

**Minutes of the Meeting of the Corporation of West Thames College
Held on Wednesday 03 April 2019 in the Banks Room**

Members Present Mr T White Mr J Bolt Ms T Aust
 Mr A Hillman Mr J Bryant Ms C Singh
 Ms R Vazdoaga

Also present Mr J Allen Mr M Cooper Mr G Baker
 Mr D Evans Mr M Michaelides

The meeting commenced at 17.30

28 APOLOGIES, CHAIR, & WELCOME

Apologies were received from Simon Wilcox, Alma Patterson, Bruce Armstrong and Michael Marks

In the absence of the Chair, it was agreed for Tommy White to chair the meeting.

The Chair welcomed Roxana Vazdoaga, the elected student governor, to her first Corporation meeting.

29 DECLARATION OF INTERESTS

There were no other declared interests against any agenda item.

30 MINUTES

It was **RESOLVED** to approve the minutes as an accurate record of the meeting of the Corporation held on 13 December 2018 (Paper 1).

31 SUMMARY ACTION LIST & MATTERS ARISING

The '*Summary Action List*' was received (Paper 2). The following updates were noted;

Ref & Date	Action	Review Update
6	Link visits to be conducted after the Corporation approves the College SAR in December, with visits to take place in the spring term and outcomes of the visits reported to the April Corporation meeting.	Agenda item at this meeting.
7(ii)	An alternative approach to remunerate staff was discussed by the Committee should the year-end position be positive which could include a review of the WTC 'benefits package', rather than a traditional pay award. The Executive Team to explore this during the course of the academic year.	Agenda item at this meeting.

It was **RESOLVED** to note the '*Summary Action List*'.

32 FE INSOLVENCY REGIME

The Clerk made available a presentation on the FE Insolvency Regime that came into force from 31 January 2019 (Paper 3). Also made available to governors was a copy of the Department of Education's Governors Guidance on insolvency.

The Technical and Further Education Act 2017 introduced the main framework for the insolvency regime for the Further Education sector. It applies aspects of normal company insolvency law to further education and sixth form college corporations and introduces a special administration regime which is designed to protect learner provision in the event of a college becoming insolvent.

Governors already have duties as charity trustees to ensure good financial management of college corporations. Those duties continue and it will be all the more important to report early any sign of financial difficulty and to recognise and report if the college becomes insolvent. Governors are under obligations to act to ensure that they do not allow the college corporation to continue to trade when insolvent if this damages the interests of creditors.

A discussion took place on how best to recognise the early signs of potential insolvency risks. It was **AGREED** key solvency indicators need to be reported on separately in future Management Accounts, along similar reporting lines used for reporting on bank covenants. Key insolvency indicators identified included cash days in hand, creditors, financial health assessment, and % of borrowing against turnover.

It was noted company directors are not disqualified as an automatic consequence of the insolvency of a company, and this will also be the case with governors or senior management of colleges. Disqualification proceedings are only commenced where there is evidence of wrongdoing, including fraudulent and wrongful trading, which is fully investigated.

DfE have issued guidance for governors on their duties and liabilities under insolvency law. The guidance:

- Explains procedures and governors' roles within those, including Independent Business Reviews and Education Administration;
- Explains offences including wrongful and fraudulent trading and set out relevant penalties;
- Set out actions and duties that governors must take during an insolvency procedure and explain the need to co-operate with the appointed Insolvency Practitioner; and
- Provide sources of additional information about good governance and legal advice to help governors to minimise their risk of liability.

It was **RESOLVED** to note the presentation on the insolvency regime and for insolvency KPIs to be agreed and to be reported on in a separate table in the Management Accounts.

33 EXECUTIVE REPORT

The report from the Executive was received (Paper 4). The following key points from the report were noted:

(i) **Ofsted**

The Ofsted monitoring report was received in January with copies made available to governors. There were no significant changes from the verbal feedback received at

the time of the visit which had already been shared with governors. The report recognised that reasonable progress was being made in all five key areas for improvement (level 2 outcomes, level 3 high grades, timely apprenticeship achievement; attendance; English and maths; progress and high expectations and work experience). The full inspection is expecting to occur in the summer term. If however, this does not happen next term, then it will take place in autumn 2019. If the inspection is in the autumn, one of the key challenges will be that we will be assessed against the new Ofsted framework being implemented from September 2019.

