

<p>The College of West Anglia Minutes of Corporation Meeting 10 March 2010, Room E8/9 Enterprise Building, Milton 10.15 am</p>

Present	Peter Dixon	Chair
	Roger Almond	Kate Atherton
	Sharon Cambridge	Andrew Cave
	Paul Cotton	Nick Daubney
	Derek Stringer	Roger Ward
	Mike Williams	
	David Pomfret	Principal
Attending	Arlene Clark	Executive Director, Curriculum and Learning
	Richard Williamson	Executive Director, Finance and Information
	Hilary Reid	Clerk to the Corporation

The meeting was preceded by a briefing led by Jon Ward, Project Manager, Cambridgeshire Education, on the King's Lynn Academy

1 Apologies

Jack Bantoft, Kate Barnett, Jamie Cook, Spencer Cranmer, Charlotte Johnston, David Steele, Derek Stringer, Sandy Willatt

2 Minutes of previous Meeting – 9 December 2009

The Minutes of the meeting of 9 December 2009 were agreed as an accurate record and signed by the Chair.

3 Matters Arising

(i) Page 4 item 6(ii)(iii) Minutes of F&GP/Communications with Staff
 Briefing notes had been issued to unions and staff making key elements of the accounts available to staff. Feedback had been positive.

(ii) Page 4 item 6 (v) Minutes of Employment Policy/UCU Ballot
 National UCU carried out a ballot of members for action for a 6% pay rise. Strike action had not been supported by the majority.

(iii) Page 8 item 9 Funding Audit
 KPMG had been appointed to undertake a funding audit at a cost of circa £10k.

(iv) Page 10 item 13(iii) Principal's Strategy Report/Proposals for Disposal of Land
 Details re specific proposals for possible disposal of land would be brought to a future meeting.

4 (i) Appointment

The election of the Staff Governor for the Cambridgeshire sites was reported by the Clerk. The successful candidate was Spencer Cranmer, a member of the Faculty of Technology (Construction) at Isle Campus.

Sharon Cambridge proposed, seconded by Peter Dixon, that Spencer Cranmer be appointed Staff Governor to the Board for a term of 4 years. Agreed.

(ii) Re-Appointments

Search Committee, at the meeting on 24 February 2010, had considered the re-appointment of four governors whose term of office was to end in April 2010.

Sharon Cambridge proposed, seconded by Paul Cotton, that Roger Almond, Roger Ward and Sandy Willatt be re-appointed to the Board for a further term of office of four years. Agreed.

(iii) Resignations

The resignations of Cheri Crosley, with effect from 5 February 2010, and of Di Atkinson, with effect from 2 March 2010, were noted. Both members were thanked for the contribution made to the work of the governing body.

Noted.

5 Reports from the Student Union

In the absence of the Student Governors, no reports were received.

6 Student Union Accounts 2008-09

Minute 8 of Corporation Meeting on 9 December 2009 referred.

The Chair of Finance and General Purposes Committee reported further discussions with the Student Services Officer at the meeting of 23 February 2010 in relation to the perceived loss in the 2008-09 accounts arising from theme park trips. A misunderstanding had arisen because receipts had been banked across two financial years. The Committee recommended that the earlier decision be rescinded and that theme park trips continue.

Andrew Cave proposed, seconded by Roger Ward, that in the light of information received, Governors lift the embargo on Student Union trips. Agreed.

7 Minutes of Committee Meetings and Working Groups

(i) Performance Review and Quality Committee 2 December 2009

Kate Atherton, Chair of the Committee, proposed the Minutes for adoption. She reported on the detailed review of the SAR; the Induction Survey; and Complaints received, noting the move away from surveys to focus groups and the recurring themes in complaints.

(ii) Property Steering Group 20 January 2010

The Minutes were highlighted as “Confidential”. Peter Dixon, the Chair of the Committee proposed the Minutes for adoption. He commented on the Milton close down issues outstanding; a revised structure for future Minutes; and the tendering process for the appointment of Architects to support the Estates Strategy.

