

LEEDS COLLEGE OF BUILDING

CORPORATION MEETING

Minutes of the meeting held on Tuesday 6 October 2020 at 3.45 pm via Microsoft Teams.

PRESENT:

Julia Evans (Chair)
Simon Bray
Andrew Kenny
Peter Norris
Derek Packer
Mark Roper
Professor Dave Russell
Mark Scott
Derek Whitehead
Jackie Wignall
Sarah Wilson

IN ATTENDANCE:

David Pullein (Vice Principal – Finance & Resources)
Nikki Davis (Vice Principal – Teaching, Learning & Quality)
Michaela Beardsall (Clerk to the Corporation)
Helen Cairns (Eversheds) – Item 7
Nancy Fearnside (PA - minutes)

**ACTION
BY AND
TARGET DATE**

1. CHAIR'S AND GOVERNORS' COMMUNICATIONS

1.1 The Chair welcomed everyone to the meeting. She introduced Michaela Beardsall, the new Governance Advisor and Clerk to the Corporation. M Beardsall gave a brief overview of her background and stated that she was looking forward to working with everyone.

1.2 D Whitehead gave a brief update on the progress made to date by Mike Berry. He stated that M Berry would not be returning to the College (he was due to retire from the Board next summer term) and confirmation of this has been received from his son, with immediate effect. He had passed on the Board's thanks for M Berry's contribution to the Board and College. The vacancy would be discussed through the Search & Governance Committee in due course.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Rachel Lindley, Caroline Meehan and Melanie Tyson.

3. DETERMINATION OF ATTENDEES / OBSERVERS

The Corporation agreed attendees / observers at the meeting as per the attendance list.

4. DECLARATION OF INTEREST

There were no declarations of interest.

5. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 14 July 2020 were approved as a true record. D Pullein queried page 6 relating to the 2019/20 Statement of Comprehensive Income and the Balance Sheet. *N Fearnside subsequently confirmed that unfortunately the wrong version of the minutes had been sent out with the papers; the information on the correct version previously circulated was accurate.*

6. MATTERS ARISING

6.1 Ref Min 9

Actioned.

A Kenny queried this link and ND confirmed that it had been emailed to Governors.

7. REVIEW OF INSTRUMENT AND ARTICLES

The Chair welcomed Helen Cairns (Eversheds) to the meeting. P Norris stated that H Cairns had met with him and C Williams to conduct a review of the College's Instrument & Articles to ensure they were fit for purpose, represent current legislation and gave Board members reassurance.

H Cairns stated that the Instrument & Articles are in line with the sector and current legislation and are in very good shape. The main points to note were as follows:

Instrument & Articles

- The Corporation will consist of a maximum of 17 members.
- Quorum would be based on Governors in post at the time of the meeting (previously vacancies had been counted).
- The list of disqualifications has been broadened to include:
 - If a person is prohibited from being a trustee of a charity under sections 178-184 of the Charities Act 2011
 - If they have been removed from office as a member of a Further Education corporation in the previous ten years
 - If they have any criminal convictions within the previous five years.
- If a member has been absent without agreed cause from meetings for a period longer than four consecutive months their office can be terminated.
- Public access to meetings will be decided by the Chair of the Corporation or the Chair of a Committee.
- The application of the Seal of the Corporation will be authenticated by either the Chair, Vice Chair, or independent member and one other member, the Principal or a Senior Postholder.

Standing Orders

- Flexibility included to allow the appointment of members beyond two terms, subject to an agreed rationale for this, such as specific skill set/experience.
- Governors will need to declare any financial and non-financial interest; definitions have been included.
- The addition of a student observer has been included.

P Norris thanked H Cairns for giving an overview of the key points and asked members if they had any questions.

7. REVIEW OF INSTRUMENT AND ARTICLES (continued)

D Whitehead stated that for consistency the correct titles should be used, i.e. Principal & CEO and Vice Principal – Finance & Resources. D Whitehead suggested that the “CE of Skills Funding” should be amended to “CEO of Education & Skills Funding Agency and/or Office for Students”.

D Whitehead noted that in the Instrument & Articles it states the Corporation shall meet at least once in every term and in the Standing Orders it states at least eight times per year. He had discussed this with the Chair and Vice Chair, and all agreed this should state “a minimum three times” a year. However, it would give more flexibility if it stated to meet “between four to six times”, even though we have eight scheduled in. For consistency he also suggested this be included in both the Instrument and Articles and Standing Orders.

