owing to the Covid situation (rising trends) the 5 July Parents' consultation evening was held remotely on Teams. Strong evidence to suggest that a remote arrangement is preferred by parents: July Consultation Evening engagement 2019 – approx. 45%, 2022 –approx. 65%.
- **Strikes and disruption concerns**
The College is facing a potential continuing trend of increased industrial action. The current railway worker industrial action does have a potential bearing on College although the recent A12 fuel protests had negligible impact.
- **Mental Health** – see Pastoral Report - an ongoing concern for College.
- **Student Progression Day - 6 July**
A Progressions Event & 2nd Careers and HE Fair was held, the second in College this year (1st Feb 2022). Event included a wide range of general and subject specific HE/ employment related talks/ sessions. The student governor reported that the event was well received by students and was helpful in supporting career aims and aspirations and putting them on the right trajectory.
- **ONS Review of status of non-academy post-6 Colleges**
Transferring back to the public sector has underpinning issues, including borrowing and debt (not applicable to The College) and likely to raise the VAT issue ('private sector' DfE argument no longer valid). Colleges who have large numbers of International students would also be adversely affected (not applicable to the College).
Governors raised concerns re the current political landscape and expressed frustration that some Colleges could see potentially huge debts (up to £30-£50m) written off in the process which would be very unfair for those who have shown budgetary prudence (this may not be realised).

- **Ofsted changes**

Very recent changes. All FE sector colleges to be inspected between September 2022 and 2025. This will be a 'full' inspection e.g. 6 inspectors for 4 days.

Changes for September new framework (EIF) to include an enhanced 'Skills' inspection. Encompassing a new judgement on the 'college's contribution to meeting skills needs. 6th Form colleges delivering 'general education' have been reassured that the focus of this 'Skills' inspection will be different compared to General FE colleges who are delivering high levels of vocational courses. Will be linked to the College's overall Mission and Vision and a broader skills framework.

Predicting an inspection for the College therefore in either 2022/23 or 2023/24 academic years. College was last inspected in December 2017.

As previously reported managers feel that the new EIF (less focussed on data and results) is more favourable for the College and will contribute to the aspirations of returning to 'Outstanding'.

- **HESA Data** – circulated to governors. Again, outstanding data in terms of Retention and Achievement of College students in HE – and very strong and important evidence of 'College's contribution to meeting national skills needs.

Comment from the Strategic Lead Governor that the Ofsted focus sits well with the College's Strategic direction.

Governor question re the financial implications and commitments of additional Mental Health support (from late spring meeting with local MP – Will Quince)

Principal and AP Pastoral outlined the hoped for/ promised strands:

- Changes to the WARMS team to enable them to work with students exhibiting higher levels of Mental Health support than is currently the case
- The allocation of a CAMHS worker to be based in college
- Potential use of NHS project money (with Colchester Institute) to employ an onsite Clinical Psychologist.

Meetings with the local CCG & 'Transformational Lead' suggest a willingness to help – including supplying staffing and contribute therefore to imputed reduction in our costs/ redirection of staffing resources to educational activity.

136.6 **Mission and Vision Statements***

The Lead Governor for Strategy confirmed that the existing Mission and Vision statements are fit for purpose and are appropriate for the Strategic plan and direction of the College.

The Principal reiterated that the College is happy to be inspected in relation to the skills agenda and stakeholder engagement on the basis of the current Mission and Vision

The Lead Governor queried the positioning of the Mission and Vision and suggested that these should be transposed – swapping the words in the current statements.

Current statements:

Mission Statement: The College's mission is to provide suitably qualified 16 to 19 year olds wishing to pursue full time academic general education in the Colchester area with a supportive and inclusive environment, in which they are able to acquire the necessary qualifications, talents and skills vital for success in adult life.

Vision Statement: Our vision is to be the first choice for these students and to deliver to them the highest level of quality educational experience, the broadest possible curriculum, and the strongest pastoral and enrichment support that is possible within the resources available.

The proposal (detailed below) on the suggested revisions was put to a vote

Mission Statement: The College's mission is to be the first choice for students and to deliver to them the highest level of quality educational experience, the broadest possible curriculum, and the strongest pastoral and enrichment support that is possible within the resources available.

