

North Warwickshire and South Leicestershire College

MINUTES OF A MEETING OF THE CORPORATION

Tuesday 14th December 2021 at 6pm - Microsoft Teams Meeting

Present: Mr Chris Brewer, Mr Duncan Cooper, Mrs Helen Holley, Mr Simon Kirby, Ms Trusha Lakhani, Prof Ray Linforth, Mr Anil Majithia, Mrs Marion Plant, Mr Clive Read, Mrs Tracey Simkins, Dr Andrew Turner and Miss Charlotte Walton.

In attendance: Mr Ben Crook (Vice Principal Quality), Mr Tom Hamilton-Dick (Deputy Principal), Mrs Nicola Morrison (Director People and Commercial), Mr David Poole (Chief Operating Officer) and Mrs Rachel Marshall (Clerk).

Prior to the meeting Ben Crook, Vice Principal Quality presented the Whole College Self-Assessment Report 2020/2021 and the Quality Improvement Plan 2021/22 to Members.

Members raised the following challenges:

- i. Based on the way the College had continued to deliver despite the pandemic, why weren't all areas graded as 'Outstanding'?

Ben Crook reminded Members that the Strategic Plan had included an objective to increase quality to 'outstanding' from one to three aspects; however due to the ongoing context over the last 18 months the College hadn't had the platform to be able to achieve this objective, although some aspects were very close to achieving an 'outstanding' grade. The difficulties caused by the pandemic were becoming more complex, with student mental health becoming a significant issue, and the need to recruit more staff, and therefore caution was required. Ofsted had received £25m to ensure all schools and colleges were inspected by 2025. The College was due to undergo a two day inspection by three inspectors by 2024; however it would now have to undergo a full inspection.

- ii. Although the College had delivered an outstanding response to the pandemic, due to the ongoing uncertainties the proposed grades were appropriate in all the circumstances. The Students Learning & Quality Committee had recently received a presentation from the Director of Adult Learning and had heard moving and inspirational stories from two adult learning students. This provision was clearly outstanding, although in light of the pandemic it was right to be cautious and to grade the overall provision as 'Good'.

Ben Crook indicated that if the overall grade was increased to 'outstanding' it would increase the likelihood of an earlier inspection. The College however needed time to 'bounce-back' from the last two years and the ongoing challenges it was facing.

- iii. It had been interesting to hear the Chief Inspector's recent remarks and to see a number of college's being downgraded from 'outstanding' to 'good'. It was clear that Ofsted was tightening up on the inspection criteria. If there were only a few institutions judged as 'outstanding' would this mean that it would be harder to achieve a 'good' grading?

Ben Crook explained that following the introduction of the Education Inspection Framework, it had become much more difficult to achieve 'outstanding' across all the framework's aspects. During inspection, Inspectors would undertake 'deep dives' into particular areas identified by the Lead Inspector. When the College was last inspected deep dives had been undertaken in construction and travel and tourism. During the deep dives, Inspectors observed 3-4 lessons a day and spoke to students in those areas. This meant that the whole College had to be fully prepared and working at the same level. To achieve an 'outstanding' judgement the College had to be 'outstanding' across all areas. The Executive was therefore pleased to propose an overall 'good' grade with one 'outstanding' area.

- iv. If the College had self-assessed as 'outstanding' without being able to produce evidence of that judgement, then it would be criticised on the basis that its internal systems had not identified this as an issue.

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Ben Crook confirmed that this was correct; the College would be criticised if it was unable to correctly grade its own performance, and if the self-assessment was published with an overall self-assessed grade of 'outstanding' then it was very likely the College would be inspected much more quickly.

- v. Was the likelihood that the College would not be inspected in the next 12 months?

Ben Crook explained that the College was one of the last to be inspected before the pandemic started and that it had been inspected under the new Education Inspection Framework, so it was very unlikely it would be inspected in the next 12 months.

Ray Linforth highlighted that Ben Crook was undertaking training to become an Ofsted Inspector which would be very helpful to the College and thanked him for the work undertaken to prepare the Self-Assessment Report and the Quality Improvement Plan. He then explained that the approval of the Whole College Self-Assessment Report 2020/2021 and the Quality Improvement Plan 2021/22 would be dealt with at agenda item 4.1.

Ray Linforth welcomed everyone to the meeting, which was quorate.

1. Routine and Standing Items

1.1 Apologies

Apologies for absence were received from Steve Maxey.

