

Governing Body

Date: 16 October 2017
Venue: Boardroom City Campus

Clerk to the Corporation
Granville Road
Sheffield, S2 2RL
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Present: Richard Wright - Chair
Gwyn Arnold
Kathy Atkin
Jay Bhayani
Ian Brown
Paul Corcoran
Beri Hare
Jane Jones
Chris Linacre
Saleem Rashid
Seb Schmoller
Amy Smith
John Timms
Gil Vasey
Anne Wilson

In attendance: Angela Foulkes College Principal
Rosheen Hodgkiss-Bernard Interim Head of HR (for item 4)
Kate Platts Executive Director, Finance and Resources
Alison Shillito Clerk to the Corporation

Action

17/6/1 Chair's comments and apologies for absence

The Chair welcomed newly appointed governors, Gwyn Arnold, Beri Hare and Jane Jones, and newly appointed senior staff, Kate Platts and Angela Foulkes, to their first Governing Body meeting. Apologies were received from Chris Husbands and Kim Streets.

17/6/2 Declarations of Interest

Saleem Rashid, staff governor and lecturer in maths during the meeting declared interest in discussions about English and maths and in items reported in the HR report.

17/6/3 Minutes of the meeting held on 17 July 2017

The minutes and confidential minute of the meeting held on 17 July were approved subject to correction to the numbering on page 2 - minute number should be 17/5/5.1. **Clerk**

17/6/4 Action record

4.1 Governors discussed progress as follows.

(i) **Action 12 - self-assessment against AoC Code** - Governors were asked to review and comment on the self-assessment against the Code of Good Governance circulated in July 2017. Clerk to circulate self-assessment to new members.

All

(ii) **Action 17 - Equality and Diversity training** - the Clerk reported that the pilot workshop on Unconscious Bias had been delivered. This had not addressed leadership in Equality, Diversity and Inclusion, the College's equality data and objectives. The Chair requested that development for governors on their Equality, Diversity and Inclusion duties be included in the agenda for the November Strategy Event.

Clerk

(iii) **Action 18 - HE validation** - the CEO reported that longer lead times had been planned into the cycle of developing, validating and advertising new HE provision. It was planned that validation for new HE courses due to start in September 2019 would be completed in Spring 2018.

(iv) **Action 20 - Employee Engagement Survey results** - the CEO reported that there would be a detailed presentation of the results and action being taken in response to the results at the December meeting.

CEO/Head of HR

(v) **Action 23 - HE Teaching Excellence Framework** - the Principal reported that the College is awaiting publication of the national comparator data for the National Student Survey results before making a recommendation on TEF submission this year. The data is due to be published in time for a proposal to be considered at the next meeting of Planning and Performance Committee.

Principal

(vi) **Action 26 - Waiting lists** - the Principal reported that by the end of the enrolment period all applicants on waiting lists had been accommodated. Adult applicants wishing to join some GCSE courses after teaching has commenced may be offered a place on a waiting list as these are relatively short courses (30 weeks) and late starts are undesirable. It was commented that where learners are able and highly motivated, a late start might not be an impediment to success and staff had previously had some discretion in assessing the suitability of late applicants. Governors queried whether the College has robust and consistent procedures for assessing and guiding adult (late) applicants wishing to improve their skills or qualifications in English and/or maths. The Principal said that as part of sharpening the English and maths strategy, the College would review its arrangements for assessing and guiding adult applicants including consideration of guidance and provision for late applicants.

Principal

(vii) **Action 31 - Speak up and join in staff engagement group** - governors noted that meetings had been arranged for 2017/18 and requested an update on how it is progressing and the actions being pursued.

CEO/Head of HR

(viii) **Action 32 - Staff engagement visits** - the Clerk agreed to circulate the updated guidance for staff and governors on the staff engagement scheme and arrange a schedule of Autumn and Winter visits.

4.2 The action record to be updated prior to re-circulating it with the agenda for the next meeting.

Clerk

4.3 **Matters arising: minute 17/5/8.2 refers** - investment in teaching staff - Governors asked for an update on the number of additional teaching posts

that had been filled as a result of the restructure exercise. The CEO responded that the College Main Grade Lecturer (MGL) staff establishment had increased by 11 FTE compared to July 2016 and curriculum support staff had increased by 13 FTE. For some posts it had been possible to identify suitable staff already employed as teaching associates as potentially suitable for appointment to a vacancy. In all cases selection had been via an application and interview process. Governors asked if it is appropriate to prioritise applications by teaching associates employed by the College's subsidiary company. The CEO responded that there is no automatic right for an associate to be appointed to a College established post but where associates apply for established posts and are the best applicant for the job there are benefits to the College in arranging a transfer within the College group as normally associates have completed College induction and are familiar with College operations.