(iii) Audit Committee 3 February 2010

Paul Cotton, Vice Chair of the Committee, proposed the Minutes for adoption. He reported the recommendation for the appointment of Funding Auditors and that the Committee had received a report which set out the College’s consideration of succession planning within the organisation.

Peter Dixon moved adoption of the Minutes, en bloc, seconded by Andrew Cave. Agreed unanimously.

8 Management Accounts to 31 January 2010

The Executive Director of Finance and Information reported. The current position was a £578k deficit against a deficit of £1,082k full budget for the year. However, this would be affected by the trends in income and expenditure and future large maintenance bills.

The inclusion of departmental contribution statements for the first time, with the exception of servicing costs and schools income, was noted.

The pension payment of just under £1m to Cambridgeshire LGPS had been agreed and was expected to be settled by the end of March 2010.

A governor raised the matter of exam fees and was advised that, in the budget re-forecast, fees were expected to fall by 3%.

The current position was noted.

9 Re-forecast Budget 2009/10

The Executive Director of Finance and Information presented the re-forecast budget for 2009/10. The re-forecast position was £750k deficit – an improvement of £332k on the original budget deficit of £1.1m. He highlighted the following points from his report:

- Train to Gain income was difficult to forecast but the College aimed to hit exactly the contract
- The outcome of HSE investigations had not been taken into account
- Advice from KPMG suggested the £1.57m contribution from the LSC would have to be treated as an exceptional item.
- Changes to income streams remained a risk
- 16-18 learner and adult learner responsive targets had been exceeded
- £200k increased funding for 16-18 apprenticeships had not been included in the re-forecast
- Overall pay costs show £0.5m saving achieved
- Anticipated teaching staff savings had not been made
- LSO overspend had been pre-planned
- Non pay costs had increased overall by £600k (maintenance costs up by £570k)
- £225k+ of maintenance costs was proposed to be capitalised

- Train to Gain sub-contractor payments (a cost) forecast at £750k, could be less at £500k.
- Un-budgeted maintenance costs could potentially be large
- Contingency was 1.4% of income at £490k
- Bank borrowing was at risk if the College was unable to meet the financial covenants, one of which stipulated no more than 2 consecutive years of historical cost surpluses. The reforecast budget should enable the College to make a very small “historical cost” surplus this year.

Governors noted the improved budget position, the uncertainties and the level of contingency.

Andrew Cave proposed, seconded by Roger Ward, that the Corporation approves the re-forecast budget - which currently includes £890k of maintenance expenditure - and acknowledges that more than £225k may become capital expenditure. Agreed unanimously.

10 Appointment of Funding Auditors

The Executive Director of Finance and Information advised that KPMG had been appointed Funding Auditors at a cost of just over £10k on a fixed price contract. It was envisaged that the Funding Audit would be required in future years, but this was at the College’s option.

The appointment was noted.

11 Accommodation Strategy Update

The Principal provided updates on the draft results of the building condition survey, the capital summit meetings with potential funding partners and on obtaining external support to help develop the accommodation strategy.

(i) Condition Survey

- MMBL, who carried out the survey, recommended a £21m, 5-year maintenance programme. This would only bring the buildings into a state for operating. £12.5m was required in the first year.
- Health and Safety elements were yet to be explored further and Plaxtole House outcomes had not yet been received. An analysis of pupil trends would inform a new accommodation strategy.
- Options under consideration and in discussion with partners were realistic and required some fairly significant rationalisation. Any new buildings would have to be built to basic designs.
- Locating in March was still being explored – there was little cost difference between the March and Wisbech options for Fenland.
- A significant proportion of any funds would have to be spent on backlog maintenance, some of it on buildings that would later be demolished.

(ii) Capital Summit Meetings

- There was a £55m funding gap identified. In partner discussions, Cambridgeshire County Council had understood the imperative of making a direct and significant contribution to the College. They required a compelling business case to be made around value for money, and supported development in Fenland.
- Fenland District Council had confirmed a £1.5m contribution and had expressed a preference for development in March, although the grant was unconditional on development location.