D Whitehead stated that non-governor attendees should also be asked to withdraw from meetings as appropriate.

D Packer raised the question of terminating membership after four months of non-attendance and felt this should be six months. The Chair stated that she had discussed this with C Williams, and she agreed that individual circumstances would need to be looked at. P Norris agreed that the impact on the Board etc. would also need to be taken into consideration.

P Norris summarised that the Instrument & Articles are fit for purpose and are in line with the sector, taking into account legislation updates. Governors should take comfort from this and the legal advice received. H Cairns stated that she would revisit the Instrument & Articles and Standing Orders following the comments made by Governors and send amended versions to P Norris.

HC
12 Oct. 2020

The Board approved the revised Instrument & Articles, subject to the changes noted above.

8. UPDATE ON 2019/20 FINAL ACCOUNTS

D Pullein confirmed that the annual two-week audit on the financial statements commenced this week and will be carried out remotely.

D Pullein reported that the FRS102 pension deficit has risen from £8.3m to £16m (due to the McCloud judgement and a poor return on investments). However, the full Adult Education Budget will now be paid. Overall, 2019/20 had been a very good year. Subject to audit the financial health of the College will be Good.

The Board noted the update on the 2019/20 final accounts.

9. UPDATE ON COVID & RELATED MATTERS

D Whitehead stated that he had tried to keep the Board informed regularly through the notes from the catch-up meetings with the Chair and Vice Chair. These would continue up to Christmas, between Board meetings.

9. UPDATE ON COVID & RELATED MATTERS (continued)

Key points include:

- Health and well-being of staff and students paramount.
- Staff adapted quickly to remote teaching & learning.
- Business Support staff continue to work remotely but cover in place.
- Examination issues added pressure for staff and students.
- No relaxation of rules for Apprentices and some continuing into this year where exams delayed / lack of NVQ evidence due to furlough. 80 Apprentices are still on furlough until the end of this month.
- Comprehensive COVID Secure Risk Assessment and Emergency Action Plan in place.
- Finances are in a strong position and D Whitehead thanked D Pullein for the work he has done.
- A full update on Achievements will be given at the December Board.
- Recruitment is strong (N Davis would cover under Item 10).

D Packer noted the situation with regard to Apprentices and asked how effective the training was in College. D Whitehead stated that if Apprentices can carry on working on site there should be no problem; the key issue is that 16-18 year old students are not going out on work placements / site visits etc. which is detrimental. If necessary Apprenticeship programmes can be extended. Practical work for 16-18 year olds is being delivered first; if any lockdown comes into effect theoretical work would be delivered online. Work placements and assessments in the workplace can be carried out providing employers are COVID Secure and have a robust Risk Assessment in place.

M Roper queried the situation with regard to CITB. D Whitehead stated that R Buckley works closely with the College and keeps us up to date, together with senior CITB members. If CITB's proposal is approved by their Board they will not be taking on any Apprentices directly themselves next academic year, but would signpost them to LCB and other providers as appropriate.

M Roper noted his concerns regarding displaced Apprentices and what would happen when furlough ends at the end of October. Feedback from the industry reflects a lean time between now and next summer. D Whitehead reported that there were now around 80 still on furlough, from the 500 (approximately) that were originally furloughed; the College is constantly monitoring the situation.

M Scott thanked D Whitehead for sharing the notes from the meetings with the Chair and Vice Chair, which he felt were very useful. He congratulated the College team for getting the College back up and running. He suggested there could be an opportunity to use the notes to ascertain the impact on Teaching & Learning etc. and identify any issues or support required from Governors. D Whitehead said this would normally be addressed through the Executive Team and/or through Board papers and thanked M Scott and the Board for their ongoing support.

D Whitehead reported that Public Health England (PHE) have given reassurance that the College's COVID systems / measures are very good. He thanked K Rolinson (HR Director) who has led on the Risk Assessment. Overall PHE has confidence in how the College is managing COVID cases.

9. UPDATE ON COVID & RELATED MATTERS (continued)

D Whitehead stated that as of 5 October 2020 there were 140 cases (symptomatic, self-isolating etc.) and 6 positive cases. Unfortunately, one student has been hospitalised and this had been reported to PHE / the Local Authority.

The Board noted the update on COVID and related matters.