Vision Statement: Our vision is to provide suitably qualified 16 to 19 year olds wishing to pursue full time academic general education in the Colchester area with a supportive and inclusive environment, in which they are able to acquire the necessary qualifications, talents and skills vital for success in adult life.

The proposal was approved by ordinary resolution with one abstention [governor's name to be inserted] requested that their abstention was noted on the basis of concerns that a simple transposition of the words confused, rather than giving clarity to, the statements.

136.7 Strategic plan and priorities

The Strategy Lead Governor requested thoughts and ideas on the draft plan to be forwarded to the lead governor by September 7th. **(Action Governors)**

The Corporation were reminded by the Strategy Lead Governor that the focus was strategy and not operational detail and that it would be the responsibility of the College Senior Management to produce and implement within operational plans, monitored by the board.

The Lead Governor highlighted the following areas in the draft plan:

- **Stakeholder consultation** – student and parent feedback on reasons for choosing the College overwhelmingly 'good reputation' (reminder however that this is difficult to build but very easy to lose).
- **The plan** – we have a very good College the plan therefore is one of evolution and not revolution; ensuring College adapts to the changing needs and criteria e.g. Ofsted, funding, the political context, etc. The plan has 3 broad strands:
 - **Offer** – aspiring to be Ofsted Outstanding. Adapting to the skills agenda, highlighting pastoral care and recognising that there is further work to be done in liaising with stakeholders.
 - **Capacity** – the physical capacity of the College is 3,500 students which places a limit on student numbers. Capacity expansion/ utilisation: potential for financial support for a new small teaching block, development of IT for administration and student engagement. Key part of capacity is related to strategic governance. Future status of the College e.g. ONS recategorisation – what is best for the College and the students.
 - **Community and Inclusion** – relationship with partners in the community including any groups previously underrepresented in College.
- **General observations**
 - Need to reference the plan against the governance codes and check regularity compliance

(Action Clerk)

- Incorporate the Vision and Mission into the Plan
- Consider whether the Plan is affordable (costed) – feedback from Finance Governors
- Set out underpinning policies that ensure the implementation of the strategy – feedback from Chairs – re policies.

The Plan to be polished and refined for the September Corporation Meeting¹.

(Action - Strategy Lead Governor)

The Chair thanked the Lead Governor and strategy working group for the work completed and clarified that the plan is to be ratified in September.

A Finance Lead Governor endorsed the Chairs thanks and sought reassurance that the plan will be underpinned by an affordable financial strategy and if the Plan required financial commitment that 'numbers/ figures' should be considered before the September meeting.

The Strategic Lead Governor asked that Governors agreed in principle the Plan and agreed with a number of other governors that an extraordinary meeting may be needed before the September Corporation meeting specifically to consider the Strategic Plan.

A Governor queried the reference to the consideration of 'Academisation' in the plan – describing this as a 'bomb shell'. Assuming that this had been taken off the agenda some time ago the governor proposed that the reference to academisation be withdrawn from the plan.

A discussion followed with references to College's previous application to become a SAT, the political situation/mood, MATs and strategic opportunities.

A motion was proposed to remove reference to Academisation in the Strategic Plan. A vote was taken 2 votes were cast in favour of the proposal. The proposal was therefore rejected.

The Strategic Lead reassured governors that the intention is to ensure continued awareness of the political landscape in relation to the College status and possible advantages e.g. financial.

Governors – E. Calderbank, A. Beatty and O. Pearson left the meeting at this point.

8 members were noted as present - the meeting remained quorate.

136.8 Operational & statutory reports

136.8.1 (i) Personnel

To note that the staff code of conduct has been approved by e-consultation. The Lead HR governor endorsed the approval of the code of conduct.

J. Owens asked for his vote against approval of the code of conduct to be recorded in the minutes.

The HR Manager reported on feedback from the Unions re the Disciplinary Policy – concerns raised relating to denigrating the College in public arenas. It was felt that the wording was too loose and it has been agreed that the wording will change to 'in a public forum or on social media'.

Revised policy to be circulated to governors.

Action: College

136.8.2 (ii) Finance

Re 2021/22 year - the Finance Manager informed the meeting that there was very little variation from the May cost centre review and the 2022/23 forecast – no further changes anticipated to end of year.

