

**MINUTES OF THE
CORPORATION MEETING**

HELD ON WEDNESDAY 15th MAY 2019 AT 6.00 P.M.

MEETING 18/04

Present: Jane Alderton, Randall Anderson, Jane Farrell, Paul Herridge, Ethan Hilton, Dawn Howard, Izzy Langhamer, Simon Lindfield, Billy McNally, Janice Robinson, Richard Seager, Katharine Travis, Simon Waters, Aldona Wheeler

In Attendance: Peter Bailey, Elaine French, Donna-Marie Janson, Louise Pennington

Apologies: Ayas Fallon-Khan, Philip Harland, Cathy McDonnell

In the Chair: Janice Robinson

1. Welcomes and Apologies for Absence

Welcomes – Paul Herridge (new Parent Governor), Ethan Hilton and Izzy Langhamer (new Student Governors)

Apologies – as recorded above.

Regarding Philip Harland's absence, Janice Robinson reported that following a period of ill-health, he had returned to work on a gradual basis and thanked those members of staff who have provided cover in respect of some of the Principal's work during his absence

Congratulations were recorded to Billy McNally, Principal of Hamilton Lodge School and College which had recently been awarded "outstanding" grade by Ofsted.

The Chair reminded Governors that the last meeting was cancelled and she assured Governors that nothing requiring urgent attention had been on that agenda, but that as a consequence, the May Meeting has a longer agenda, having incorporated the business from the April meeting.

2. Declaration of Interest

None recorded.

3. Minutes of the Meeting on 13th February 2019 Part I (the meeting convened for 3rd April 2019 was cancelled)

The minutes of the Meeting were approved by the Corporation and the Chair was authorised to sign these as a correct record of the meeting. **ACTION: Louise Pennington**

4. Matters Arising and Action Points – Progress Report and Significant Risks Schedule

The following updates were recorded:

- **In year leavers** – Donna-Marie Janson introduced the paper (page 13) included within the Matters Arising item, noting that further information had been requested by Governors and that SLT had found the exercise useful too. The following aspects were highlighted:
 - a) Trends identified: illness is highest issue with 20 of students who have left during the period; mostly mental health issues but some students deferred the year and reapplied for this year. Miscellaneous category, includes some students who moved abroad, others left to commence apprenticeships (16)/employment (11) where their employers required an immediate start time and the remainder were asked to leave owing to behaviour issues. Regarding the latter, although this is a loss to the Student and subject teachers, it is recorded as a “positive destination” from the College’s reporting. College staff will continue to monitor the “miscellaneous/other” element closely and currently this is reviewed monthly by the Heads of School.
 - b) Governors queried whether some of those who have left the College, were finding their courses too difficult and whether this therefore required staff to check whether the selection process currently places students on the right courses. In response SLT explained that this was the case in some instances but reflected mainly those students transitioning from Level 2 to Level 3. Consequently SLT will be establishing smaller tutor groups for these students from next year to provide additional support during the transition period. Furthermore it was acknowledged that many of the Level 2 students had lower GCSE grades on entry and that a more rigorous enrolment process will be investigated in order to ensure that students are placed on the most appropriate courses with required support.
 - c) Students out of area (60) – notwithstanding that there were various classifications within this category including ill health, travel etc, in response to a question from Corporation, SLT explained that they were investigating whether the distance travelled to and from College was having an impact on some students and whether consideration should be given to making adjustments to the timetable, where possible for those students to avoid early morning starts every day. The impact of travel often didn’t materialise until the end of the first term.
 - d) At this point Governors questioned the last minutes which recorded that the Department for Education was taking over the student destinations’ survey, thereby releasing current College resources allocated for monitoring destinations and reassigning resources accordingly. SLT explained that the College has decided to continue to operate its destinations’ monitoring procedures (staff phoning past students) for the time being as this provided information more quickly. It was accepted that the Department for Education destinations’ analysis will be more complete and accurate as NI numbers etc will be taken into account in verifying students’ destinations.
- **Pension Scheme Liabilities:** Page 11, second item December 2018 meeting action timetabled to update in Spring 2019 regarding pension scheme and need to provide for potential increased liabilities. Elaine French advised that in recent weeks there had been discussion on the Finance Directors’ forums, following information issued by the Association of Colleges (AoC) regarding the suggestion that Colleges may