- 4.4 Governors asked if the higher number of posts are a result of higher staff turnover and unfilled vacancies in the comparator period. The CEO said that there has been some turnover and the Executive Team is actively managing the staff vacancy list to prioritise recruitment into new posts and vacancies in those parts of the College with the highest need. The overall objective is to increase the ratio of College established (MGL) staff to teaching associates from 2:1 to 3:1. If there is a suitable teaching associate for a vacancy then recruitment can be completed in 4-6 weeks whereas external applicants may take 8-12 weeks to recruit, including notice period. **CEO**
- 4.5 The CEO was asked if it is appropriate that teaching associates who have not been selected for permanent employment are still being deployed on a temporary basis at the College. The CEO responded that selection for permanent posts is made on the basis of the best candidate for the role. There may be occasions when a teaching associate is not selected as the best candidate to fill a permanent vacancy but this does not mean that they are not suitable as teachers. The College needs to maintain a capable pool of teaching associates as those who find permanent employment elsewhere are liable to leave with little or no notice and in these cases the College relies on its own or external agency staff to minimise class cancellations and disruption to learners.
- 4.6 The CEO was asked if vacancies in Functional Skills posts in some subject areas are causing class cancellations. The CEO said that he is aware of vacancies, despite new functional skills posts having been prioritised for recruitment. Governors requested further information on the scale and extent of the staffing issues facing the College at the start of the year; how the College manages the logistics of enrolment and timetabling when the recruitment position at application stage is subject to significant change over the summer and enrolment period and even into the first few weeks of term. The CEO agreed to arrange a presentation on how the College manages start of year planning for a future meeting. **Principal/
CEO**
- 4.7 It was noted that staff employed by the College's subsidiary companies did not consistently enjoy the same annual leave arrangements as College established staff. The CEO responded that it was the intention of the Executive to harmonise annual leave for all the staff employed by the College and companies within the College group. The Executive would be making an announcement about Christmas leave arrangements shortly. **CEO**

17/6/5 Chief Executive's report

- 5.1 The Chief Executive presented his report. The main point was a change to the forecast achievement rate that had been included in the report. When the report had been written, the forecast achievement rate (based on 90% of qualifications claimed) had been 2.5 percentage points above the previous year's performance. By later that week, following a lot of activity to complete records, the forecast was looking lower, showing a flat position or small decline. This figure did not include achievement rates for apprentices which were slightly improved on last year. Although the College will not know its value added scores until early 2018, it appears that a number of students have failed qualifications (possibly multiple qualifications including English and/or maths) who had been forecast to pass.
- 5.2 The CEO said that the inaccurate forecast was particularly disappointing not just because of the negative impact on those learners' future progression but also as a more accurate forecast earlier may have prompted some additional intervention to help students succeed. The CEO said that the College's approach to tracking and risk rating student engagement (BRAG rating) had been inspected and commended by a consultant HMI and there had been a lot of activity to train staff to use and implement BRAG. This did not seem to have informed more accurate learner achievement forecasting.
- 5.3 There was some evidence that Level 3 Diploma students had found the new end of year exams quite tough and this had contributed to higher than expected non-completion rates. The College needed to undertake further analysis to understand why the forecast had been over-optimistic and correct any weaknesses.
- 5.4 The CEO said that once the 2016/17 Individualised Learner Record (ILR) return had been finalised at the end of the week, the results would be analysed by subject area, level and learner profile (16-18 year olds and adult learners) to identify any trends and areas of particular under-performance. Some areas, such as GCSE maths had already been identified as requiring rapid improvement and a support plan had been put in place. GCSE English results had been better than last year but achievement in Functional Skills at Levels 1 and 2 was weaker.
- 5.5 The Principal commented that there had been a 13 percentage point drop in the performance of adults in Functional Skills qualifications which had been completely unexpected. The College needed to improve its initial assessment of adults, not just assessing their prior attainment but taking into account their other needs such as travel, caring responsibilities and aspirations, to ensure that adults are guided onto an appropriate study programme for their needs. Poor attainment in English and maths is also likely to have a negative impact on success in other parts of a learner's study programme, particularly under the pressure of unseen examinations.
- 5.6 Governors expressed disappointment that after a slight improvement in learner achievement in 2015/16, and a lot of quality improvement activities it appeared that the impact on learner achievement was still not being realised. It was commented that the most recent quality reports Governors had received were indicating that significantly more classes than previously were being judged as providing 'good' teaching and learning. Governors challenged the reliability of those findings in the light of these Learner

Achievement outcomes and wanted to know if the decline is in particular levels or age groups; if it is a result of changes in national assessment and/or if the quality of teaching, learning and assessment in some parts of the College has not made the progress reported in July 2017.

