



**WEST NOTTINGHAMSHIRE COLLEGE
CORPORATION BOARD**

Minutes of the Board meeting held in the Board Room at Derby Road on Thursday 25th October 2018 at 5.00 pm

GOVERNORS PRESENT: Nevil Croston, Chair
 Kate Allsop
 Lee Radford
 John Holford
 Terry Dean
 Mark Williams
 Jamie Fryatt
 Jane Hawksford
 Robyn Hodgson, Student Governor

ALSO IN ATTENDANCE: Maxine Bagshaw, Clerk to the Corporation
 Martin Sim, interim Principal and Chief Executive
 Tom Stevens, Deputy Principal Business Development
 John Owen, Interim Finance Director
 Louise Knott, Vice Principal Communications, Engagement and Student Experience
 Amanda Jogela, Director: Quality and Performance
 Julian Smith: Director Learning and Innovation
 Jane Peacock, ESFA Observer
 Alasdair Colston, KPMG Observer

ACTION by whom	DATE by when

1 WELCOME INTRODUCTIONS AND APOLOGIES FOR ABSENCE

Apologies for absence were received from Martin Rigley MBE, Ian Baggaley and Malcolm Hall MBE. The Clerk took the opportunity to advise that Alison Breeden, the Staff Governor, had resigned because of a change in commitments. The Clerk confirmed that expressions of interest for this vacancy would be circulated to staff after the half-term break. Jane Peacock was welcomed to her first meeting as an ESFA observer.

2 DECLARATION OF INTERESTS

The Chair reminded everyone present to declare any interests that they may have on matters to be discussed. No specific interests were declared and standing declarations were noted.

Signed : _____ Chair

Date:

3 MINUTES OF THE MEETING HELD ON 13TH SEPTEMBER 2018

The minutes were reviewed and it was agreed that they were an accurate record of discussions.

AGREED: to approve the minutes of the meeting held on 13th September 2018.

In terms of matters arising, two points were discussed:

- Page 7 – an update was provided by the Deputy Principal in relation to the Northern Construction Training Regeneration company. He advised that there are actually now 11 learners impacted by the company going in to administration, because one learner is unfortunately now in prison. The 11 learners have expressed their desire to migrate over to the college and this is being progressed. There is a small funding risk but the specifics at this stage are not known, as staff are in the process of gathering information.
- Page 11 – the Clerk confirmed that the requested additional paragraph has been included within the Whistleblowing Policy as discussed at the last meeting.

4 ACTION PROGRESS REPORT

The Board were happy to note the content of the update provided and acknowledged that key matters due for consideration had been scheduled on the agenda.

5 SAFEGUARDING AND CHILD PROTECTION PRESENTATION UPDATE

The Vice Principal: Communications, Engagement & Student Experience brought a number of key matters to the Boards attention

- 1) Keeping Children Safe in Education
 - The guidance document which covers key responsibilities has been updated;
 - There is a requirement that all staff and Governors need to have as a minimum read part one;
 - This document is revised annually and the latest version came in to effect on 3rd September 2018 with two further amendments;
 - She provided assurance that college procedures reflect the current guidance;
 - The new guidance includes a greater emphasis for certain aspects in 2018, these include;
 - a) Sexual violence and sexual harassment
 - b) Early help
 - c) Acting in a timely fashion
 - d) Emergency contact information
 - e) Late editions in relation to GDPR and disqualification by association.

Signed : _____ Chair

Date:

In relation to any matters of sexual assault or sexual harassment she advised that staff, on behalf of the college, will risk assess the situation and this will inform actions and the immediate response taken. She advised that the new guidance requires organisations to obtain two emergency contact numbers wherever possible, she indicated that for a number of students this is a particular challenge.

2) Governor role (KCSIE part 2)

- Ensure compliance with legislation;
 - Policies, procedures (staff code of conduct, peer on peer, looked after children, SEN and reasonable force);She reminded the Board that the Standards Committee monitors the policies in place and provides governor feedback when these are reviewed.
 - Practice (multi-agency working, audit, online security)
 - Training (annual updating, three year refreshers, DP training)
- Designated safeguarding lead. It was noted that Kate Allsop is the link Governor for safeguarding;
- Information sharing;
- Safer recruitment.