10. STUDENT RECRUITMENT

N Davis presented Item 10 and gave a brief overview. As of Friday 2 October 2020, there were 1,113 Study Programme students, which is above target. The key issue now is retention. She acknowledged that the Curriculum teams have done a really good job in getting the students in.

N Davis noted that HECDM have moved to mainly online teaching and learning and have done a great job getting this up and running.

Apprenticeship recruitment now stood at 862 (against a target of 735). At the current time it is too early to indicate Adult recruitment.

N Davis noted that a number of queries had been raised prior to the meeting. The question regarding furloughed Apprentices had been covered earlier. Projects / upskilling of staff is still being pulled together and ranged from one day of upskilling to much longer projects (e.g. green technology); N Davis would report back as appropriate.

The Board noted the Student Recruitment update.

11. HE NATIONAL STUDENT SURVEY (NSS)

N Davis presented Item 11 (HE National Student Survey). She noted that this is a very small cohort, less than 5% of provision in the Faculty. However, issues raised by some students need to be investigated and feedback given to students.

N Davis noted that a question had been raised as to whether the key requirements of the plan are incorporated into staff performance; she confirmed that this was correct.

Prof D Russell noted that low numbers involved and suggested the Faculty worked directly with the students involved; he commended the Team for following up on the issues but felt that they should not spend too much time on it and keep it in proportion. N Davis confirmed that the survey would be tied into the College's own surveys.

D Packer queried when the survey had been carried out; N Davis stated that it was pre lockdown.

N Davis stated that the issue regarding IT resources has been addressed; all HE full-time students have been given laptops.

The Board noted the HE National Student Survey (NSS) report.

J Wignall left the meeting at this point.

12. UPDATE ON 2019/20 KEY PERFORMANCE INDICATORS

D Whitehead presented Item 12, which outlined the current known position for 2019/20 Key Performance Indicators. It was acknowledged that, due to issues related to COVID, not all KPIs were yet known, but it was felt the College was doing very well in the circumstances. An updated report would be presented to the Board in December 2020.

DW
15 Dec. 2020

D Whitehead noted that the report has been RAG rated to reflect what is known to date. The ATL Business Plan has been rated RED due to the closure of ATL.

M Scott noted the RAG rating on Maths & English and asked if there had been any impact due to the loss of teaching time. N Davis stated that lots of intervention has taken / is taking place. Calculated grades had been submitted and when the algorithm was applied 90 students moved from Grade 2 to 3. She noted that progress is very difficult to maintain with these students. There would be a negative impact at the end of key stage 5.

N Davis confirmed that 16-19 tuition funding is available to target interventions. M Scott noted that in some pre-16 schools additional funding has been given to support students; N Davis confirmed that the College has received some 16-19 tuition funding but not on the same scale as schools.

The Board noted the update on 2019/20 Key Performance Indicators.

13. REVISED 3 YEAR STRATEGIC PLAN TARGETS FOR 2020/21

D Whitehead presented Item 13, which sought approval from the Board to agree the revised targets for 2020/21. No full 2019/20 baseline is yet known and D Whitehead suggested that the targets for 2020/21 should remain the same, apart from one or two targets that were highlighted in yellow. D Whitehead was also concerned that we are already seeing disruption to the start of the academic year that could potentially have an impact on targets set. He felt 2021/22 targets were even more difficult to project.

The Board approved the revised 3 Year Strategic Plan Targets for 2020/21.

14. SAR AND IMPROVEMENT PLAN

N Davis presented Item 14 (draft SAR and Improvement Plan). This is a first draft and any interim feedback from Governors would be gratefully received. Data still needs to be input but N Davis did not feel there would be any changes to the grades. She would present the final SAR and Improvement Plan to the Board in December for approval.

ND
15 Dec. 2020

N Davis stated that a panel moderation was not proposed; she is looking at getting an external perspective on the SAR.

Prof D Russell noted that SARs have been affected by COVID; he fully supported the work done by staff and Governors appreciated the work done with students in this context. N Davis would pass on the Board's thanks to all staff involved.

The Board noted the SAR and Improvement Plan.

15. SUBCONTRACTING SUPPLY CHAIN & FEES POLICY & UPDATE ON SUBCONTRACTING

D Whitehead presented Item 15 and gave a brief overview. Page 2 detailed the colleges that we are working with in 2020/21; there were no new providers. The amount sub-contracted for Adult Education Budget and Apprenticeships totalled £913k.