wish to consider leaving the TPS (Teachers' Pension Scheme) and the LGPS (Local Government Pension Scheme). Regarding the latter, Elaine French advised that the general consensus within the sector was that leaving the existing pensions scheme would probably create significant additional problems. Specific advice is expected in the near future from the AoC and SFCA (Sixth Form Colleges Association) with input from sector pension experts. Regarding the anticipated pension contribution rate increase, the Government has confirmed that funding will be provided for the first year (from September 2019), but that no guarantee for future years has been given yet. Julian Gravatt, AoC advised at a recent AoC Finance Conference that the AoC thought it highly unlikely that the Government would remove the funding for additional pension liabilities from Colleges in future years as this would almost certainly cause significant financial difficulties for Colleges.

- **Condition Improvement Fund) bid** (2 bids – canteen/kitchen and toilet facilities) submitted by the Principal earlier this year, has been rejected, along with those for the majority of SFCs.
- **Financial regulations/business procedures** – following a recommendation from Elaine French which Simon Lindfield (Chair of Finance Working Group) supported, it was resolved that the documents should be reviewed by the Finance Working Group (next meeting June 2019) prior to consideration and approval by Corporation. On Finance Working Group Agenda **ACTION: Elaine French**
- **GDPR:** It was agreed that reference to Governors should be incorporated into the Data Protection Policy – Elaine French confirmed that this had been completed. However the GDPR retention record was still being worked on and wouldn't be finalised until next term. **ACTION: Elaine French**
- **Any Other Business (from March 2019):** Incident on Site: The openness and vulnerability of the College's site was also raised as a concern by Governors and SLT confirmed that investigations and risk assessments were underway to improve site security – on-going.

It was noted that the action schedule would be updated to reflect any changes detailed above. **ACTION: Louise Pennington.**

At this point Dawn Howard joined the meeting.

SIGNIFICANT RISKS 2018/2019– the Corporation noted the risks for 2018/2019.

5. Chair's Report

The contents of the Chair's report were noted by Governors and the following additional points were recorded:

- a) **Membership Matters** – on the invitation of the Chair and with the agreement from Katharine Travis, the Corporation reappointed Katharine Travis for a 4 year term of office until 31st May 2023
- b) **Ratify outcome of Student Union Election** – new Student Governors: Ethan Hilton and Izzy Langhamer.

The outcome of the SU Election process was noted and the appointment of the new Student Governors, Ethan Hilton and Izzy Langhamer was endorsed by Corporation for the usual 1 year term of office, until the their successors were elected.

c) Meeting with Chairs of Secondary Schools and Colleges in Brighton and Hove held on 19th March 2019

The key issues raised at the meeting were reported by Janice Robinson, namely:

- i) Death of a member of the Estates team at Blatchington Mill School following an accident. Health and Safety issues arising from the accident and subsequent death have been investigated and the recent Coroners' Report has identified inadequate management of support staff, as one of the contributing factors. At the time of this meeting, the Local Authority and School were waiting further notification including whether or not a fine will be issued. At this point Janice Robinson referred to the AOB item regarding health and safety training for staff which had been requested to provide assurance to Governors that adequate procedures were in place at Vardean College.
- ii) Governors were reminded that some of the Secondary Schools had been keen to improve information available to their Students regarding the range of courses available to them at the various Sixth Forms in the City via a website entitled "Beach". This initiative has now been dismissed but the Local Authority has stated that it will update its own site with more substantial information. Pete Bailey reported that he had recently been contacted by the local authority for information about courses available at Vardean.

d) Request from ex-Governor regarding Planning Application – moved to confidential minutes

It was resolved to transfer the minute from this section to the confidential minutes owing to the sensitive nature of the discussion held.