3) Prevent key risks – these are

- Online;
- Right wing;
- Experimentation;
- LLDD vulnerabilities.

She indicated that in this particular geographical area there are heightened concerns regarding right wing activity. As these are known it is an area that the College monitors closely.

4) In the academic year just gone statistics were

- 1770 internal referrals (an increase of 1028);
- 284 external referrals (an increase of 51);
- 47 prevent referrals (a decrease of 19);
- 2 prevent referred externally (an increase of 2);
- 16 CSE risk assessments (an increase of 2);
- mental health continues as the single biggest issue for the college.

5) In terms of the focus for 2018/19, the focus is on

- Transition;
- Wellbeing;
- ACEs (adverse childhood experiences).

She explained that the College opened its wellbeing centre which already appears to be having a positive impact. The college is also adopting trauma smart education.

Signed : _____ Chair

Date:

The College and the sector are learning from serious case reviews which include

- Failing to act on early signs;
- Poor record keeping;
- Failing to listen to the views of the child/vulnerable adult;
- Failing to reassess when no improvement;
- Not sharing information (this is the single biggest issue to address);
- Sharing information too slowly;
- Lack of challenge to those not taking action.

In general discussion the Board questioned what the level of compliance is in terms of staff training. The Vice Principal indicated that the expectation is to be at 85% by Christmas. The autumn term is generally used to provide the training and there is the expectation that all staff will be 100% compliant by Easter. The current statistics shared at the meeting were 74%.

In relation to the requirement to obtain contact numbers the Board questioned how staff can ensure that the second number obtained is relevant. The Vice Principal indicated that staff are being encouraged to obtain contact details for neighbours. It is certainly the case that for some learners they only have one contact, but assurance was given that wherever possible two are obtained.

The Board were advised that, the challenges in relation to securing timely and full transition information, is mainly in relation to 16-18 year olds. It is mainly the younger student population and also appears to be a particular issue for looked after learners. Because of this the College is working with the city and county to try and address ways to improve the position.

AGREED: to note the content of the update provided.

6 2016/17 YEAR END

The Interim Finance Director presented a number of items for discussion and approval.

1) Bank waiver

It was agreed that discussions regarding this aspect of the 2016/17 year end would be recorded on a confidential basis. Staff and Students stepped out of the meeting.

Staff and student Governors re-joined the meeting and were advised that terms had been agreed in relation to the bank waiver offered.

Signed : _____ Chair

Date:

2) Financial Statements Audit Management Letter

KPMG presented their audit highlights memorandum and management letter. Apologies were tendered for the late delivery of this document. The Board's attention was drawn to a number of key aspects:

- Page 4 provides an overview and summary;
- Auditors are able to give a clean/unmodified opinion but with a material uncertainty paragraph included;
- Auditors are only able to sign off the accounts because the bank waiver position has been agreed;
- Appendix 3 outlines the work that auditors have completed;
- Page 17 provides a cash and investment forecast. It was confirmed that the aim of the College is to build up cash days to a 25 day position;
- The accounts acknowledge the continued support of the bank and the ESFA;
- The College remaining as a going concern is a significant concern and as a consequence there is stronger wording included than has been the case in previous management letters;
- A key focus for the College now needs to be ensuring that the core business is profitable and that the contribution received from BKS is an addition to this.

AGREED: to note the content of the Audit Highlights Memorandum and Audit Management Letter provided by KPMG for the year ended 31st July 2017.

3) Audit Committee Annual Report

The Board were happy to note the content of the update following receipt of external auditors' opinion.

4) Letter of Representation

External auditors introduced this item and confirmed that, in the main, it is a standard document. Members' attention was specifically drawn to paragraph 11 which is the only bespoke element, and other than this it is a standard format letter.

AGREED: to approve the Letter of Representation as presented.

7 MEMBERS REPORT AND FINANCIAL STATEMENTS

The Interim Finance Director presented this item and explained that the only significant changes made have been the additions of paragraphs relating to material uncertainty regarding the College being able to confirm that it remains a going concern. He reminded the Board that they have already received a draft of this document in December 2017.

Signed : _____ Chair

Date:

The updated document, as presented today, was considered at the joint meeting of Finance, Resources and Estates and Audit Committees last week.