The Subcontracting Supply Chain & Fees Policy was signed off by the Chair during the summer and placed on the College website.

A question had been raised by P Norris regarding the audit carried out by Solvendis; a copy of the report had been requested by the ESFA. This was sent through but as it was a good report and demonstrated the College's compliance with subcontracting controls and guidance etc., with only four recommendations, D Whitehead did not anticipate the ESFA would raise any issues and in such a case we only normally get a receipt of email. .

D Whitehead stated that with regard to the allegation of financial irregularities, linked to a subcontractor of ATL (and previously reported at a catch up meeting with the Chair / Vice Chair and subsequent discussion with the Chair of Audit, with notes circulated to all Governors), all student central files information requested had been provided by D Pullein but no response has yet been received back from the ESFA. We are not aware of the source and/or nature of the allegation.

M Scott noted the due diligence point on page 2 of the Policy and felt this could include reference to checking providers' COVID risk assessments etc. D Whitehead confirmed that COVID Risk Assessments are requested from all providers by the Project Manager and checks where appropriate carried out during remote quality monitoring visits.

The Board noted the Subcontracting Supply Chain & Fees Policy and update on subcontracting.

16. LEEDS CITY COUNCIL – ANNUAL S175 & CHILD PROTECTION RETURN 2019/20

The Clerk presented the Annual Review Monitoring Return for 2019/20 which had been prepared by J Miah (Equality, Inclusion & Safeguarding Manager) and submitted to Leeds City Council electronically. A copy signed (electronically) by the Chair and the Principal is required to be kept in College.

M Roper suggested that J Miah could give a Safeguarding update to Governors at some point. Prof D Russell noted that J Miah had done a presentation at the last Governors Away Day and felt updates were only required every two years.

The Board noted the Annual S175 & Child Protection Return to Leeds City Council for 2019/20.

17. REGULARITY SELF-ASSESSMENT QUESTIONNAIRE (2019/20) AND ANNEX A – ADDITIONAL ISSUES

D Pullein presented the Regularity Self-Assessment Questionnaire and Annex A (Additional Issues) that colleges must complete every year and pass to their external auditors to inform the regularity assurance engagement.

D Pullein noted that on Page 6 it stated that training regarding Anti-Fraud & Bribery would be looked at in 2020/21. However, he stated that the updated Anti-Fraud & Bribery Policy would be issued to all staff and confirmation that they had read and understood this would be required. The response would be amended appropriately.

DP
8 Oct. 2020

D Pullein noted that on Page 10 it asked if there was a process in place to notify ESFA of any significant matters in excess of £10,000. The response would be changed to confirm that there is a process in place, within the Anti-Fraud and Bribery Policy, but the amount needed to be amended to £10,000.

DP
8 Oct. 2020

The Board approved the signing of the Regularity Self-Assessment Questionnaire by the Chair and Principal, subject to the amendments noted above.

18. 2019/20 HE / FE COMPLAINTS & COMPLIMENTS REPORT

N Davis presented Item 18, the 2019/20 HE / FE Complaints & Compliments Report. Due to the ongoing COVID situation and College closure complaints were lower than in the previous year. The Quality Unit will be carrying out an analysis on where complaints are coming from, e.g. gender, BAME etc.

N Davis stated that a question had been raised regarding how to increase the number of compliments. She noted that lots of compliments are received but did not always reach the Quality Unit; the need to send any compliments to the Quality Unit would be reinforced.

Prof. D Russell welcomed the analysis on gender, BAME etc.

The Board noted the 2019/20 HE / FE Complaints & Compliments Report.

19. GOVERNOR VISITS – INTERACTION PROGRAMME

N Davis presented Item 19 (Governor Visits – Interaction Programme) and gave a brief overview. This would give Governors the opportunity to interact with College managers and an insight into what is happening on the ground.

N Davis stated that a question had been raised as to whether this had been discussed with managers. She confirmed that it had and was positively received.

N Davis confirmed that feedback would be given to all Governors through the addition of a section in the Performance Management Reports.

19. GOVERNOR VISITS – INTERACTION PROGRAMME (continued)

M Roper felt that this was an excellent proposal to structure Governor visits. Prof. D Russell noted that he had experienced such a programme before. He stated that three visits may be a big ask but felt that two could be achieved.