6. Principal's Report

In the absence of Philip Harland, Donna-Marie Janson, Pete Bailey and Elaine French presented this section of the meeting on the Principal's behalf.

a) Equality Duty Annual Data Report including Gender Pay Gap

Pete Bailey highlighted the following key aspects. Governors' questions and responses from SLT, were also addressed and summary details are included below:

- Report includes information in respect of both Staff and Students.
- **STUDENTS** – male and female enrolments have become more equal and the percentage of BME Students has increase slightly compared to previous years. Achievements – previous years' differentials between the various categories have largely diminished, with achievement rates overall having broadly increased. At 19+ there remain differences, although this reflects only a small group of Students. Retention rates have equalised too, reflecting an improvement from last year and in comparison to the sector too. Regarding the move to linear A Levels, with the data available nationally, there is some evidence that this examination format benefits males more than females. Improvements are also apparent within the BME category, probably reflecting some of the initiatives instigated by the College. In response to a query from Governors regarding the Student deprivation analysis, SLT

explained the various support provided to vulnerable students including financial assistance from the funding allocated (£160K) which included bus pass, meals and material provisions etc whilst on site.

- **STAFF** – the staff profile continues to reflect the increase in average age. However SLT explained that regarding the ethnicity element, as the “unknown” category is quite high, it makes it difficult to understand the diversity aspect within the College. Regarding gender pay gap – last year this was nil, but this year it is marginally higher at 0.05%. In response to a request from Governors, SLT agreed to include a breakdown in respect of ethnicity pay gap. **ACTION: Philip Harland/Pete Bailey.** It was suggested that in future consideration should be given to including a governors’ profile if the information is available and Louise Pennington agreed to investigate this. **ACTION: Louise Pennington**

b) Strategic Plan Update

Pete Bailey introduced the item which he had prepared reflecting a summary of various College reports issued over the last year. The following points were drawn to Governors’ attention:

- 5 strategic aims are listed against which a summary of the College’s current status is included
- BTEC – in response from a question from Governors, Pete Bailey confirmed that progress had been made as a result of various initiatives to improve the overall results. The latest analysis is based upon 32 Students, although only a small fraction (3-4 Students) of these are included in the Government’s analysis as this is based upon the new BTEC specification. Hence the information provides a distorted view of the College’s overall BTEC performance. Furthermore the data submitted to Government for inclusion in their national analysis was generated at a time when the College had some issues with their data provision system (Pro Solutions) which has since been resolved and at that time provided less favourable figures. Pete Bailey confirmed that based on the College’s own assessment and analysis which enables comparison with previous years, both achievement and retention had improved whilst the Value Added score still requires improvement. Over time with the move to the new BTEC specification the College’s data analysis will be more accurately reflective of all the Varndean Students’ true outcomes.

In summary the Governors congratulated Staff and Students on improvements across the board but also noted that there were areas requiring attention in order to improve all subject outcomes, included Value Added scores.

c) Staff Pay Negotiations

Elaine French introduced this item, noting the following:

- **Support Staff pay award (2018/2019)** overall marginally in excess of 1%, which is within budget and agreed by Governors, so now that this has been agreed via the national negotiations between the SFCA and the Unions, the award has been implemented.

- **Teaching Staff pay award (2018/2019)** has been agreed nationally between the SFCA and the Unions with the consequential impact upon the College of just under 1.5% overall, equating to an additional £20K impact on the budgeted figure.
- In terms of the impact on the College's financial health, Elaine French advised that this would not affect either the final outcome or the financial health, bearing in mind that various aspects of the budget have changed e.g. the accounting treatment in respect of IT leasing which as agreed with the auditors, is now recorded via the balance sheet rather than the Income and Expenditure account in the accounts to July 2019. As a result the budget for this year has been adjusted to reflect the change in treatment of IT leases which places the College in a more favourable position and allowed for some flexibility regarding the pay award detailed above.
- In response to a question from Governors regarding impact on the 2019/2020 year, Elaine French advised that the budget was being prepared at present in readiness for consideration at the Finance Working Group meeting in June 2019 and that she would be including projections in respect of staffing costs going forward. She advised that the initial projections indicated that the College's financial health rating would remain "good" for 2019/2020; likewise the EBITDA (earnings before interest, tax, depreciation and amortisation) would remain health too based on this initial work and in fact indicate that this classification would be better than the current year, again benefiting from the revised finance lease accounting treatment. Following a question from Governors regarding the College's financial health and risk, should there not have been a change in accounting treatment of finance leases, Elaine French advised that the financial health would still have been good, although towards the bottom end. This year the College's finances have been supported by cash at bank from the capital project CIF funding and have been more stable overall than previous years, with fewer fluctuations.
- Governors were reminded that the Finance Working Group which is due to meet in June, would be reviewing the budget and financial matters in detail, prior to Corporation in July.
- In summary, Elaine French confirmed that the additional £20K (equating to 0.24% of the revised staff costs ratio), required on top of the pay increase already budgeted for in the accounts, would be covered by the changes in the budget recorded above. This will increase the staff costs ratio to 74.2%, notwithstanding the College's intentions to improve the staff cost ratio.
- The pay award will be paid to Staff in May 2019 back dated to September 2018.
- Taking into account the above points, the Corporation approved the nationally agreed Teachers' pay award. **ACTION: Elaine French**