(ii) New Ofsted Framework

The new Ofsted framework or Education Inspection Framework (EIF) is currently out for consultation with a closing date of 04 April. The new framework will come into effect from 01 September 2019. As part of the next strategic planning session with governors to be held in May, the Executive will do a full briefing for governors to go through the new framework in detail. In summary, the overall effectiveness judgement will remain but with an apparent reduced focus on data. Overall effectiveness will be based on the 4 key judgements with the Quality of Education potentially being a limiting grade.

(iii) February Strategic Planning Session update

The focus of the strategic planning session with governors held in February was on the strategic plan with a particular emphasis on the review of the curriculum. As part of this the session considered the College's vision and the 3 key strategic goals to ensure that they are still fit for purpose. Governors agreed that the goals are still relevant and appropriate.

The curriculum review concentrated on 3 key provision types:

- 16-19 Study Programmes
- Apprenticeship Provision
- HE Offer

The review looked at enrolment trends, quality of provision, financial contribution/viability and staffing. The outcomes of the session were to identify any changes required which could include: provision to be deleted, growth opportunities and new provision for 2019-20. The review will feed in to the College's longer term planning which will be the focus of the next strategic planning session with governors, scheduled for May 2019. It was confirmed the Executive are finalising the curriculum offer for 2019-20, informed by the revised curriculum planning process and the clear steer provided by governors.

In the 3 key areas reviewed, the following key points were reported to Governors:

- Curriculum changes have been made in one Directorate (Creative Industries/Art & Design) with a new curriculum offer to meet the changing demand and one which ensures there are clear progression and destination routes from this provision.
- All 16-19 study programmes are reviewing their actual delivery models, again to ensure appropriate progression and destination routes with work experience and employability as enhanced features.
- In terms of apprenticeships, the College is consolidating its offer, reducing the number of frameworks to be delivered. The priority areas of apprenticeship

provision for 2019-20 will be logistics, business, teaching support and construction.

- In respect of HE, the College will continue to offer this provision recognising that although this represents a very small part of overall provision, it does provide a good progression route. The College has recently had its registration approved by the Office for Students to continue to offer HE and the Executive are exploring potential new routes, particularly at level 4. As agreed, the Executive to make available to the next meeting of Quality & Equality Committee an HE Strategy paper.

It was confirmed that achievement, attendance, financial and recruitment information contained in the report is to be subject to a fuller analysis under the agenda item '*Monitoring College Performance*'.

Governors asked for an update on recruitment for next year. It was reported that internal progression data is looking good and that there has been a 6% increase in applications compared with this time last year. It was reported that a more responsive approach has been introduced to deal with applications received to maximise enrolment opportunities.

It was **RESOLVED** to note the report.

34 MONITORING OF COLLEGE PERFORMANCE

It was **AGREED** for this agenda item to commence with a live demonstration of the Data Dashboard with each member of the Executive reporting/commenting on the KPIs that fall within their area of responsibility. The demonstration focused on those headline KPIs where it has been agreed for the review of these KPIs to be conducted at each Corporation meeting.

The following commentaries were reported to the Corporation against each of the key headline KPIs:

(i) Attendance

- Attendance is currently at 86%, 1% above the end of year position for 2017-18 (85%), but 1% below the end of year target (87%). Attendance has improved in 5 of the 6 focus areas of the Strategic College Improvement Fund project (SCIF).
- A Project Manager has been appointed to lead the project and 6 attendance mentors are now in post. Each mentor is attached to a SCIF area of focus and are supporting identified students. Additional attendance administrators have been employed to ensure immediate action is taken with students not attending.
- Each member of the Executive Team has been allocated a Directorate to monitor for attendance. The impact of interventions, the 'at risk' register for individual students and groups and action plans are monitored on a weekly basis.
- A 3 weekly cycle of meetings for the Attendance Steering Group has been created.
- Target groups and individual students 'at risk' with specific interventions have been identified. These are monitored via the Project Manager on a weekly basis and reported at Steering Group.
- A new set of reports have been developed to accurately monitor attendance and the impact of strategies used.