- King's Lynn and West Norfolk Borough Council had indicated a smaller, direct contribution and were exploring other ways to help.
- Norfolk County Council understood the College's position but were struggling with a precedent of supporting one college when they had many in their area.
- There was a national fund of about £200m which it was expected would be proportioned out to those colleges who did not benefit from the LSC's capital funds. However, the availability of funding to this College was completely uncertain. In discussions with other funding partners, the College had speculated on a possible 20% contribution. Funds were unlikely to be available until 2012.
- EEDA continued to state they were ear-marking £0.5m but with many conditions attached. They were unable to support maintenance work but could potentially support demolition work.

(iii) Appointment of Architects

- The College was in the process of tendering for architects to help support the development of the estates strategy. Property Steering Group were to be involved in the interview and selection process commencing on 16 March 2010.

Governors' comments and discussions were noted:

- The possibility of discontinuing the use of certain buildings
- The educational case which would determine the decision between March and Isle with the rationale for moving to March still strong
- The cost of, and arrangements for, continuing existing provision and accommodating the future student cohort in March, Cambridgeshire
- Mitigation of the effects of not closing the funding gap with an alternative plan 'B'
- The practicality of one campus serving the area
- The current financial position of the College and the security of the loan facility
- The contingent reliance on partner contributions and future government funding to achieve the strategy over time
- The importance of communication with staff about the work being done by the governing body and senior management.

In conclusion, the Principal described the most likely option currently emerging as limited refurbishment and a new workshop unit at King's Lynn and rationalised Fenland provision in a new March campus which, over a ten year timeframe and dependent still on uncertain external funding, might be achievable. He advised that the Property Steering Group would have a central role in progressing the development of the estates strategy but that it might become necessary to devote more Board time to it over the next 12 months. He agreed to meet with the Staff Governor outside the meeting regarding communication with staff. **Action: DP**

The current position was noted.

12 Request for the Sale of College Land

The Principal referred governors to correspondence from Milton Parish Council re the possible purchase of land at the Milton Campus to permit their development of leisure facilities. Latterly, a proposal for a land swap had been mooted with the Parish Council with a view to enabling the College to further develop equine provision on the site. The parcel of land identified for the swap was currently in use as allotments and the plots would have to be re-located by the Council. The possibility of adverse publicity arising from this action was acknowledged and would have to be carefully managed by the Parish Council.

The Board remitted officers to investigate further the possibility of swapping plots A and D (*shown on the map attached to the report*); investigate whether plot D could be returned to grazing land; and, remit the Property Steering Group to explore further and report back to the next meeting of the Board with recommendations.

13 Fees Policy

The Principal presented the Fees Policy for 2010/11. He directed governors to the limited number of changes made and advised that the Finance and General Purposes Committee, after consideration of the document at the meeting on 23 February 2010, recommended approval.

Andrew Cave proposed, seconded by Sharon Cambridge, that the Fees Policy for 2010/11 be approved. Agreed.

14 Thomas Clarkson Community College and the College of West Anglia – Memorandum of Agreement

On behalf of the Executive Director, Partnerships, the Principal presented for consideration and approval the Memorandum of Agreement with the Thomas Clarkson Community College. He noted that the document had been agreed by SMT and signed off by the Community College.

Governors sought, and were given, assurances regarding protecting the College's interests; the impact of the Building Schools for the Future funding on the College's position in March; safeguarding and ensuring appropriate communication channels with partners; and, opportunities for staff engaged in post-16 delivery.

Kate Atherton proposed, seconded by Andrew Cave, that the Memorandum of Agreement with the Thomas Clarkson Community College be approved, subject to the inclusion of safeguarding in the document. Agreed.

15 Student Union – Draft Constitution

Following detailed review by officers, the Principal presented the draft Student Union Constitution for consideration and approval. SU staff were commended for their work on the document.

Roger Ward proposed, seconded by Roger Almond, approval of the draft Student Union Constitution. Agreed.