At this point and in recognition of the additional work provided by SLT Members and Janine Hatcher in Philip Harland's absence, following a proposal by the Principal, and reported by the Chair, Corporation endorsed the proposal to make a one off payment totalling £3,800 between the four staff concerned (equivalent to 0.5 year incremental pay rise) for the time period January until the end of this academic year. Governors also recorded their thanks for all the additional work carried out by SLT and Janine Hatcher. **ACTION: Philip Harland**

7. Student Governors' Report

Ethan Hilton and Izzy Langhamer gave the following update to Governors:

- An on-line survey has been circulated to all Students inviting feedback on the key issues raised during the Student election process. The SU has analysed the results and the highest number of votes (1,276) were for "campaigning for a better canteen". Students understand the funding issues but wish to bring the matter to the attention of Management for attention if/when funding becomes available. Other issues identified as important to Students reflected by survey responses include:
- "Campaign for better tutorials" (201 votes) – at present this is a 45 minute period and varies significantly between tutor groups where some find it useful and others not with resulting poor attendance. To rectify this, Student Focus Groups have been established (with first year students) and the outcome from this will be that tutorial content being revised to ensure a consistent approach and smaller groups.
- "Regular Communication" (140 votes) – Students would like to be kept informed and be more involved in decision making.
- Preferred communication was given as "e mail" (372 votes) and "Instagram" (150 votes).
- "Smoking Area/No Smoking Area" – 123 votes against and 53 votes for a smoking area. The SU will only be taking forward the top 3 points with the highest votes, so the smoking issue won't be taken forward on this occasion.

Regarding the canteen issue Elaine French suggested that the SU Governors meet with her outside the meeting to discuss options for immediate improvement e.g. more chairs/room layout and better use of space etc. **ACTION: Elaine French/SU**

8. Curriculum and Standards – Student Outcomes

Donna-Marie Janson and Pete Bailey presented the papers to Corporation and the following points were noted:

a) Student Outcomes

i) Student Support Analysis

Donna-Marie Janson summarised how the Student Support system worked in practice using the RAG rating system; how Staff aimed to monitor and keep Students on track to meet their action plans combined with interventions utilised where necessary. The review reflects the fact that there has been greater engagement and a more effective process implementation by Staff resulting in an improvement in overall outcomes.

The analysis does reflect the fact that more boys go through the Student Support process and that there are also more Level 2 Students to which this applies too and that these are within the highest disciplinary level (level 3). Donna-Marie Janson also explained that the majority of Students were also 3 year Students (i.e. those who were initially enrolled on Level 2 courses and then moved to a 2 year Level 3 course). With the aim of improving equality, SLT has requested that for the 3 year Students, their year 2 Student Support record should be archived, so that they commence their Level 3, 2 year course, with a clean record at the outset. The analysis also shows that girls progress more slowly along the various

categories from Level 1 (first stage) to Level 3 (final stage). Nationally there continues to be more black male Students within the Student Support system.

In response to a question from Governors, Donna-Marie Janson explained that Staff were aware of the need to ensure there was no bias towards male/female/ethnicity factors in following the College's Student Support roles and that the system was equitable to all.

Broadly the College's overall results have shown improvement in terms of consistency of application and appropriate support provision.