- A visit to the strategic improvement partner, East Kent College, was undertaken on 08 February.
 - Further work is needed to reach the College target and action points to work towards this are outlined in the Development Plan and Post Inspection Plan. Analysis has shown that the Skills Centre is a concern and there is a need to continue to focus on English and Maths. It was confirmed additional targeted support is being employed in these areas. Governors sought further confirmation of the details of the additional targeted support. It was confirmed that between 9am and 10am all lessons are visited and those learners who are not in attendance are immediately contacted. A daily report on the outcomes of this monitoring is made available to the Principal who directs any further action if required.
- (ii) Teaching, Learning & Assessment: (Assessment & Progression, Attendance, Engagement in Learning, English & Maths, Meeting Needs, and Personal Development)
- Currently the data shows the College has reached the end of year position target in one of the 6 categories (Personal Development), but is on track to reach the targets in the remaining categories by the end of the academic year. Included in the analysis are a high proportion of 'Developmental Learning Walks' which are observations to determine whether teachers have applied the support offered to them from Teacher Improvement Plans (TIPs). These observations are undertaken with staff who didn't receive a green LW and will therefore only include staff with areas for development.
 - The process to move underperforming staff onto formal capability has begun and extra resources have been employed to support the students affected by this.
 - Learning Walk 2 includes joint observations within every Directorate. Managers received observation training in December to standardise judgements, which was supported by joint observations to support the process. Every member of staff has received a joint observation and every manager has conducted a joint observation to moderate the judgements and develop consistency.
 - A detailed analysis of each Curriculum Area has been produced so that managers have a clear understanding of their areas of strength and development. Within this, individual teachers' areas of strength and development are identified. This enables Managers to really target CPD and to share good practice across the College. Directors and curriculum teams are continuing to share good practice across College.
 - The themes for the whole College Development Day in February were identified from the areas of greatest need.
 - TLA coaches have been appointed and continue to support individual staff members and curriculum areas, through sharing good practice and organising workshops on identified need.
 - Student observers from all curriculum areas have received observation training and will be used as part of the observation process for Learning Walk 3.
 - Governors received observation training in preparation for the Governor Visits.
- (iii) Achievement:
- Achievement is exceeding the overall College achievement target and on track to exceed the previous 2 years figures.
 - Achievement is currently on track to exceed the College target for 16-19 Programmes of Study (PoS) and Adult Learning. Governors sought

assurances on the reliability of predicated achievement. In response it was stated that the gap between prediction and achievement is narrowing as managers and teachers have got better at using in-year progress to inform predictions. However, there must always be a degree of caution on predictions.

- Termly PPR's have continued to be undertaken with a clear focus on achievement on PoS. A further performance review has been introduced with a specific focus on Level 2 and Level 3 performance. Data is being collated from on course progress reports and is monitored in weekly 1:1 meetings with VP Curriculum & Quality and Directors. Underperforming students on PoS have been identified and appropriate interventions implemented.
- There is a continued risk within English and Maths due to the volume of students now undertaking GCSE's.

(iv) Student Numbers & Funding

16-19 Student Numbers

- As at the last ILR return of 06 March, the College has enrolled 1,801 students against the allocation of 1,915. Whilst there will be withdrawals between now and the end of the year, there will also be some additional enrolments, particularly in ESOL. Based on past trends, the Executive expect to have around 1,815 students by the end of the year, i.e. approximately 100 students short of the student number allocation.
- This year's under-recruitment has resulted in a reduced allocation of 1,803 students for 2019-20. This has a corresponding reduction in funding of £658k.

Adult Education Budget

- 2018-19 AEB funding is currently projected to exceed our allocation of £3,235k by £194k. The forecast of £3,429k includes £97k funded over-delivery against last year's allocation, which was received in December 2018, and forecast over-delivery of £97k for the current year.