He advised that there are minor differences in terms of the numbers, specifically the deficit has increased by £165k, this relates to clawback agreed following the Amber Train investigation conclusion.

The Board's attention was drawn to the detail of the document and key aspects were considered and noted:

- Page 3 outlines the content of the Financial Statements;
- The accounts themselves start at page 30;
- Page 32 is the balance sheet and clearly shows the weak position of the college. This shows a decrease in cash which has been a sustained trend.

The Interim Finance Director confirmed that he had received an email from the Chairman this afternoon with some queries that required clarification. He indicated that as a result of the questions posed there might be some minor 'tweaks' to the narrative but that these would be minor and he therefore considered the Financial Statements presented at this meeting as substantially correct.

The Interim Finance Director provided assurance to the Board that it is his intention to have the 2017/18 accounts concluded much earlier than has been the case for 2016/17. He has written to the ESFA to ask for a deadline extension to the 28th February 2019, but the hope is that they can be concluded earlier than this. The influencing factor will be when KPMG can undertake their fieldwork as this has not yet been finalised.

In terms of page 18 it was confirmed that this has to be accurate as at the date of approval rather than the date of yearend.

AGREED: to approve (subject to minor amendments discussed at the meeting) the Members Report and Financial Statements for the year ended 31st July 2017 as presented.

(Alasdair Colston from KPMG left the meeting at 6.40 pm)

8 INTERNAL AUDIT PLAN 2018/19

The Vice Principal: Communications, Engagement & Student Experience introduced this item and confirmed that, as discussed at the Audit Committee meeting last week, the College needs a fair amount of flexibility to be able to respond to risks and changes that emerge throughout the year. She indicated that this is the intended plan but that it has been agreed that the Audit Committee will review at every meeting to see whether changes are required. The Board all agreed that this was a sensible approach in what is an unusual year.

Signed : _____ Chair

Date:

AGREED: to approve the internal audit plan as presented for 2018/19 and provide delegated authority to the Audit Committee to change in year if it is felt this is necessary.

9 GOVERNOR APPOINTMENT RECOMMENDATIONS

The Clerk introduced this item and provided an update in terms of the student Governor vacancy. She confirmed that an election took place involving two student Governors. Emma Skermer was the successful student but has since that time secured employment in America which includes sponsorship to study whilst working and therefore the recommendation to the Board is that Cassidy England be appointed as the second Student Governor.

AGREED: to appoint Cassidy England as a student Governor from 25th October 2018 until 31st July 2019.

The Clerk then went on to provide an update following the recruitment exercise regarding external governors. She confirmed that 18 candidates had been selected for interview and interviews took place on 22nd and 24th October. She advised that the interview panels had been incredibly impressed with the calibre of candidates and therefore they would wish to put forward recommendations regarding nine appointments to the Board and three committee co-optees. She circulated a summary report from the interview panels which provided their feedback.

The Clerk indicated that if the Board were minded to accept the panel recommendations then this would mean that a small change needs to be made to the Instrument and Articles of Government (I&A's). She indicated that the I&A's currently provide for a Board with minimum membership of 12 and maximum membership of 20, but that the maximum would need to be removed to give greater flexibility. It was acknowledged that, whilst these appointments would significantly increase the current size of the Board, it is however envisaged that over a short period of time this number would reduce given the fact that several Governors have indicated an intention to step down when replacements for their positions have been identified. It was confirmed that as part of this process it is anticipated that new Committee Chairs will be identified for; Finance, Resources and Estates, Audit and Standards.

The Board considered the information provided by the panels and all agreed that this had been an incredibly successful exercise. They agreed that there was strength in securing more Governors than originally envisaged so as to provide strong succession planning. With this in mind they

Signed : _____ Chair

Date:

AGREED:

