

Minutes of a Meeting of the Corporation held on Thursday, 1 July 2010 at 4.30pm in the Lecture Room, Higham Hall, nr Cockermouth

Present: Damian McSweeney (Chair); Paul Pharaoh; Les Agnew; Norma Boyes (Items 1-16); Mike Davidson; Sarah Graham; Joe Holliday (Items 1-12); Jill Killin; Cath Richardson (Principal); Mark Stanger; Robin Talbot

Apologies: Dan Carter; Michael Doyle; Andrew Oldham; John Lackie; Adrian Taylor; Rick Wylie

Also present: Karen Wilson, Deputy Principal Finance & Corporate Services; Chris Nattress (Items 5;6;7;10;11), Deputy Principal, Quality, Curriculum, & Partnerships; Jane Murray (Clerk to Govs)

22/10 New Governor

The Chair was pleased to welcome new Governor Les Agnew to the meeting.

23/10 Minutes

The minutes of the meeting held on Thursday, 18th March 2010 were approved and signed as a correct record.

24/10 Agenda Re-order

To accommodate a commitment to students by the Deputy Principal, Curriculum, Quality & Partnerships, it was

Resolved - that the agenda be re-ordered as follows:

Items 1;2;3;5;6;7;10;11;12;4;8;9;13 with the remainder of the items following sequentially.

25/10 Declarations of Interest

None received.

26/10 Safeguarding Children and Vulnerable Adults Policy

In introducing the policy, the Deputy Principal, Quality, Curriculum & Partnerships, informed the Board that there had been a shift in emphasis on the safeguarding agenda and that there was now an onus on the college not just to ensure that students were kept safe, but that they felt safe.

The policy was aimed at being sufficiently detailed to meet requirements, but was backed by detailed procedures to be followed.

It was noted that an external view was still being sought, and the policy may be subject to minor amendments.

The Deputy Principal was the Responsible Acting Person (RAP) and the Senior Safeguarding Officer was Student Services Manager, Maggie Szuster. A Safeguarding Committee had been formed to consider and monitor safeguarding issues, chaired by the RAP, to which Safeguarding Governors had a standing invitation.

It was acknowledged that the policy would be backed by a three-year cycle of training.

Asked what security measures were in place, the Board was told that there was an intention to install door security to be operated by a swipe card.

Asked whether the policy was specifically referenced in other policies & procedures such as the procurement or sub-contractor policies, there was a commitment by the Deputy Principal to consider this. Current procedure was that sub-contractors in the building were accompanied unless otherwise appropriately checked. It was noted that the policy also applied to students on work placement.

Resolved – that the Safeguarding and Vulnerable Adults Policy be adopted (subject to minor amendment).

27/10 Recruitment Safeguarding Procedure

While accepting that the Vetting and Barring Scheme had been put on hold pending a review by the new Government, the Deputy Principal, Quality, Curriculum & Partnerships, felt that the recruitment Safeguarding Procedure remained valid.

Of particular note were the central records to be held on all staff, agency workers, contractors and self-employed staff; volunteers, governors and 'frequent' sub-contractors.

Records were required to be held centrally, which was the work of the Human Resources department, who had recently brought checking procedures back in-house and had been previously commended for good practice.

The checks went wider than just a Criminal Record Bureau check and would also include a check on identity and on the 'barred list' for working with children (among others as detailed in the report). There would be a record held of the date on which these checks were completed.

Resolved – that the Recruitment Safeguarding Procedure be adopted.

28/10 Professional Guidelines on Professional Boundaries

The guidelines were designed to protect students and staff by ensuring that neither found themselves in a vulnerable position. The guidelines were comprehensive and covered a range of scenarios to be avoided. The issue of the guidelines would be accompanied by training and enforcement.

Asked what measures were in place when students required to be in a 1-2-1 setting with a member of staff, such as in a support or counselling situation, the Board was informed that offices had window doors to allow visibility.

Questioning whether there were issues of inappropriate behaviour, the Principal could not recall an issue in the recent past.

Resolved – that the Guidelines be adopted.

29/10 Quality Strategy

The strategy was presented by the Deputy Principal, Quality, Curriculum & Partnerships, as a crisp, clear and concise framework for the next five years.

It would have an impact on learner experience and contribute to the continuous rigorous review of self-assessment.

Attention was drawn to the introduction of a holistic (peer) review of programme areas from the learner's perspective with results forming an action plan of improvements that could be made.

Asked how staff responded to this, staff governor, Sarah Graham was invited to put forward her view, which was that it had been a positive experience in her department, which had helped to clarify issues and ways in which they could be addressed.

It would support the Balanced Scorecard approach – a range of measures around curriculum impact.

It was suggested that a software package, which helped to monitor progress in certain areas through key performance indicators, might be worth considering in this context.

Resolved – that the Quality Strategy be approved.

30/10 Quality and Curriculum Report

In spite of the measures put in place to minimise the impact of the floods, the Deputy Principal Quality, Curriculum and Partnerships, expected a drop in the Attendance, Retention and Achievement rates for 2009-10. The shooting incidents of 2 June 2010 had also had an impact.

Efforts were now concentrating on achievement rates to ensure the best possible outcome for students. The current predictions were as follows:

Retention, achievement and success 2009/10

Learner Responsive (excluding Key Skills) as at 18th. June 2010

Funding	Starts-transfers	Retention %	08/09 Achieve. %	Pred*/Actual Success %
09/10 LSC Long	2629	85	92	78*
08/09	2265	87	92	80
09/10 LSC Long,Short	3292	87	93	81*
08/09	3314	89	93	83
09/10 All Long	4859	87	93	81*
08/09	3076	86	93	80
09/10 All Long, Short	6058	89	94	83*
08/09	5037	90	94	84

Source: ProAchieve

Asked whether there was the potential for students to restart their qualifications, it was confirmed that there was little room for manoeuvre due to funding and audit restrictions.

The introduction of an 'Imaginarium', offering a learning and teaching design service to staff, sparked Governors' interest, in particular the use of current and emergent technologies.

The better response rate to the student survey (at 62%) was also welcomed and it was noted that the majority of students enjoyed their studies. Issues in the Health, Care and Childcare were already being addressed as outlined above under the holistic review of programme areas in the previous item. It was noted that Construction had made improvements compared with last year.

The survey had also highlighted some 'housekeeping' issues, such as changes to timetabling, which were being addressed in a serious manner.

Asked how the downward trend in satisfaction in a few of the questions under teaching were being addressed, the governing body were advised that these

issues were picked up in the Learning and Teaching assessments and that good practice was constantly reinforced.

The response to the employer survey had been disappointing at 15% and of those responses, there were value for money concerns and issues around communication with employers. In spite of reservations about the validity of the survey results (at a 15% return), nevertheless issues, which were raised, were being addressed and close monitoring taking place.

It was suggested that the College should look at multiple returns, a basket of opinion, which would include employer focus groups, to ensure a more rounded picture.

Some concern was voiced at the returns from the engineering sector in particular and the Principal added that in her experience of working with the Partnerships Manager, that employer focus groups were giving a very different and more positive picture.

Asked whether the College had achieved the Training Quality Standard, the Board was told that this was the subject of discussion within the College. In the meantime, a quality improvement action plan is being addressed.

Governors noted the introduction of a new suite of courses aimed at the low carbon sector and that plans for an enhanced nuclear offer were underway, following a recent visit to Bridgewater College in Somerset.

Asked whether the visit had offered new insights, the Deputy Principal felt that it had been a good reinforcement exercise. There were good relationships between the two colleges, with Bridgewater being accredited to run the Foundation Degree developed by the College & UCLan.

Agreed– to note the Curriculum & Quality update.

31/10 Learner Experience Minutes

The minutes of the Learner Experience Committee of 8 June 2010 were received and noted.

32/10 Post-election update on policy for Further Education

In her accompanying report, the Principal outlined emerging policy in the light of a change of Government.

She added that efficiency gains in the 14-19 sector were being sought where there were high funding levels. This was unlikely to affect the College too much as funding levels were low.

It might be expected, however, with 25% reduction in funding being sought across Whitehall over the next four years that all funding could be affected. However, rollover Train to Gain funding for next year had been secured.

Work was already progressing to secure and expand apprenticeship places in line with the shift in funding, however it will be a challenge for the College to meet their targets in the current economic environment, particularly for 16-18 yr olds.

The Government's strategy for academies has now accelerated by introducing a fast track for schools who are outstanding to become an Academy. Technical academies are also to be pushed forward with an expectation they will increase significantly over the next two years. There is also the existing route for poorly performing schools to apply for Academy status but they must be sponsored by a Higher or Further Education provider.

There was speculation regarding the future of the Skills Funding Agency, but the rumours were that the Young Persons' Learning Agency would remain.

Funding for higher education was still unclear. There were concerns that foundation degrees might be in a precarious position with cuts to university funding.

Asked about the status of specialised diplomas, it was felt that some of the more traditional universities were less supportive than their more modern counterparts.

A public sector pay freeze for two years had been announced but did not include a 2.3% teachers' pay rise. This did not directly affect colleges as they were independently governed.

A review of public sector pension schemes had been announced (which was to exclude MPs' pensions) and would be reported in March/April of next year.

The North West Development Agency's contribution of £1.5m to the proposed construction skills centre may be under threat and management were looking at various scenarios to mitigate the impact, including a mixture of new build, continued rental and refurbishment.

Resolved – that owing to fast moving issues and uncertainties in the sector at the moment that the Governing Body should be kept up-to-date and that risks should be clearly reflected in the risk register.

33/10 West Cumbria Schools Consortium

The Principal explained that joint funding for Western Schools had been channelled into one secondary school's account and there was now a risk that the money might be seen as belonging to that school and clawed back. For this reason, the West Cumbria Secondary Head Teacher Consortium were looking to set up an independent company to manage the funding and had invited partner organisations to participate.

The Principal explained that she fully intended to be a 'sleeping partner' in the company and would not be expected to directly benefit from the funding, but to contribute funding to any projects in which the College might want to participate, for example joint staff training for maths and english. The lawyers drawing up the agreement were known to the College and generally included an exit strategy.

Governors were very supportive of the partnership with secondary schools. However, Governors were keen to ensure that there was an exit clause in the agreement following recent collaboration in other arenas.

Resolved – that participation could proceed in principle, but subject to the legal and financial scrutiny of the aims, protocols and draft articles of association, the latter to include an exit clause.

34/10 Cumbria Colleges Collaboration (CCL)

As Governors had previously been informed, college collaboration in Cumbria was working well at CCL Board level, but had been less successful in joint delivery through the Cumbria Colleges Company.

The intention now was to wind down the company at the end of the current contracts (subject to review).

However, the Colleges were still committed to working together on joint delivery of contracts and were looking at wider collaboration in the north west through alliances with other collaborative groups.

The Principal confirmed that only a few staff would be remaining in November.

Resolved –

- 1) That the Partnership Agreement be ratified for a further year.
- 2) That Paul Pharaoh be appointed to the Collaboration Board.
- 3) That the collaborative framework for 2010/11 be approved.
- 4) That the current course of action in respect of Cumbria Colleges Ltd (wind down of operations by December 2010) be reaffirmed.
- 5) That (running concurrently with 4 above) the colleges undertake collective bids as part of regional partnerships as the 'Cumbria Colleges Group'. (Should this form of lead college model prove successful the College Corporation Boards then be formally requested to agree to the dissolution of the company.)
- 6) That legally binding memoranda of agreement be established as part of any collective bid.

- 7) That Paul Pharaoh be appointed as a member of Cumbria Colleges Ltd Audit Committee.

Joe Holliday left the meeting.

35/10 Key Performance Indicators

In response to questioning on the challenge that apprenticeships were posing, the Principal re-emphasised that specific targeting of key employers was underway. The College was now working with both Copeland and Allerdale Councils, who could secure funding for half the salary with the College subsidising the other half.

Although 16-18 apprenticeship provision had been under-performing all year, the performance was still better than elsewhere in the North West & Cumbria.

Clarification was also sought that Ofsted would only be inspecting Skills Funding Agency courses.

Agreed – to note the update

36/10 Management Accounts

Although pay expenditure was slightly higher than budgeted with pressure on budgets to subcontract for the delivery of some contracts, nevertheless the Deputy Principal Finance & Corporate Services was pleased to report that a surplus was still being forecast for the end of this financial year.

This was against a much tighter financial position than the previous year, and the real pressures seen this year are expected to continue next year.

Assurance was given to Governors that the College's finances would continue to be subject to close scrutiny.

Agreed – to note the update

37/10 Draft Budget 2010/11 and Three-year Financial Plan

In spite of the financial pressures, the Deputy Principal, Finance & Corporate Services was currently predicting a surplus over the next three years and an 'outstanding' grading for financial management.

She did, however, draw attention to the increased risk of the plan and the probability that it would be subject to an in-year review given the financial uncertainties and that colleges were drawing up their plans without the usual guidelines. The plan does not assume a construction new build at this stage.

One of the risks envisaged – a failure to secure the rollover funding for Train 2 Gain – was less of an issue with the allocation having now been received.

The plan still made provision for a 2% pay increase, however, the final offer from the AOC looked like being 0.2% consolidated.

Governors acknowledged the above points and considered that the draft budget had received a very full airing at the Resources Committee as detailed in the minutes.

Resolved –

- 1) To approve the draft budget (annual estimates of income and expenditure) 2010/11 and the three-year financial plan on the recommendation of the Resources Committee.
- 2) To agree the self-assessed grading of 'outstanding' for 2009-10 to be submitted to the Skills' Funding agency.

38/10 Resources Committee Minutes

The draft minutes of the meeting held on Thursday, 17 June 2010 were received and noted.

Norma Boyes left the meeting.

39/10 Risk Appetite & Strategic Risk

The Deputy Principal, Finance & Corporate Services, informed the Governing Body that an internal audit review of risk maturity in 2009/10 had placed the college in the second from top band of 'risk managed'.

The Audit Committee had asked that the recommendation for the Governing Body to define the Corporation's risk appetite be brought to the Board.

The proposed definition of risk appetite was:

"That the maximum residual risk should be set at medium. Above this threshold the college will actively seek to manage risks, priorities, time and resources to reduce, avoid or mitigate these risks, as detailed in the strategic risk register."

The risk appetite thus defined, the following probable risks would likely be considered unacceptable:

Financial = an adverse variance of 5% on significant budget lines
Health and Safety = RIDDOR – reportable risks
Reputation = damage to the college's reputation at a regional level.

Where risks were high then there would be an expectation by the Board on officers to put in place measures to reduce the residual risk to medium.

In considering the high risks, Governors questioned the reference to a lack of real-time, readily available management information and it was explained that the college held some very complex data and there was still work to be done on pulling together software packages to enable better data access. Work was continuing to progress matters.

A suggestion was made that the College also ought to consider an opportunity register, not just a risk register, with which the Deputy Principal concurred.

Resolved –

1) That the following definition of risk appetite be adopted and included in the risk policy:

“That the maximum residual risk should be set at medium. Above this threshold the college will actively seek to manage risks, priorities, time and resources to reduce, avoid or mitigate these risks, as detailed in the strategic risk register.”

2) That the strategic risk register be noted.

40/10 Urgent Action: Crescent Purchasing Consortium

The Clerk informed the Board of urgent action agreed by the Chair to join a north-west, education procurement company with liability to the college of £1. Procurement benefits and the potential for dividends to be paid were the seen as the main advantages of membership.

Agreed – to note the action taken.

41/10 Appointment of Internal Auditors

The Chair of the Audit Committee explained the joint collaborative process and advised that the current providers had performed significantly better on the day.

There had been some concern, however, at the re-appointment of the same firm for a further term, which was not in accordance with best practice.

It was queried whether staff had changed throughout the period of appointment and confirmed that there had been some considerable staff changes, which helped to satisfy any residual concern on this issue.

Resolved – that RSM Tenon be re-appointed as internal auditors for the next three years at a fee of £13,680 per annum for 33 days per year, effective from 1 August 2010.

42/10 Audit Minutes

The draft minutes of the Audit Committee held on 10 May 2010 were received and noted.

43/10 Friends of Lakes College West Cumbria

The Search & Governance Committee had put forward a recommendation that a 'friends' network be established. This would assist in bringing in community and business expertise for specific purposes – to give opinion or support events – without the necessarily being a Governor. At a time when Board membership was being driven by partnership working, it would also give access to wider skills and interests.

A protocol of how the scheme would operate was tabled and this included a maximum membership of ten.

Resolved – that the friends scheme be adopted.

44/10 Review of Standing Orders

The annual review of Standing Orders was presented by the Clerk, following earlier consideration by the Search & Governance Committee.

The only main change arising from the Search & Governance Committee meeting had been the membership of the Remuneration Committee, which would now be Chair and Vice Chair of the Corporation and two further members.

Resolved – that the Standing Orders 2010-11 be adopted with the above amendment.

45/10 Review of Confidential Information

The Clerk presented a review of confidential information.

Resolved –

- 1) That Remuneration Committee meeting minutes and staff appraisals remain confidential (although salary scales will be a matter of public record).
- 2) That Board minute no 03/09 of 19 March 2009 be opened to the public.
- 3) That minute no 25b/10 of the Learner Experience Committee of 8 June 2010 remain confidential and that while all policies and general information about safeguarding should be in the public domain, specifics of cases should remain confidential.

46/10 Allocation to Committees 2010/11

Following consideration by the Search & Governance meeting there were two additions to the allocation which had been tabled.

It was felt that there should be an additional Member of the Remuneration Committee and Norma Boyes had been willing to stay on the Committee.

It was also felt that there should be two Link and Lead Governors for Equality & Diversity and nominations were sought.

Resolved –

- 1) That Norma Boyes be added to the Remuneration Committee
- 2) That Sarah Graham be added as a Link and Lead Governor for Equality & Diversity.
- 3) That the Allocations for 2010/11 be adopted with the above additions.

47/10 Change of Diary Date

Resolved – that the Board meeting of November be moved to 25th to accommodate the Association of Colleges Conference.

48/10 Confidential Items

Resolved – that the Board move into confidential session.

49a/10 Senior Postholder Status

Resolved – that the Deputy Principal Curriculum, Quality & Partnerships position should be made a Senior Postholder.

50/10 Principal

The Principal withdrew

51a/10 Principal's Appraisal

The Principal's appraisal was received and noted.

52/10 Clerk

The Clerk withdrew.

53a/10 The Clerk's Appraisal

The Clerk's appraisal was received and noted.

The meeting closed at 7.15 pm.