The Development Plan (Goal 2 & Goal 3) and the Post Inspection Plan (Goal 1) reports on the progress made to date against each of the actions points listed in the Plans (Papers 5 & 6).

The Post Inspection Action Plan reported 'amber' assessments for the majority of action points in the Plan, with a reasonable amount of green including the KPIs, with no 'red' assessments. Governors sought assurances on whether the College was ready for Ofsted? In response the Executive reported that the College was Ofsted ready at all times as inspection can take place at any time. What is being updated are the position statements that will be made available to the Ofsted inspection team when they arrive.

It was **AGREED** to prepare governors for the inspection that is expected to take place next term and to make available an updated governor briefing document covering the key questions that could be asked of them and for an rehearsal interview to be arranged.

It was **RESOLVED** the monitoring reports.

35 EDUCATION FOCUS

The following reports were received:

- Minutes of Quality & Equality Advisory Group meeting held on 06/03/19 (Paper 7)
- Governor Link Visit reports (Paper 7)

It was noted that it was agreed at the Quality & Equality meeting that when all governor link visit reports have been received, for these to be made available to Committee's Chair to produce a summary of the visits. The summary to be subject to a facilitated discussion at the scheduled strategy meeting in May to identify common themes and issues arising from the visits.

It was **RESOLVED** to note the minutes of the Quality & Equality Advisory Group meeting held on 06 March 2019.

36 **AUDIT FOCUS**

The minutes of the Audit Committee meeting held 20 March 2019 (Paper 9) was received and **NOTED**.

The need to strengthen the membership of the Audit Committee was again discussed with the need to add more financial/audit expertise to the Committee's membership.

Suggestions were made that will be followed up the Chair of the Finance Committee and Director of Finance.

37 **FINANCE & ESTATES FOCUS**

The following reports were received:

- The minutes of the Finance & Capital Advisory Group meeting held on 13 March 2019 (Paper 10)
- Financial Report/Management Accounts January 2019 (Paper 11)
- Fees Policy 2019-20 for approval (Paper 12)
- Confidential paper: to approve the proposal and framework for agreeing a discretionary, non-consolidated, pay award for 2018-19 (Paper 13)

(i) Minutes & Management Accounts up to 31 January 2019:

The following was noted from the minutes and Management Accounts on forecast year-end financial performance against budget:

- Forecast operating surplus of £415k (2.1%) compared with budget of £200k. Surplus includes £100k general non-pay contingency and £50k pay contingency. Key full-year forecast variances against the budget were reported as follows:

Favourable

- £480k re staffing expenditure – volume-related savings (fewer students); no pay award; unfilled vacancies and in-year deletion of posts not required
- £194k re AEB funding – 3% funded over-delivery re 17-18 (paid Dec-18) and 18-19 forecast
- £191k re LA funding of HNS – 7 students more than budget and higher average cost per student
- £102k re Estates – reduced maintenance costs, particularly at S+LC

Adverse

- £200k re Apprenticeships – new starts at around only 40% of target
- £195k re Full-cost fees – nil Courses for Business activity; Logistics and

- other areas below budget
- £142k re Schools Link fees – 14-16 Alternative Provision under-recruited
- £113k re HE tuition fees (down 19% v budget)

Cash Flow

- Cash flow is forecast to average around £4.8m between February 2019 and January 2020 with the projected low of £4.1m falling in July 2019.

Financial Health/Ratios

- ESFA financial health grade was confirmed as 'Good'
- Full-year staff costs as a percentage of income projected to be 64.8%
- Projected compliance with both Barclay Bank loan covenants

It was **RESOLVED** to note the minutes of the meeting held 13 March 2019 and the Management Accounts up to 31 January 2019.

(ii) Fee Policy 2019-20

The Fee Policy outlined the proposed fees to be charged for 2019-20 based on funding eligibility factors such as status, age, prior attainment, type of learning programme studied, and level of programme studied. It was confirmed there were no significant changes proposed from the previous policy.