- a) To amend the Instrument and Articles of Governments to delete any reference to a maximum number of Governors on the Board
- b) Approve the appointment of Paul Frammingham as an independent external Governor from 25th October 2018 to 25th October 2022;
- c) Approve the appointment of Neil McDonald as an independent external Governor from 25th October 2018 to 25th October 2022;
- d) Approve the appointment of Mary Mamik as an independent external Governor from 25th October 2018 to 25th October 2022;
- e) Approve the appointment of Jon Mold as an independent external Governor from 25th October 2018 to 25th October 2022;
- f) Approve the appointment of Tony Westwater as an independent external Governor from 25th October 2018 to 25th October 2022;
- g) Approve the appointment of Steve Sutton as an independent external Governor from 25th October 2018 to 25th October 2022;
- h) Approve the appointment of Sardip Sandhu as an independent external Governor from 25th October 2018 to 25th October 2022;
- i) Approve the appointment of Kate Truscott as an independent external Governor from 25th October 2018 to 25th October 2022;
- j) Approve the appointment of Rebecca Joyce as an independent external Governor from 25th October 2018 to 25th October 2022;
- k) To approve the appointment of Neil Shaw as a Finance Resources and Estates Committee Co-optee from 25th October 2018 to 25th October 2022;
- l) To approve the appointment of Jen Hope as a Standards Committee Co-optee from 25th October 2018 to 25th October 2022;
- m) To approve the appointment of Andrea Morrissey as a Standards Committee Co-optee from 25th October 2018 to 25th October 2022.

The Clerk confirmed that she would look to arrange induction for all of the new appointees before the next Board meeting.

10 **COLLEGE ENROLMENT UPDATE FOR 2018/19**

The Vice Principal Communications, Engagement and Student Experience introduced the written report and a number of key matters were noted:

- 16-18 enrolment – the College has experienced a strong enrolment this September for its 16-18 learners. As at 25th October the College has 2789 16-18 enrolments on the system, (44 less than reported in the papers circulated in advance of the meeting). This is 165 above the funding allocation of 2624. There have been 232 withdrawals/non-attendees to date.
- The College has been in discussion with the ESFA about the potential for further in year funding, any such request will be considered following the Colleges R04 submission at the end of November.

Signed : _____ Chair

Date:

In order to trigger such a request the College would need to be 201 enrolments over its funding allocation at R04, the Colleges position is likely to be between 100-130. There may be some flexibility and the college is submitting an application to the ESFA but there are no guarantees.

- 19+ full time – the College has exceeded its 19+ planned number this September. As at 25th October the College has enrolled 359 19+ full time learners and is currently 47 above a planned number of 312. There have been 38 withdrawals to date.
- Higher Education – the College has exceeded its Higher Education enrolment target with further enrolments due in January 2019. As at 25th October the College had enrolled 379 HE students against a plan of 372. The College anticipates a further 12 enrolments in January this year which could take its total enrolments to in the region of 391, which would be 19 above target. It was explained that the January target is 12 but that there are currently 19 applications in the system.

The Board all agreed that this was really positive position to be in and thanked all staff for their hard work.

11 APPRENTICESHIP NUMBERS

The Deputy Principal provided an update to his written report. Key matters noted were:

- Table 1 identifies the all ages overall achievement rates. At period 13 this was 65% and is now 66%;
- Leavers impacting the overall achievement rate can be divided as follows
 - Subcontractors 86.38%
 - Direct delivery 4.20%
 - Vision business 9.42%;
- Subcontracting accounts for a significant proportion of apprenticeship business and will dictate final achievement rates across college for 17/18;
- Subcontracting has posed many new challenges for the College and with no new starts sanctioned since December 2017 due to Government changes. Most of the existing subcontractors will not be working with the College beyond July 2019 and therefore the business relationship has changed;
- Two subcontractors, London Hairdressing Apprenticeship Academy and Integrity wish to withdraw and train learners under their own ESFA contract;
- Two subcontractors Capital 4 Training and SIDDHI Limited are under close review with a risk of a significant number of learner withdrawals, unless the College can be satisfied that a plan is in place to roll the learners forward in to 18/19 or is able to take direct control of the learners;

Signed : _____ Chair

Date:

- The cumulative consequences of the above factors is likely to bring the overall achievement rate close to the minimum standards for apprenticeship delivery rates in 17/18. Overall achievement data is presently at 65% and the minimum standard is 62%.
- Table 2 identifies all subcontractors and overall achievement rates, presently 66%. 1% below the national average of 67%.
- Table 3 identifies timely achievement rates. The rate at period 13 was 47% which is 12% below the national average of 59%, this has now increased to 52%.
- ESFA minimum standards are published on an annual basis. For the funding year 17/18 the minimum standard is 62%. The tolerance level is 40% of provision for apprenticeships and framework delivery. Should more than 40% of the provision be below 62% then the provider could be subject to intervention.