16 Self Assessment Report (SAR) Executive Summary

The Principal presented an Executive Summary of the Self Assessment Report 2008-09 for information and comment. He explained that the SAR had been reviewed in detail by the Performance Review and Quality Committee. Overall, the number of grade 3 areas had reduced but the number of grade 1 areas had also reduced. The emphasis had been on driving up the grade 3s. He noted the improved success rates and that levels at the last inspection had been exceeded.

The Chair of Performance Review and Quality Committee assured members of the thorough interrogation of the SAR by that Committee. However, it was recognised that the next SAR may reflect clearly morale and related factors arising from the re-structure process.

In response to a query from the Staff Governor, the Executive Director, Curriculum and Learning, explained the rationale for the minimum average group size influenced by government targets and related funding criteria. A further query regarding marketing was to be addressed outside the meeting by the Principal and Executive Director.

Governors accepted and noted the Executive Summary of the SAR.

17 Priority Objectives

The Principal reported in-year review of performance against the Priority Objectives for 2009/10 and proposals for establishing targets for 2010/11 and for the production of the Strategic Plan 2010/11 to 2012/13. He highlighted the following points:

- Progress was generally strong and in particular, against those objectives that had a direct bearing on finance
- Physical resources (section 7 referred) were of concern – the condition survey had been added as a priority.
- Under capacity in the Property Services Department had been recognised and addressed

Comments from governors included disappointment that a system of sharing best practice in the use of staff meetings had not progressed; and, that 150 appraisals remained outstanding. The Principal assured governors that progress on these two matters had been made since the document was produced.

In conclusion, the Principal advised that Priority Objectives for 2010/11 and the Strategic Plan would be presented at the next meeting of the Board on 12 May 2010.

The report was noted.

18 Principal's Strategy Report

The Principal reported as follows:

(i) Academy Developments

Governors' attention was drawn to the papers appended to his report – A Project Brief for an Academy in King's Lynn; an overview for Sponsors provided by Eversheds; Legal tasks to be completed prior to incorporation with Companies House; and, model Funding Agreement. He provided an update on progress and explained the current position, noting the following points:

- Meetings with partners continued
- DCSF was satisfied with the progress being made on a number of initiatives
- College staff were engaging in a number of college groups
- Paul Dunning was working to build capacity
- The immediate need was to establish a Trust
- Three members of the College Board were required to serve on the Trust
- Up to five members of the College Board may join the Governing Body

Governors requested that a resume of the involvement of governors on the Trust be circulated.

The views of governors, outside the meeting, were invited by the Principal.

Roger Ward proposed, seconded by Nick Daubney, approval to establish an Academy Trust. Agreed unanimously.

(ii) Ofsted Inspection Activity

- ❖ **Desk-based Monitoring Risk Assessment:** At this stage, no communication from Ofsted had been received with regard to the 2010 assessment.
- ❖ **Public Services Provision:** The outcome of the inspection had been extremely positive.
- ❖ **Initial Teacher Training:** This was part of the ARU Ofsted inspection and feedback on the process was expected late April 2010.
- ❖ **Plaxtole House:** Inspection by Ofsted was planned for 29 and 30 March 2010 around provision for young people under 18 years of age.
- ❖ **Other inspections:** The College was also subject to assessment and/or accreditation in the following areas throughout March and April: the Training Quality Standard (TQS) for employer responsiveness; Integrated Quality and Enhancement Review (IQER); and, the Quality Assurance Agency HE Inspection.

The Ofsted and other agency inspections were noted.

(iii) Investors in People Accreditation

The College was assessed in January 2010 and continued to meet the evidence requirements for the IIP Standard. A summary of the outcomes from the process was appended to the Principal's report. In particular he felt the assessment reflected the impact of the pressures faced by staff, which had also been evident in the staff survey. Employment Policy Committee would discuss the findings in detail at their next meeting.

The outcomes of the IIP assessment were noted.

(iv) 2010/11 Indicative Funding Allocations

Governors were already aware of the need for efficiency savings given the significant pressure on public finance. The Principal tabulated indicative allocations for 2010/11, compared with 2009/10 in his report. He commented that adult learner provision would continue to be rationalised. Overall, the College allocation had increased and was better than the sector average. The indicative base line allocation for 16-18 learner responsive provision had been increased by £1.6m; adult funding had been reduced by £800k; some in-year growth was anticipated for apprenticeships.