1.2 Declarations of Interest

No declarations of interest were received.

1.3 Minutes of a Meeting held on Monday 4th October 2021

The minutes of the last meeting held on Monday 4th October 2021 were unanimously approved. (Proposer: Charlotte Walton; seconder: Clive Read).

1.3.1 Schedule of Actions

See attached Schedule.

- i. Action 6 - relevant details were still awaited to inform the business case, which was being developed, together with a review of the curriculum plan.
- ii. Action 7 - it had been anticipated that the December 2021 Corporation meeting would be held in person; however due to changing circumstances, this had not been possible. The next meeting was scheduled to take place in April 2022, and it was anticipated that it would take place as an in-person meeting, subject to the circumstances prevailing at that time.
- iii. Action 9 - it was anticipated that the Strategy Day in January 2022 would take place at the MTI, again dependant on the circumstances prevailing at that time.

1.3.2 Matters Arising

There were no matters arising.

1.4 Chair's Action

Ray Linforth reported that he had taken no Chair's action since the last Corporation meeting on 4th October 2021.

Bill Devitt (RSM - External Audit Service) joined the meeting at 6.08pm

2. Financial Statements 2020/21

2.1 Audit Committee Annual Report 2020/21

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Anil Majithia introduced the Audit Committee Annual Report 2020/21 and summarised the following points:

- i. The Report described the work undertaken by the Audit Committee during 2020/21 and included the internal audit plan for that year, which had been completed satisfactorily.
- ii. Members' attendance at Audit Committee meetings had been very good at 95%; all meetings had been held virtually.
- iii. The outcomes from the Committee's effectiveness review were presented in the Report and were very positive, including responses from the internal and external audit services and the Chief Operating Officer.
- iv. The Committee had received a presentation from Grant Thornton, the College's External Audit Service at its meeting on 5th November 2021 which indicated that Grant Thornton anticipated issuing an:
 - unmodified financial statements opinion; and
 - unmodified regularity opinion within the financial statements and had no significant matters to report in respect of regularity.
- v. As a consequence, the Committee was able to provide the following assurances to the Corporation:
 - That the College had an adequate and effective assurance framework and arrangements for governance, risk management and control, and had fulfilled its statutory responsibilities for "the effective and efficient use of resources, the solvency of the institution and the bodies and the safeguarding of its assets".
 - That progress was being made on the strengthening of systems and the implementation of new systems where necessary.
 - In respect of the Financial Statements Audit and Regularity Assurance Review, the Audit Committee was satisfied that all issues raised in connection with the Audit Findings Report were being progressed and was satisfied with the responses of Management.
 - Although a matter for the whole Corporation, the Committee having heard from David Poole at the Audit Committee meeting, supported the adoption of the 'going concern' basis in the preparation of the financial statements
- vi. Thanks were extended to the Audit Committee Members for their work during the year and to David Poole and the Clerk for their ongoing support.
- vii. Particular thanks were extend to Bill Devitt and his team and to David Poole and the College team, for successfully undertaking the significant, additional work that had been required due to changes in the Education and Skills Funding Agency (ESFAs) processes and auditing requirements, to ensure that the financial statements could be presented on time.
- viii. It was good to see that the College had demonstrated robust financial performance within an exceptional year which had been very challenging for all staff.

Ray Linforth endorsed the outstanding work of the team in exceptional circumstances.

Following discussion, Members received the Audit Committee Annual Report 2020/21.

2.2 Confidential - Annual External Audit Presentation

3. Strategic Development

3.1 Principal's Briefing including Covid-19 Update

Marion Plant introduced her update presentation and highlighted the following points:

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- i. **Covid-19 Update:** the pandemic was now entering a different phase and it was important to recognise the profound impact that still needed to be managed. Staff were exhausted and were back to working in a period of uncertainty. Significant work with students was ongoing and KPIs were starting to improve. There were currently no cases of Omicron in College and improved compliance with the wearing of face-coverings was evident, although students needed to be continually reminded. Contingency planning for January 2022 was currently taking place, although the position was very uncertain, making planning difficult. A number of scenarios had been practiced and were ready to be implemented. The situation continued to evolve on a daily basis. Risk assessment was also taking place on a daily basis and would continue over the Christmas period.

Members highlighted the previous paucity of advice and support from the Department for Education (DfE) and asked if the situation had improved?

Marion Plant confirmed that it had not although all local colleges were sharing best practice with each other.