The 2022/23 budget had been circulated in advance and was approved.

Some further discussion re the requirement for governors to approve the CFFR ESFA submission including sight of the accompanying comprehensive commentary (narrative) and the need for an e-resolution. The Finance Manager assured the Corporation that the framework of figures to be included were the same as those presented but there are slight differences in the required format (an electronic submission).

The Lead Finance Governor requested that if any differences were identified in the reconciliation in the ESFA submission format these should be referred to Finance Lead Governors, who would then report back to the Corporation, if necessary.

Action: Finance Manager/Finance Lead Governors/Corporation Members

136.8.3 (iii) Curriculum

The Assistant Principal Quality highlighted a number of areas in the July QIP update:

- Levels of staff recruitment that have taken place this year and informing the Corporation that College is very happy with the high quality of appointments. Some concerns remain in terms of difficulty re support staff recruitment and a small number of vacancies are yet to be filled.
- Much of the 'orange' RAG rating signified work in progress rather than a final rating e.g. objectives relating to examination results.
- The College is confident that the planned improvements will come to fruition.

The Curriculum and Quality Lead Governor gave personal thanks to the AP Quality for the data and information produced for governors. They also personally endorsed evidence of the progress being made e.g. Assessment Strategy, Improving Teaching and Learning Strategy and the work being undertaken on the delivery and justification of the additional 40 hours of funded tuition, expressing a view that the College is clearly working towards achieving Ofsted outstanding status.

A governor queried the dip in student in year retention rate (96% to 95%) and the impact of ill health and particularly poor mental health. The Principal indicated that in 2021/22 year nationally there had also been a 10% rise in A level exam entries and it is apparent that many of the extra A level enrolments may not be suited to post-16 academic study (Covid related circumstances). There is an expectation therefore that national retention rates will be down re 2021/22 year.

136.8.4 (iv) Pastoral

The Assistant Principal Pastoral highlighted data in the Pastoral Report. They reported that even senior staff and colleagues were surprised by some of the increases within the data e.g. the numbers of reported suicidal thoughts – a 3-fold increase on the previous year. The AP highlighted sections of the report that addressed the question – so what is College doing about mental health and wellbeing support? Governors were referred to the final page of the report with a summary of support i.e. Universal, Self-selected and Targeted.

Lobbying continues for additional support (see 136.5), however the data is also indicative of an open culture of trust, where student feel able to discuss their problems.

The Corporation were advised of a series of new staff appointments or assignment of roles related to Pastoral Support:

- AP Operational Safeguarding Lead
- Enhanced staff roles and contribution to the Tutorial Programme
- Lead Practitioners (linked to Teaching and Learning changes)
- A new ED&I coordinator

Governor questions/ observations:

- The notable involvement of the Police – a governor queried whether College and the police sought consent from individuals. The AP Pastoral reported that requests routinely arrived with signed consent forms. Sadly, the majority of requests relate to rape, assault or abuse cases and are reflective of current policing practice to investigate the reliability and credibility of witnesses/ victims. The AP reminded governors of Data Protection requirements for Safeguarding files to be kept for 7 years after the student has left College.
- The report makes very little reference to parental involvement. The AP Pastoral reported that this was a complex issue. Students at college, by age, are in a transitional safeguarding phase where for 16/17-year olds parental permission is not required for individuals to access medical or mental health interventions. However, College is keen to work with parents and encourages, as appropriated, parental involvement.
- The impressive report from the Solihull team visit was noted.

Governors, thanked the Assistant Principal for the report recognising the extensive pastoral work undertaken in the College.

136.8.5 (v) Cross College

The AP Pastoral highlighted points from the ED&I Report:

- Renewed focus/ refresh within College e.g. impact of economic disadvantage/ deprivation and other minority and underrepresented groups
- New ideas and initiatives.

A governor questioned the sharing of economic deprivation data with tutors and staff in college. The AP Pastoral advised that the information would be provided in a similar fashion to health and learning support information i.e. codes attached to student records with no detail and therefore individual consent was not required.

Observers (those 'In Attendance') left the meeting

136.9 Election of Chairs and Vice Chairs

(i) Election of Corporation Chair for a 2-year term of office commencing 01.09.2022 To be confirmed. Only 1 nomination M. Atherton however, in capacity as acting chair procedurally unable to confirm his own appointment.