The position was noted.

(v) Health and Safety Executive

This item was deemed to be confidential and restricted.

19 Clerk's Items

The Clerk reported as follows:

(i) Revised Terms of Reference for the Property Steering Group

The Corporation had remitted the Property Steering Group to bring forward, for approval, revised draft Terms of Reference for the Group. These were received by the Board.

Roger Ward proposed, seconded by Paul Cotton, that the Terms of Reference be adopted and that governor membership of the Group be Peter Dixon, Roger Almond, David Steele and David Pomfret. Agreed.

(ii) Annual Agenda Framework 2010/11

Roger Ward proposed, seconded by Paul Cotton, that the Annual Agenda Framework for 2010/11 be approved. Agreed.

(iii) Calendar of Corporation Meetings 2010/11

Roger Ward proposed, seconded by Paul Cotton, that the Calendar of Corporation Meetings for 2010/11 be approved. Agreed.

(iv) Rules for the Election of Staff Governors

The rules for the election of Staff Governors had been considered by Search Committee at the meeting on 24 February 2010. The geographical split considered important on merger to ensure appropriate representation was revised.

Roger Ward proposed, seconded by Sharon Cambridge, that Option 1 (two candidates, who may be academic or non-academic members of staff, from across all sites) shall be elected. Agreed.

(v) Authorisation of Expenses – Chair and Principal

This matter had been reviewed by Search Committee at the meeting on 24 February 2010. A low risk recommendation had arisen from an external audit report concerning the methodology for approving the expenses of the Chairman of the Board of Governors and the Principal. The Committee agreed that the process should remain unchanged with annual retrospective review of the expenses of governors and designated Senior Managers.

Roger Ward proposed, seconded by Sharon Cambridge, that responsibility for authorisation of the Principal's expenses remains with the Chair and that the Principal continues to authorise the Chair's expenses, subject to annual retrospective review by the Audit Committee. This review to include the expenses of all other members of the Corporation and designated Senior Managers. Agreed.

(vi) Circulation of Confidential Minutes

A review by Search Committee on 24 February 2010 of the way in which confidential Minutes were distributed arose from the Board's self-assessment process in July 2009. The Committee agreed that confidential Minutes should be circulated.

Roger Ward proposed, seconded by Sharon Cambridge, that all Minutes, including confidential Minutes, be circulated to members with the agenda for subsequent meetings (excluding restricted matters). Agreed.

(vii) Modification of the I&A/Regulations

Technical changes were being made to the Instrument and Articles of Government (I&A) and Regulations to reflect the machinery of government changes.

The non-contentious modification and amendments were noted.

**20 Review of Governance and Strategic Leadership in FE
(Consultation) – Governor Feedback**

Roger Ward and Roger Almond provided feedback from the Eastern Region consultation exercise held on 1 March 2010 in Letchworth. As part of the process of Review of Governance and Strategic Leadership in FE a questionnaire was responded to identifying the importance given to each of the 15 recommendations set out in the consultation document (previously circulated to governors) with which members concurred. A key recommendation that a new code of governance for FE Colleges be drawn up by a working group which would become the basis for regulation in the sector was supported.

It was agreed that the responses made on behalf of the Board by the two members attending the consultation meeting be circulated to all governors for information.

21 Any Other Business

- (i) DP: The College of West Anglia, Milton, was regional winner of “Wheatart” – a Weetabix award – and were pictured on the Weetabix cereal box. Congratulations were proffered to the students.
- (ii) MW: An exhibition of second year art students was being held currently at Greyfriars Art Studio, King’s Lynn. Governors were invited to visit.
- (iii) Chair: Relayed thanks from Cheri Crosley to all the Board for their gift on her leaving.

22 Date and venue for next scheduled Meeting

Wednesday, 12 May 2010, Isle Campus.

The meeting closed at 1.40 pm