5.7 Governing Body noted the report and requested the following actions:

(i) Executive team to undertake a full analysis of the final ILR return to identify the trends and issues in the achievement data and understand why the forecast achievement had failed to give the College earlier warning of the outcomes.

CEO/
Executive
Team

(ii) Governing Body to re-convene in the next two - three weeks to review the findings of the Executive Team and the actions proposed to improve processes for generating accurate forecast achievement as well as reflecting on the implications for the effectiveness of the College's Quality Improvement Plan and Self-Assessment Report.

Clerk

(iii) Based on the analysis of the final ILR results, consider the external communications issues to FE Commissioner prior to the Diagnostic visit and other external stakeholders.

CEO/Chair

17/6/6 Key Performance Indicator Dashboard

6.1 The Governing Body noted the KPI dashboard.

17/6/7 Post Inspection Action Plan Update

7.1 This item was deferred to be considered at the additional meeting.

17/6/8 Higher Education

8.1 HEFCE Annual Provider Return

Governing Body agreed to delegate authority to the Planning and Performance Committee to consider for approval the College's Annual Provider Return to HEFCE on behalf of Governing Body so that the Return may be signed by the Accounting Officer and returned to HEFCE by 1 December 2017

8.2 Internal Audit Review of HE Partnerships

Governing Body noted the report and, in particular, the first recommendation on the importance of Governors declaring any interest in agenda items at the start of each meeting. Where an interest is declared then Governing Body should agree what action, if any, is required to manage or avoid the potential conflict and this should be recorded in the minutes.

17/6/9 Staffing and Employee Engagement

9.1 The Acting Head of Human Resources attended the meeting for this item and presented the report which included:

- the list of employee engagement proposals being pursued this year;
- convening the 'Speak up and join in' group to continue the work of the Learning Together Review and to work on the results of the Employee Engagement Survey;

- promoting the College's overall reward and recognition package to staff;
- changes to the performance management framework to make it more responsive and reflect changes in organisation structure.

9.2 Governors asked what progress had been made on replacing the Executive Director of HR. The CEO responded that the role had changed from what it had been when it was originally designated as a senior post under the articles and it was timely to refresh the job description and person specification. Governors agreed that as the role is currently defined as a Senior Post under the Articles of Government then Governing Body should consider proposals for the change to disestablish the post. The CEO said that he was preparing a paper for consideration at the next opportunity, the November meeting of Finance, Employment and General Purposes Committee. Governing Body requested that a paper detailing the proposals for replacing the Executive Director of HR post be considered by full Governing Body at the additional meeting.

CEO

9.3 Governors asked if the restructuring exercise endorsed by Governing Body on 12 June had been fully completed, and if the projected savings for reinvestment had been achieved. The Acting Head of HR responded that individual consultations with a small number of staff are still in progress and due to be completed in the next few weeks. This meant that the costs of the process have been higher than budgeted. The College continues to recruit to new posts and vacant posts on a priority basis. Some staff at risk of redundancy have been redeployed into these posts. Not all of the proposed new posts are required immediately, i.e. posts intended to support projected growth in apprenticeships and recruitment will be phased as the need arises.

9.4 It was noted that the number and complexity of formal staff grievances continues to be a challenge to manage. Governors asked for a rough indication of the number of staff grievances currently in progress. The Acting Head of HR said that the number is in single figures but the complexity and associated requests for personal data are making each case quite onerous. The agenda for Joint Consultative Committee meetings this year would include reviewing how grievances could be mediated and resolved more effectively. As part of preparation for the implementation of the General Data Protection Regulation, HR will be looking at systematic processes for managing personal data records that sit outside the standard personnel file, i.e. records that are created and held by line managers and other colleagues, to make responding to subject access requests more efficient.

9.5 It was noted that the performance indicators for staff turnover are above the threshold set in the targets and the indicator is particularly high for leavers who started work at the College within the last two years. Governors challenged whether the threshold had been set too high in relation to national sector benchmarks for GFE colleges. The Acting Head of HR responded that the threshold of 5 - 10% turnover had been set in relation to national sector data that indicated an overall staff turnover rate for the GFE sector of above 10%.

9.6 Governing Body noted the report and requested that data on teaching staff leavers be analysed by teaching department so it could be triangulated with

Head of HR

other indicators of teaching quality.

17/6/10 New Appointments

- 10.1 Governing Body endorsed the decision by email to appoint Jane Jones as a Governor for an initial period of two years from 1 August 2017 to 31 July 2019.
- 10.2 On the recommendation of Search Committee, Governing Body approved the appointment of Ian Falconer as a co-opted member of Audit and Risk Assurance Committee with effect from 1 November 2017 for an initial period of one year. This co-option is made with a view to Ian taking up the role of Governor of the Sheffield College at such a time as his appointment as a governor of Doncaster College, and successor organisations, ceases.

17/6/11 Appointments to Committees

- 11.1 Governing Body approved the following appointments
 - i) Gwyn Arnold be appointed to Audit and Risk Assurance Committee and Planning and Performance Committee
 - ii) Beri Hare be appointed to Planning and Performance Committee.
 - iii) Jane Jones be appointed to Finance, Employment and General Purposes Committee.

17/6/12 Bank Mandates

- 12.1 Governing Body resolved that Angela Foulkes, College Principal, and Kate Platts, Executive Director of Finance and Resources, be added to **Clerk**
 - (i) clause 2 of the existing Mandate with AIB Group (UK) plc and
 - (ii) the existing Mandate for all the College's accounts held by Barclays Bank plc.

17/6/13 Committee Issues - Chairs' points of importance

- 13.1 The minutes of the following meetings were received with items recommended for approval approved or endorsed and other items (as identified on the summary sheets) noted as follows.
- 13.2 **Search Committee - 12 September 2017** - Governing Body approved the recommendation for appointment of a new member of Audit and Risk Assurance Committee (minute 17/10.2, above, refers).
- 13.3 **Finance Employment & General Purpose Committee - 18 September 2017** Governing Body approved the appointment of a new member (minute 17/11.1 (iii) refers). The Committee Chair drew attention to the discussion on debt restructuring. The Committee had considered an initial proposal on the potential benefits of debt restructuring and had decided that it would need more information on the terms available from lenders and other assurances before any recommendation could be made to Governing Body.
- 13.4 In relation to the College budget for 2017/18, a Governor asked if a recent Supreme Court decision changing the basis of pay deductions to teachers' pay for strike action at a sixth form college would be likely to have an impact on the College's financial position. The Acting Head of HR said that the College would be taking legal advice on this matter.

13.5 Audit and Risk Assurance Committee - 25 September 2017

Governing Body approved the proposals for extension to the appointment of Internal Auditors for one further year, the Internal Audit Review Plan for 2017/18 and fees for Internal Auditors for 2017/18. The Committee Chair asked Governors to note the following issues in particular

- i) In discussing the Internal Audit Review Plan it had been noted that the College retains the services of other consultants to provide assurance on the College's teaching, learning and assessment quality. The Committee agreed that it will seek feedback on these activities to ensure it has oversight of the full map of assurance activities.
- ii) The Executive Director of Finance and Resources is completing work started by the Financial Consultant to streamline the College's Risk Management Plan and formalise systematic monitoring of changes to risks. Proposals for Governors to review the Corporation's appetite for and tolerance of risk would be brought to a future meeting.
- iii) The Committee is satisfied with the progress the College is making on planning for the implementation of the General Data Protection Regulation but there are likely to be resource issues in meeting the more stringent requirements set by the Regulation.

13.5 **Planning and Performance Committee - 2 October 2017** - the Committee Chair asked Governors to note in particular the consideration of the Annual Report on Safeguarding (PP minute 17/4/6 refers). The Committee had received a high level summary report on the College's safeguarding and found it to be insufficient for its purposes. A more detailed report had been requested. The revised safeguarding report would be presented to the next meeting of the Committee before being presented to Governing Body. The Clerk would be arranging further Safeguarding training for governors as agreed in the annual training plan.

17/6/14 Any other business

A governor asked if learner recruitment had been restricted by classroom sizes as staff from other areas had mentioned that this had been a limiting factor on recruitment in their area. The CEO responded that he was not aware of any restrictions and subject to efficient use and timetabling of space, the College was not short of space for learners. The Principal agreed to follow-up any specific queries.

Staff and student governors left the meeting.

17/6/15 Closed item - strictly confidential

- 15.1 Details of the discussion and decision are recorded in a separate strictly confidential minute, not for circulation.

17/6/16 Date of next meeting

Additional meeting to be arranged late October/early November
20 November 2017 - Governing Body Strategy Event 8.00 - 13.00 City Campus (lunch included)
18 December 2017 - Governing Body meeting - 8.00 - 10.00 am City Campus.

Clerk