(Action Clerk)

(ii) Election of Corporation Vice Chair for a 2-year term of office commencing 01.09.2022 S. Codling and K. Finnigan elected unopposed. Role accepted by S. Codling, K. Finnigan to be formally approached.

(Action Clerk)

136.10 Search and Governance Committee*

(i) Governor recruitment

On the recommendation of the Search and Governance Committee J. Lesley reappointed unopposed as a Community Governor for a term of 4 years commencing 01.09.2022

(ii) Terms of reference*

The Search & Governance Committee recommended approval of the following terms of reference

- Remuneration Committee
- Disciplinary (Senior Post Holders) and disciplinary appeals committee)
- Appeals Committee

The terms of reference were approved

The Audit Committee presented the terms of reference for the committee

The Audit Committee terms of reference were approved

Search and Governance Terms of Reference*

Discussion was held regarding the proposed additions to the Search and Governance terms of reference. Objection was raised to the additions of points (i) & (j) on the basis that these extend the role and function of the Search and Governance Committee which was at odds with the 'Carver' model of governance.

Members indicated that the inclusion of points (i) – to make recommendations to the board regarding the annual review of operational and statutory committee terms of reference & (j) – to monitor the implementation and evaluate the effectiveness of the lead governor and governor visit day scheme [part of the board assessment review and report to the Corporation on board effectiveness], reflect the working of the Search and Governance Committee and therefore the fulfilment of the terms of reference.

Recruitment

In response to a governor query re governor recruitment, it was explained that the process of considering the skills audit, skills sets of applicants and selecting governors for interview, ensuring appropriate skills identification and matching, prior to recommendation to the board is undertaken by the committee in accordance with the I&As and functions delegated to the committee including through the board's approved recruitment and retention policy and procedures.

All members are provided with (or access to) anonymised summary information, CV's, and the Corporation's latest skills audit, prior to receiving, from the Committee, appointment recommendations. Appointments/reappointments are discrete agenda items, providing the opportunity for members to raise any questions or queries of the interview panel (3 members drawn from the Search and governance committee) prior to voting on the appointment/reappointment.

The Search and Governance Committee terms of reference were **approved**

The statutory requirement for a Search and Governance Committee was queried. It was agreed to seek clarification from the Clerk to the Corporation.

(iii) Committee Memberships and Lead Governors

The recommendation of the Search & Governance Committee re the 2022/23 committee memberships was **approved**.

The recommendation of the Search & Governance Committee re the 2022/23 structure of lead governors was **approved**.

(iv) Standing Orders

The proposed revisions to the Standing Orders were considered.

Page 9 – Terms of Office

A governor suggested that paragraph 8.3.3 – a restriction on the number of terms a governor can serve was unnecessary and created a tension between experience and new ideas. The need for experience is important in terms of institutional intelligence/memory.

Other governors agreed that whilst experience is important, the Corporation should be mindful of the Code of Good Governance and Charity Governance Code (provided in advance of the meeting) which recommends that governors should not normally serve more than 2 terms (or 8 years). The Inclusion of paragraph 8.3.3 in the Standing Orders serves as a reminder to review the composition of the Corporation to ensure the right mix of skills, experience and new blood is achieved.

Concerns were raised about when and how this review might take place – who would be involved? There was some consensus that wording of paragraph 8.3.3 was not good but there ought to be a point of review.

A vote was held on the proposal: *community members shall not ordinarily serve for more than two terms. However, in exceptional circumstances a member may serve more than 8 years*, and was **agreed** by a majority vote.

The draft Standing Orders 2022/23 were agreed.

8.50 pm I.MacNaughton (Principal) and A.Johnson (notetaker) left the meeting

136.11 PART B – CONFIDENTIAL MATTERS

M. Atherton was appointed Clerk for the duration of the confidential section of the meeting.

Governors received the minutes of the Remuneration committee meeting held 22.06.2022 and approved the committee's recommendations.

S. Codling left the meeting at 09:03pm.

There being no other business the Chair closed the meeting at 9.04pm

These minutes were approved by the Corporation on 26.09. 2022 Minute No.137.4