David Poole explained that the DfE had been issuing ambiguous statements and guidance and therefore the College's mitigations were in addition to the guidance that had been received.

Members asked about the costs associated with managing the impact of the pandemic.

David Poole confirmed that additional costs had been budgeted for. Currently those costs hadn't been exceeded, although most other colleges appeared to have underestimated their costs.

- ii. **College Update:** the general view was that the College was doing well financially, despite the drop in 16-19 recruitment, was making good progress and had ambitious growth plans. Staff were however very tired, and morale was fragile. Mental health hubs were being opened at each campus, the cost of which had been accounted for. The most recent student parliament was very lively with the main area of concern being IT and the most positive reflections being about staff and the support students received.

As Members were already aware College students had performed very well in the WorldSkills UK national finals, with the College being top of the medal table in England and fourth in the UK and the highest performing College in the UK for the WorldSkills UK Foundation Skills. These achievements were exceptional, highlighting students' successes and providing students with international competition opportunities.

Ray Linforth highlighted that he had hoped to invite the winners to the meeting; however it had not been possible.

Marion Plant explained that the winners would be presented at the College awards ceremony in January 2022. She then indicated that the College was working in a turbulent environment not only due to the pandemic but also due to the nature of central Government. The ESFA was currently under review and was likely to have some changes to its roles and responsibilities. The 'levelling up' paper was awaited in January 2022 when it would be possible to see what shape the Local Enterprise Partnerships would take. She was keeping a watching eye on these developments to ensure the College was best placed to take advantage of any opportunities it could benefit from.

- iii. **The Midland Academies Trust:** an update on the Trust was given including the outcome of two recent Ofsted inspections and the potential implications of those outcomes.

Following discussion, Members received the update briefing.

3.2 Strategic KPI Dashboard 2021/22

Tom Hamilton Dick introduced the paper and highlighted the following matters which related to the Teaching, Learning and Assessment KPI dashboard:

- i. The start to year has been unpredictable in several areas, including recruitment which had impacted on the dashboard, despite mitigating actions having been put into place.

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The significant number of transfers between courses that had occurred had caused delays in diagnostic testing, the generation of 'on track' and 'on target' measures and the suppression of English and maths attendance rates.

- ii. Diagnostic testing had identified students had lower levels of English and maths skills than expected.
- iii. Attendance was lower than expected increasing the risk of decreased achievement levels, although attendance figures had just started to move in the right direction with significant work taking place to support this increase into the New Year.

David Poole then provided the following overview of the corporate services dashboard:

- i. Financial KPIs were all RAG rated as 'green' showing the College was on target to meet its year-end targets.
- ii. The 'red' RAG rating in Enterprise and Growth related to the under recruitment of the 16-19 students in 2021/22 and apprenticeships with the measurement of the year-to-date new starts against the total new starts for the year. A year-to-date forecast would be undertaken shortly with a move to profiled reporting of new starts in November 2021.
- iii. The one 'red' RAG rating in People related to staff turnover. The situation was being closely monitored closely and was linked to an increase in leavers during the summer term.

Following discussion, Members received the paper.

3.3 Confidential - Update on Strategic Estates Developments

3.4 Sustainability Strategy

Tom Hamilton Dick introduced the paper which presented the draft Sustainability Strategy as recommended by the Resource Committee for approval, and emphasised the following points:

- i. The Strategy underpinned both the Estates and Curriculum Strategies and had been developed using the AoC sustainability road map which indicated that the College had reached the 'emerged' stage.
- ii. The Strategy's themes had been agreed by Members at the recent Creative Meeting.
- iii. The Strategy proposed a two-phased approach with phase 1 moving the College from 'emerged' to 'leading' by the end of the first term of the academic year 2022/23. Phase 2 would establish the College as 'leading' within the sector and set stretch targets beyond 2022/23. These targets would be reviewed on a yearly basis, with the Strategy being refreshed accordingly.
- iv. Each of the strategic themes for phase 1 were underpinned by an action plan which would be monitored by two sub-committees. Members would be involved in both Committees.

Members raised the following challenges:

- i. Why did the Strategy follow a calendar year and not an academic year?
Tom Hamilton Dick explained that this was due to when the Strategy was implemented. It would not be possible to achieve the strategic objectives by the end of the academic year.
- ii. Was the Executive aware that the College was listed as leading the way, being ranked 6th out of 47 colleges on the carbon targets website.
Tom Hamilton Dick indicated that although the College had a distance to travel, a lot of good practice was already taking place, and these activities had been pulled together in the Strategy. Sustainability would also feature in the new Curriculum Strategy which would also be a 'selling point' for some students.
- iii. Which Members would be asked to be involved in the sub-committees?