It was **RESOLVED** to approve the Fee Policy 2019-20.

(iii) Confidential Paper: Staff Pay Award

It was **AGREED** for the paper to remain confidential and not to be made available in the public domain.

It was **AGREED** to minute the agreed resolution arising from the Corporation's review of the paper and for the minute to be recorded as part of these minutes and to be made available in the public domain.

Following a review of the confidential paper, it was **RESOLVED**:

- (i) For an overall budget of £150,000 to be made available for payment of an initial discretionary award;
- (ii) The initial discretionary award to be paid as a fixed lump sum of £600 per head to each full-time member of staff;
- (iii) Fractional and/or part-time staff will receive payment pro rata;
- (iv) The discretionary award to be non-consolidated and non-pensionable;
- (v) Payment to be established staff only and agency staff and temporary workers not to be entitled to the discretionary award;
- (vi) The lump sum to be paid to staff in-year, as soon as is practicable;
- (vii) Any performance related pay suggestions for future years, to be brought to the Corporation first for discussion.

38. ANNUAL SAFEGUARDING REPORT

The report set out the progress made on the Safeguarding agenda at the College over the last twelve months and the opportunities for progress in the coming year. Safeguarding covers a wide variety of actions undertaken by the College to ensure that students can learn in a safe and supported environment. In this environment they

can also learn about the risks they may face in the real world and work environment and be prepared for them. The agenda also ensures the College fulfils its responsibilities in terms of child protection and safeguarding vulnerable adults.

There continues to be a robust management of safeguarding, the nominated safeguarding staff have received training. They are knowledgeable and experienced and have worked together for a long time, resulting in a clear understanding of their roles and responsibilities. The Governor with responsibility for safeguarding reported that he had attended several briefing meetings with safeguarding staff during the year.

The following key points were noted and welcomed by Governors:

- The disclosures received the year, though not increasing, have been complex and challenging in nature.
- Records of safeguarding investigations are comprehensive. Interventions to resolve safeguarding incidents are prompt and consistent, and incorporate effective multi-agency working where necessary.
- The focus on safeguarding/prevent and embedding these themes into the curriculum is particularly strong.
- The safeguarding team – working with the local authority - has been proactive in raising the awareness of both students and staff of different forms of radicalisation and extremism that are appropriate to the college's location.
- Checks on the suitability of staff to work with young people and vulnerable adults are rigorous and encompass contractors and people in the local community who provide services and support for students.

It was **RESOLVED** to note the report.

39. ANY OTHER BUSINESS

It was reported that the Chair will be arranging one-to-one meetings with each governor and these will be arranged for the summer term meeting.

There was no other business

40. DATE OF NEXT MEETINGS

- Governor Strategy Meeting: Wednesday 15 May 2019 at the Skills + Logistics Centre at 4pm
- Corporation Meeting: Wednesday 10 July 2019 at 6pm

The meeting closed at 20.00

Signed: _____ Date: _____

SUMMARY ACTION LIST

Min	Action	Review
32	Insolvency KPIs to be agreed and to be reported on in a separate table in the Management Accounts.	10/7/19
34	To prepare governors for the inspection that is expected to take place next term and to arrange to make available an	10/7/19

	updated governor briefing covering the key questions that could be asked of them and for an interview rehearsal to be arranged.	
35	<p>Governor Link Visit Reports</p> <p>It was noted that it was agreed at the Quality & Equality meeting that when all reports have been received for these to be made available to Committee's Chair to produce a summary of the visits. The summary to be subject to a facilitated discussion at the scheduled strategy meeting in May to identify common themes and issues arising from the visits.</p>	15/5/19 and 10/7/19
36	<p>Audit Committee Membership:</p> <p>Suggestions were made that will be followed up the Chair of the Finance Committee and Director of Finance.</p>	10/7/19
37(vii)	Any performance related pay suggestions for future years, to be brought to the Corporation first for discussion.	
39	It was reported that the Chair will be arranging one-to-one meetings with each governor and these will be arranged for the summer term meeting.	10/7/19