For next year, SLT will be implementing further change to ensure that Student interventions and on-going progress review and actions are made in a positive way.

Governors also queried the timing of Students held within each stage and Pete Bailey explained that the timings varied depending upon the Student and actions taken. It was also noted that there were 68 Students within the highest disciplinary category (blue) at the year end but also noting that during the year, Students had moved up or down within the various levels, depending on progress with action plans.

In response to a suggestion from Governors, Donna-Marie Janson agreed to include details of Students within the Support system who had Education, Health and Care Plans (EHCP), in order to better inform Governors. Furthermore, future reports should also include "praise" responses which are implemented within the processes too. **ACTION: Donna-Marie Janson**

b) Quality & Teaching and Learning

i) Update on Quality Improvement Plans (from SAR: Subject Grades 3 and Whole College QIP Action Plan)

Pete Bailey summarised the key aspects of the paper noting the following:

- Following meetings to discuss the respective action plans (in respect of subjects graded 3, including science, economics, geography, psychology and sociology) with SLT and Heads of Schools the attached Report provides an update on work undertaken and progress made since the annual self-assessment process in the Autumn Term.
- For the previous year, there were 4 subjects graded 3; two of those have since improved and at the last annual assessment their grades were revised to a 2.
- The ALPs scores issued post the 2018 summer examinations have had an impact on the 3 subjects graded 3, so although retention and achievement have increased, ALPs scores, did not improve.
- Some subjects graded 3 (psychology and sociology) have taken part in an EQR (External Quality Review) exercise so reports and recommendations from these have been implemented.
- The whole College QIP has been included in the report, showing progress from the previous year's assessment with colour coded key priorities having been identified.
- In response to a question from Governors regarding the fact that geography and public services (BTEC) continued to be graded 3, Pete Bailey advised that geography would participate in an EPQ next year and also reported that all S7

Colleges had reported similar issues with geography. Furthermore, additional actions have been put in place recently within this curriculum area following discussions with SLT, namely the timing of teaching more difficult topics and solutions for field trip issues. Regarding public services, although there have been some improvements, the respective school is focusing upon improving retention and achievement and consideration will also be given as to whether to change specification.

ii) **Student Performance Dashboard includes ALPs, Absence and Retention**

Donna-Marie Janson introduced the paper produced by Philip Harland, the contents of which were noted and the following points were recorded:

- Retention overall has improved.
- Attendance – small percentage change.
- ALPs – a more effective and reliable ALPs tracker per subject is being introduced and this will be monitored on a half-termly basis which should provide a more rigorous system next term.

9. Finance

Elaine French presented the following papers to Corporation and drew Governors' attention to the key points detailed in the Executive Summary.

a) **Financial Updates including Dashboard and Management Accounts (Period 8)**

- The management accounts were received by the Corporation.
- Reference was made to the earlier discussion regarding year end projections as recorded in the Management Accounts.
- Main revision since the last set of Management Accounts were presented to Governors, is the additional staffing costs and the adjustment in respect of finance leases (as explained above). Overall the bottom line has not changed significantly.
- Page 56 – outcome indicates a slightly better financial position than initially budgeted.
- To assist the new Governors present, Elaine French explained the financial health and key ratio elements, namely performance ratio (ebitda), current ratio (current assets(mainly cash)/current liabilities) and borrowings. Currently the College's predicted financial health is classified as good.
- In response to a request from Governors, it was agreed to include a breakdown definition of the various scores in the next report. **ACTION: Elaine French**
- The most significant fluctuations in the accounts relates to staffing costs, some of which reflects the pay award as reported above, combined with additional staff costs required over the year, reflecting the College's increase in Student numbers. The Staff cover/supply costs have exceed the budget by £2.5K and SLT have been monitoring Staff cover/supply very closely to ensure that this is controlled. The leasing costs have also reduced by £55K and reflected in the accounting adjustment previous reported.

b) Property Update - moved to confidential business

Owing to the confidential nature of the business, it was resolved to move the minutes for this item to the confidential minute record.

- i) Update on Planning Applications including decision required iro Appeal on Land Sale and Associated Costs (CONFIDENTIAL)**
- ii) Draft Minutes from Accommodation Working Group draft Minutes 18th March 2019 (CONFIDENTIAL)**

c) Tuition Fees for 2019/2020

The proposal for fee paying students mainly reflect Adult Education provision and the College abides by a tariff system. Regarding International Students the course fees reflect the market rate, resulting in a slight increase for 2019. The majority of International Students are Chinese and this is supplemented by Students from Brazil and Japan, together with Students from the EC, particularly in respect of short courses. The College is also looking at recruiting Students from South Korea and a useful marketing trip to China, Japan and South Korea took place earlier this year.

The proposed fees for 2019/2020 were approved by Corporation, noting that Access Students' fee details had been included in error and in fact the College no longer catered for Access Students. **ACTION: Elaine French**

d) ESFA Funding Letter and Allocation Statement for 16-19 and Adult Education

The funding for 2019/2020 was noted by the Corporation.

10. Audit

a) Value for Money Report (action from Search and Governance Committee November 2018)

The contents of the report were noted and it was resolved that the paper should also be included on the next Audit Committee Agenda. **ACTION: Elaine French/Louise Pennington**

In response to a question from Governors regarding the value for money definition, it was noted that although not detailed in the College's financial regulations, it was defined in statute. It was recommended that the Finance Working Group should consider whether the definition should be included in the financial regulations. **ACTION: Elaine French/Louise Pennington**

11. Date of Next Meeting

Wednesday 10th July 2019 at 6.00 p.m.

12. Any Other Business

a) Audit Committee Terms of Reference

The Corporation agreed that the terms of reference for the Audit Committee should be revised to reflect the amendment required in line with the latest Audit Code of Practice namely that Staff Governors may not be Audit Committee Members. **ACTION: Louise Pennington**

b) Health and Safety Training for Staff

Elaine French referred to the fatal accident which occurred at Blatchington Mill School involving an Estates' worker and the outcome of the Coroner's Report.

She reassured Governors that the Health and Safety rules and procedures were in place and monitored at College and that the Health and Safety Advisor (Nick Stubbs), who was employed on a part time basis, was qualified and very experienced. The following additional points were recorded:

- The Health and Safety Policy was updated and reviewed annually and brought to Corporation for approval.
- The Health and Safety Policy is included in all Staff Inductions.
- Annual health and safety risk assessments are completed and passed to Nick Stubbs for review with any recommendations from this implemented
- Health and Safety training is managed by Nick Stubbs which covers such aspects as Estates' Team working at height, the use of ladders etc and any height work is supervised by the Estates Manager, with at least 2 members of staff involved in ladder/height work at any time.
- Other health and safety training includes – access tower training, manual training, first aid rota and kit etc
- Cleaning staff following an induction process and receive a pack of information, including any health and safety aspects relevant to their work.
- Schools follow a separate Local Authority Health and Safety process and training, unlike Colleges which are required to implement their own Health and Safety systems.

13. Confidential Business – refer to separate confidential minutes

a) Part II Corporation Minutes 13th February 2019

The meeting remained quorate.

The minutes were approved by the Corporation and the Chair authorised to sign these.

ACTION: Louise Pennington

b) Update to Governors on Progress with the Recruitment of a new Principal (Panel meeting with AoC Create held on 19th March 2019)

c) Update on Progress with Recruitment of New Principal – Refer b) – delete as duplicates item b)

d) Considerations on the Remuneration Package to be offered to new Principal

At this point in response to a proposal from the Chair, the Corporation resolved that the Staff and Student Governors and SMT members should leave the meeting at this point owing to the fact that discussions would be taking place regarding Senior Postholders. Katharine Travis also left the meeting at this point.

The meeting remained quorate.

e) Report from SPH Remuneration Committee 15th May 2019

At this point Louise Pennington left the meeting.

14. Enclosures

The various enclosures for Governors' information were noted:

SFCA Board Effectiveness

SFCA Board Meeting Etiquette for SFCs

Department of Education – FE Bodies: Insolvency Guidance

AoC The College Insolvency Regime – Q and A

FE and SFC Corporation: Governance Guide

Chair.....

Date.....

Louise Pennington 15/05/19