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Tom Hamilton Dick confirmed that he has some ideas, Charlotte Walton as the Student Member had already been asked to join the curriculum sub-committee.

Helen Holley indicated that she would be very happy to become involved.

Following discussion, Members received the paper and unanimously approved the Sustainability Strategy. (Proposer: Helen Holley; seconder: Tracey Simkins) .

4. Teaching, Learning, and Assessment

4.1 Whole College Self-Assessment Report 2020/21 and Quality Improvement Plan 2021/22

Ray Linforth introduced the paper, highlighting that Ben Crook had presented the Self-Assessment Report and Quality Improvement Plan to Members during the 5.30pm briefing. All Members had joined the briefing and had had an opportunity to interrogate the papers.

Following discussion, Members received the paper and unanimously approved the Whole College Self-Assessment Report 2020/21 and Quality Improvement Plan 2021/22 on the recommendation of the Students Learning & Quality Committee. (Proposer: Ray Linforth; seconder: Andrew Turner).

4.2 SLQ Committee Assurance Reports & Minutes from 14.10.21 and Draft Minutes from 25.11.21

The assurance report and minutes were noted.

5. Financial Matters and Arrangements for Internal Control

5.1 Performance Report including Period 3 Management Accounts and Procurement Timetable for 2021/22

David Poole introduced the paper and highlighted the following aspects:

- i. The College was reporting an operating deficit of £178k for the three month period ended 31st October 2021. This was a positive variance of £305k against budget. At this early stage in the financial year, core funded income streams were being released to budgeted profile. The College was on track to achieve its budgeted surplus. The Resource Committee had been presented with the period 3 management accounts at its last meeting.
- ii. All financial KPIs had been RAG rated 'green'. The College was also on track to achieve EBITDA.
- iii. Cash continued to be well managed, and the College was complying with all its bank covenants. The College had issued a covenant compliance certificate to the Banks at the end of October 2021.
- iv. The paper set out a schedule of the tenders which were due to take place during the academic year and highlighted those contracts that would require Corporation approval. This was however subject to possible change.

Following discussion, Members received the paper.

5.2 Strategic Risk Report 2021/22

David Poole introduced the paper highlighting that the Audit Committee had interrogated the risk report at its last meeting and indicating that the majority of the risks were tracking against the forecast outturn. The risk report, produced by the 4Risk system, continued to be developed and presented mitigating actions for the risks.

Following discussion, Members received the paper.

5.3 Audit Committee Assurance Reports, Minutes from 11.10.20 and Draft Minutes from 15.11.21

The assurance report and minutes were noted.

5.4 Resource Committee Assurance Report & Draft Minutes from 29.11.21

The assurance report and minutes were noted.

6. Governance

6.1 Corporation Self-Assessment Report 2020/21 and Quality Improvement Plan 2021/22

The Clerk introduced the Self-Assessment Report 2020/21 and Quality Improvement Plan 2021/22 and provided the following overview:

- i. The Self-Assessment Report has been drafted against the expectations of Ofsted in relation to the role of a College Corporation, as set out on the Education Inspection Framework (EIF).
- ii. The People, Strategy & Governance Committee confirmed that there were no significant improvement actions highlighted in the Committee self-assessment reviews and therefore the proposed improvement actions for this year were:
 - undertaking a three yearly external review of governance; and
 - the outstanding action from the previous year's QIP; namely to review the sufficiency of the insight / feedback Members receive about Student Voice activities.

Work to implement an external governance review would take place in the New Year, in line with the recently released Department for Education's (DfE) draft guidance. The guidance was currently planned for publication in April 2022.

6.2 Sealing of Documents

Members noted the sealing and authentication of the following document, WMCA & NWSLC Funding Agreement Relating to Level 3 National Skills Funding to Operate in the 2021/22 Funding Year (1.8.21-31.7.22), authenticated by Anil Majithia and Marion Plant on 24th November 2021.

6.3 PSG Committee Assurance Report & Draft Minutes from 21.10.21

The assurance report and minutes were noted.