As an overview he confirmed that the detail of this report was discussed at the most recent Standards Committee meeting and that the request was made to bring to Board directly because of concerns regarding minimum standards and the substantial dependence on subcontracts. He drew members' attention to the page 14 update on the portal which shows a slight improvement. He confirmed that timely is now 52%. He indicated that direct delivery is 60%, which is on the intervention point, and therefore it is critically important to increase the quality of direct delivery going forward.

He informed the Board that two large contracts have been rolled on in to the 18/19 year and that this is likely to mean some future issues. In relation to one of these contractors there were 80+ withdrawals which could not be processed in time. This will have an impact upon the 18/19 data. He advised that the college will not know the actual position until conclusion of subcontractor reviews, however the Standards Committee will need to monitor the position closely.

He advised the Board that the data had not placed the College below minimum performance levels, however he described them as being 'on the margin'. This could mean an Ofsted visit regarding apprenticeship provision. It is likely that Ofsted will risk assess whether this is necessary. The interim Principal confirmed that he would treat this as a priority. The Board were advised that the calculations in relation to minimum levels of performance are complex and the ESFA intend to work with the College to ensure that the figures are correct.

AGREED: to note the content of the update provided.

Signed : _____ Chair

Date:

12 **EXCEPTION REPORT 2018/19 – SAFEGUARDING, EQUALTY AND DIVERSITY AND PREVENT**

The Vice Principal Communications, Engagement and Student Experience presented her report and a number of key matters were noted:

- The start to the academic year has been a busy one for the safeguarding team. The number of referrals received in September/October to date represent a 57% increase on the previous year referrals for September with no signs that October will slow;
- The College are continuing to see a growing number of young people with complex issues, with many receiving intervention support from external agencies as well as the college. The team continue to work proactively with other agencies and are often attending core group meetings to look at the needs of the young person in the round;
- There has been one equality and diversity incident in October. This incident relates to racial abuse on the social media platform snapchat. The student who was the victim of the abuse has decided not to report the incident to the police as a hate crime, even though it would have satisfied the criteria as one. The College has investigated and dealt with the individual who posted the comment through the College disciplinary process and she has written an apology to the student as well as being issued with a final warning.

In considering the report presented, a challenge from the Board was whether or not partner statistics are representative. The Board were advised that the numbers do represent a year on year trend and the College does not tend to see as many issues regarding apprentices in the work place. She confirmed that there has been a significant increase in mental health safeguarding referrals. Assurance was given that staff awareness is now much higher and therefore this could in itself lead to a greater number of referrals. It was confirmed that the College does receive multiple referrals regarding some students. It was acknowledged that this is a sector trend.

AGREED: to note the content of the report provided.

13 **SAFEGUARDING ANNUAL REPORT 2017/18**

The Board agreed to note the content of the report provided.

14 **EQUALITY AND DIVERSITY ANNUAL REPORT FOR 2017/18**

The Board agreed to note the content of the report provided.

Signed : _____ Chair

Date:

15 MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON 16TH OCTOBER 2018

The Board were happy to note the content of the minutes.

16 MINUTES OF THE JOINT MEETING OF THE AUDIT AND FINANCE, RESOURCES AND ESTATES COMMITTEE HELD ON 18TH OCTOBER 2018

The Board were happy to note the content of the minutes.

17 MINUTES OF THE MEETING OF THE AUDIT COMMITTEE HELD ON 18TH OCTOBER 2018

The Board were happy to note the content of the minutes.

18 STUDENT GOVERNOR UPDATE

The Board thanked the Students' Union President for the update provided and all agreed that some really useful information had been shared. The Clerk also took the opportunity to personally thank the Students' Union President and her colleagues for supporting in the new Governor recruitment process and providing candidates with a tour of the facilities.

The Board were happy to note the content of the report provided.

19 GOVERNANCE

The Board were happy to simply note the update provided in relation to the register of interests summary for 2018 and noted the final attendance figures for the 2017/18 academic year.

(Staff and Students left the meeting at 7.15 pm)

20 CONFIDENTIAL ITEMS

It was agreed that confidential items would be recorded separately.

Signed : _____ Chair

Date: