

## Minutes of the Corporation Meeting Held on Monday 8 February 2021

**Present:** Alison Ashworth, Chris Bird, Damien Bourke, Simon Boyle, Phill Brown, Malcolm Bruce, Jonathan Frankham, Shayer Hussain, John Lyne (Chair), Jackie Moores, Elaine Price, Chris Rushton, Joan Ryan

Nils Elgar, Clerk to the Corporation

**In Attendance:** Leon Dowd (Vice Principal Quality and People), Vicky Hayhoe (Executive Director Finance and Estates), Nicola Welland (Assistant Principal), Suraj Rash (Student Representative)

### ACTION

#### 20/21.33 Key Discussion Topic: Health and Safety

A presentation on health and safety was provided by Philip Crosbie (Principal Associate, Eversheds Sutherland LLP), which considered Governor and management responsibilities with respect to Health and Safety. Areas covered included:

- (i) the Health and Safety at Work Act 1974: Section 2 outlines the duty to employees (*"It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees"*). Section 3 outlines a similar duty to non-employees;
- (ii) Section 40 of the Health and Safety at Work Act 1974 establishes a reverse burden of proof: *"...it shall be for the accused to prove... that it was not practicable or not reasonably practicable to do more than was in fact done to satisfy the duty or requirement, or that there was no better practicable means than was in fact used to satisfy the duty or requirement"*;
- (iii) some questions for leaders:
  - am I doing enough to keep people safe?
  - how do we oversee risk management? (It was suggested that health and safety should be integrated into College activity and not treated as a 'bolt on');
  - how do we know the organisation is safer this year than last year?
  - do we compliment staff on safety?
  - is everyone competent? (Note this is a different question than "has everyone received training?")
  - do we review staff feedback on the quality of health and safety training?
- (iv) parting suggestions:
  - that health and safety is discussed in a positive way;
  - devoting time to considering the College's top three risks and how they are managed;
  - setting the right organisational culture.

*(Members of the Senior Leadership Team, together with the Head of Estates and Property Strategy joined the meeting for this one item.)*

**20/21.34 Apologies for Absence**

There were no apologies for absence.

**Noted**

The Chair advised that a decision had been made to defer the election of a new Student Governor until the start of the new academic year, rather than seeking to do so during lockdown. However, rather than be without a student perspective, Suraj Rash had agreed to continue to attend meetings in a similar capacity as a member of staff. Governors welcomed this and thanked Suraj for his ongoing commitment to the College.

**20/21.35 Declarations of Interest**

It was noted that Jonathan Frankham had a standing declaration that he was an employee of the Education and Skills Funding Agency (ESFA), the College's principal funder and regulator.

**Noted**

The Staff Governor, College officers and Suraj Rash would be asked to withdraw from the meeting for the consideration of a confidential item at the end of the meeting.

**Noted**

**20/21.36 Minutes of the Meeting Held on 7 December 2020**

**Resolved:** The Board of Governors resolved to approve the minutes of the meeting held on 7 December 2020.

**Approved**

**20/21.37 Matters Arising**

There were no Matters Arising.

**Noted**

**20/21.38 Review of College Governance Arrangements**

The Clerk to the Corporation gave a presentation that covered the following points:

- (i) a summary of current governance arrangements:
  - resource intensive – potentially not sustainable;
  - committees consider issues – but key decisions are referred to the Board;
- (ii) strengths and weaknesses of current governance arrangements:
  - strengths: committees were a good way at getting into the detail of issues;
  - weaknesses: working in committees can inhibit wider dissemination of information (working in “silos”); operating many committees with significant memberships places a high demand on Governor time; key decisions are referred to the Board, which tends to cause a duplication of business;
- (iii) proposals for change:
  - reduce number of committees, return business to the Board and delegate more to management;

- discontinue C&S Committee, F&R Committee and Property Strategy Working Group (PSWG);
  - increase the number of Board meetings;
  - move Governors' meetings to Tuesdays, with a suggested start time of 5.30pm;
  - introduce a programme of Governor learning walks prior to Board meetings;
  - consider the wider use of remote meeting technology – especially for committee meetings and for other short meetings, or meetings called at short notice
- (iv) expected benefits:
- governance arrangements should be more sustainable;
  - Governor time is spent where it adds more value;
  - Board meetings become more dynamic, more time is allocated for strategic issues, Governors' knowledge improves on the totality of College activity;
  - increased focus on Governor development to gain a deeper understanding of the business of the College;
  - Governors become more effective in their role.

Issues discussed by Governors included:

- (i) that the College was now in a different situation to that of some years ago and that a change in focus (to the College's key priorities, becoming more strategic and with high level performance monitoring) was welcomed. The development of the Curriculum Scorecard was a good example of this;
- (ii) support for the view that all Governors should have a clear understanding on the core business of the College – curriculum, quality of teaching and learning, and student progress;
- (iii) broad support for reducing the overall number of meetings;
- (iv) support for offering learning walks alongside Board meetings, to help Governors triangulate information and gain a deeper understanding of the College;
- (v) options for direct student input into Governors' meetings. The Clerk cited an example from his previous college where a 'Student Update' was a standing item on Board agendas. He undertook to consider this matter further;
- (vi) support for the ongoing use of technology that allowed some Governors' meetings to be held remotely post-pandemic;
- (vii) whether blended meetings, where some Governors attend the meeting physically while others attend remotely, could be offered. It was felt that this would help improve the attendance of those Governors working away from home who would otherwise have to tender their apologies;
- (viii) that the Property Strategy Working Group probably still had a role to play. While this would not be for monitoring live projects, which was felt could be done effectively by management, but in assisting management in any complex property-related negotiations or transactions. The Clerk undertook to consider this further;

- (ix) that the College had previously operated a model similar to that which was proposed and that there was no right or wrong governance model;
- (x) that management should not have to generate reports (collating information) solely for the purpose of Governors;
- (xi) that modern technology could also allow Governor learning walks to be filmed and saved in a resource library for non-attending or new Governors.

Governors were content for further work to be undertaken to deliver the proposed changes.

**Resolved:** The Board of Governors resolved to note the contents of the report. **Noted**

### **20/21.39 College Response to COVID-19 Pandemic**

Executive Team members outlined key points from a summary paper covering matters covering finance, the quality framework, curriculum delivery and people. These included:

- (i) a revised forecast outturn of a £306k deficit against a budgeted surplus of £132k, a negative variance of £438k. The College's latest position was required for submission to the ESFA. However, the ESFA had subsequently announced it had agreed to fund 16-18 growth in-year and this meant that the College would now likely outturn with a large surplus. The College had commenced its mid-year budget review process and as part of this would restate the year-end forecast;
- (ii) details of two capital funds had been released: the Further Education Capital Transformation (FECT) fund and the T Level Building and Facilities Improvement Grant (BFIG). The College has engaged the professional team from the Construction Skills Centre (CSC) build to prepare two draft bids in order to meet the tight deadlines for submission. Stage one of the FECT fund had a deadline of 15 March, with the T Level BFIG one due by 31 March. The College's Estates Strategy including these bids would be shared with the Board for approval prior to submission;
- (iii) the College's Self-Assessment Report would be ready for review by the Curriculum and Standards Committee at its meeting on 8 March;
- (iv) the stage 1 bid for the Institute of Technology proposal with the University of Salford had been submitted and work was now underway with the stage 2 bid;
- (v) the FE White Paper had been published for consultation and contained nothing that was considered unacceptable. It included proposals for colleges to have business centres and there would be an opportunity to bid to become a pilot for this initiative;
- (vi) the College had expanded its definition of vulnerable students to include those who lacked IT and those with mental health issues, and had invited these students into College during lockdown. The College's pastoral team was doing an

- excellent job in maintaining contact with the Colleges vulnerable students
- (vii) after initially high rates of COVID-19 related absence at the start of Term 1, this had settled down and the College was performing well in keeping absences to a minimum.

Issues considered by Governors included:

- (i) feedback from the consultation on the FE white paper. The Principal commented that the paper had not included anything on teachers' pay and the expected government intervention on colleges had been 'watered down';
- (ii) whether there was any scope for re-claiming the additional £105k spent on cleaning costs incurred as a consequence of the COVID-19 pandemic. It was noted that the College had secured an additional £50k from the Greater Manchester Combined Authority (GMCA) for COVID-related costs. The Executive Director Finance and Estates commented that colleges were being asked to report additional COVID-19 related costs to the Education and Skills Funding Agency (ESFA) such as lost income or additional costs. It was noted that the ESFA expected academies in surplus positions to fund these additional costs;
- (iii) the apparently low rate of COVID-19 testing for students to date in Term 2. It was noted that the main cohort of students attending College at present was from Aspirations but the College was unable to test some of these learners and so the track and trace process was being used instead. By contrast, some 800 tests would have been done on staff by the end of the week, with individual members of staff attending College being tested twice weekly.

**Resolved:** The Board of Governors resolved to note the contents of the report. **Noted**

**20/21.40** **Items to Note**

(i) **Chair's Action**

**Resolved:** The Board of Governors resolved to note that no Chair's Actions had been taken since the date of the last meeting. **Noted**

(ii) **Use of the Seal of the Corporation**

Governors noted that the Seal of the Corporation had been used twice since the date of the last meeting – for a deed of covenant and a legal charge related to the CSC grant funding agreement.

**Resolved:** The Board of Governors resolved to note the report. **Noted**

(iii) **Interim Report on Governor Attendance 2020/21**

**Resolved:** The Board of Governors resolved to note the Interim Report on Governor Attendance 2020/21 (91%). **Noted**

**20/21.41 Time and Date of Next Meeting – Monday 8 March 2021**

The Clerk to the Corporation advised that an additional meeting of the Corporation was being sought for Monday 8 March, for Governors to approve a revised Estates Strategy to enable the College to submit its bids for capital funding.

The Chair advised Governors that the Deputy Principal (and designated Senior Post Holder) was leaving the College and the Board would hold a confidential session to consider this and to formulate plans going forward.

*Shayer Hussain, Leon Dowd, Vicky Hayhoe and Suraj Rash withdrew from the meeting for the consideration of the Confidential Item.*

**20/21.42 Confidential Item**

*This item is confidential as it contains personal information about a member of college staff.*

**Minutes formally approved by the Corporation:**

**Chair**

**Date**