7. Consent Agenda

7.1 Policies

No requests from Members had been received to discuss any item on the consent agenda and therefore Members unanimously approved the following policies. (Proposer: Anil Majithia; seconder: Helen Holley).

7.1.1 Equality, Diversity & Inclusion Policy

7.1.2 Public Interest Disclosure Policy

7.1.3 Reserves Policy

7.1.4 Risk Management Policy

7.1.5 Safeguarding & Protecting Children and Vulnerable Adults Policy

7.1.6 Schedule of Matters Reserved & Scheme of Delegation

7.1.7 Standing Orders

7.2 Matters for Note

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No requests from Members had been received to discuss any item on the consent agenda and therefore Members noted the following matters:

- 7.2.1 Annual Completion of the Register of Interests & Certificates of Eligibility Report
- 7.2.2 Annual Safeguarding Report
- 7.2.3 Annual Student Engagement Report
- 7.2.4 Annual Stakeholder Survey Report
- 7.2.5 Annual Health and Safety Report
- 7.2.6 Annual Human Resource Report
- 7.2.7 Annual GDPR Report

8. Other Matters

8.1 Release of Papers

Members agreed to the release of papers with the exception of:

- i. Agenda item 3.1 Principals' Update Report including Covid-19 Update as the paper contained information which was considered to be commercially sensitive.
- ii. Agenda item 3.2 Strategic KPI Dashboard 2020/21 Closing Position as the paper contained information which was considered to be commercially sensitive.
- iii. Agenda item 3.3 Update on Strategic Estates Developments as the paper contained information which was considered to be commercially sensitive.
- iv. Agenda item 4.2 SLQ Draft Minutes from 25.11.21 as they were yet to be approved by the Committee.
- v. Agenda item 5.1 Performance Report including Period 3 Management Accounts and Procurement Timetable for 2021/22 as the paper contained information which was considered to be commercially sensitive.
- vi. Agenda item 5.2 Strategic Risk Report 2021/22 as the paper contained information which was considered to be commercially sensitive.
- vii. Agenda item 5.3 Audit Committee Draft Minutes from 15.11.21 as they were yet to be approved by the Committee.
 - i. Agenda item 5.4 Resource Committee Assurance Report & Draft Minutes from 29.11.21 as they were yet to be approved by the Committee.
- viii. Agenda item 6.3 PSG Committee Assurance Report & Draft Minutes from 21.10.21 as they were yet to be approved by the Committee.
- ix. Agenda item 7.1.3 Reserves Policy as the paper contained information which was considered to be commercially sensitive.
- x. Agenda item 7.2.2 - 7.2.7 Annual Reports as the papers contained information which was considered to be commercially sensitive.
 - ii. Agenda item 9.1 Confidential Minutes of a Meeting held on Monday 4th October as they contained information which was considered to be commercially sensitive.
 - iii. Agenda item 9.2 Confidential Audit Committee Meeting Minutes from 11.10.21 and Draft Minutes from 15.11.21 as they contained information which was considered to be commercially sensitive.

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- iv. Agenda item 9.3 Confidential Resource Committee Meeting Draft Minutes from 29.11.21 as they contained information which was considered to be commercially sensitive.
- v. Agenda item 10.1 People Strategy & Governance Committee Annual Report 2020/21 as it contained personal data.
- vi. Confidential Draft Minutes for External Members Only of a People Strategy & Governance Committee Meeting held on 21st October 2021 as they contained personal data.

8.2 Date of the Next Meeting:

Members agreed the date of the next meeting as Tuesday 5th April 2022 at 6pm and noted that the Corporation Strategy Day was scheduled to take place on Monday 31st January 2022. It was anticipated that the meeting would take place in-person at the MTI, although this would depend on Government guidance and the situation at that time.

Marion Plant reminded Members that the College Awards Evening was taking place on Friday 21st January 2022 at the Jury's Inn, Leicester and via live stream and stated that she hoped that Members would be able to join what would be a very inspirational evening.

Matters on the confidential agendas were then dealt with.

Ray Linforth thanked the Executive Team for all their work over the term, wished them a very merry Christmas and New Year.

Everyone present at the meeting except the External Members, Principal and the Clerk left the meeting 7.28pm

Matters on the confidential agenda for External Members Only were then dealt with.

Ray Linforth then wished Members a very safe and happy Christmas and a safe and prosperous New Year and highlighted that he was looking forward to seeing Members at the STAR awards (either in person or online) and at the Strategy Day.

The meeting finished at 7.30pm