M Scott agreed that it made a lot of sense to get the background around visits and was more important now knowing the difficulties the teams are facing. He noted that he was currently in lockdown and asked whether a Teams type virtual visit could be organised so that he did not lose out. N Davis felt this was a sensible approach and confirmed that classroom visits could not be carried out currently but would be reintroduced when it was safe. She would investigate the use of Teams.

**ND
30 Oct. 2020**

A Kenny queried when the programme, either via Teams or on the ground, would start. N Davis stated that she would identify the links with Governors and managers and an introductory Teams meeting would be organised with the manager initially prior to Christmas and then take this forward after Christmas.

**ND
30 Oct. 2020**

D Packer noted that M Berry had given Governors a great foundation on this subject. The support and guidance given by M Berry had been outstanding. The Chair agreed and acknowledged that M Berry had led the way on this.

S Bray noted that this would be easier than ever now, and Governors could be invited to Teams meets as appropriate.

The Clerk suggested that from a governance point of view, once links had been identified, she could work with N Davis on a crib sheet outlining what to look for. It was agreed this was a good idea.

**MB/ND
1 Nov. 2020**

The Board approved the Governor Visits / Interaction Programme.

20. SAFEGUARDING CHILDREN AND VULNERABLE ADULTS POLICY 2020/21

N Davis presented Item 20 (Safeguarding Children and Vulnerable Adults Policy 2020/21) and gave a brief overview. The main changes relate to partnerships with the Local Authority and a commitment to delivering the 'Leeds Practice Model' and 'Rethink Formulation'.

Governor training on Safeguarding is normally carried out every couple of years. N Davis would investigate the possibility of J Miah recording an update for the Governors' Portal. The Chair felt that this was a good idea.

**ND
1 Nov. 2020**

The question of staff training on Safeguarding was raised; N Davis confirmed that this was chased down to individual level by HR to ensure all staff completed and signed off training.

The Board approved the Safeguarding Children and Vulnerable Adults Policy 2020/21.

21. GOVERNOR ATTENDANCE REPORT 2019/20

The Clerk presented Item 21 regarding Governor attendance for 2019/20. Board attendance for 2019/20 was 78% (-5% on the previous year) and Board / Committee attendance was 80% (-2% on the previous year). The Clerk stated that quoracy is key to everything we do, and we should aim to be above national average, in the same way as other College targets. She would pick this up with the Search & Governance Committee.

The Board noted the Governor Attendance Report for 2019/20.

22. GOVERNANCE KPIs AND DEVELOPMENT PLAN (REVIEW OF 2019/20 AND 2020/21 PLAN)

The Clerk presented Item 22 and asked Governors to note the performance against 2019/20 Governance KPIs. With regard to the 2020/21 Governance KPIs and Development Plan she requested that this was deferred to enable more work to be carried out in smartening up the targets and giving more structure to the KPIs. This was agreed.

MB
1 Nov. 2020

The Board noted the performance against 2019/20 Governance KPIs and Development Plan and agreed that 2020/21 Governance KPIs and Development Plan be deferred until November 2020.

23. PERFORMANCE AND REMUNERATION COMMITTEE ANNUAL REPORT TO THE GOVERNING BODY 2019/20

The Clerk presented Item 23. This is a routine report presented every year and included the Terms of Reference.

The Board approved the Performance and Remuneration Committee Annual Report for 2019/20.

24. REVIEW OF 2019/20 CONFIDENTIAL MINUTES

The Clerk presented a paper regarding the confidential items from the Board and Committee meetings in 2019/20. It was recommended that Item 10 (ATL), Corporation Meeting 21 January 2020, be released, with Performance & Remuneration Committee minutes and papers from 17 December 2019 (not 13 December as stated on the paper) and 14 July 2020 were retained.

The Board approved the release of Item 10 (Corporation Meeting 21 January 2020) and retention of confidential Performance & Remuneration Committee minutes and papers (13 December 2019 and 14 July 2020).

A Kenny raised the question of some outstanding qualifications for ATL students and asked if this had been resolved. D Whitehead gave an overview of the issue and stated that the College has pushed this as far as possible with the sub-contractor through the previous ATL manager. If students do come back to the College we would help them with their studies, but no students, or the subcontractor, have asked for this and the subcontractor had to resolve this with the awarding body. D Whitehead confirmed that the College has not claimed any achievements for these students.

The Chair recorded the Board's thanks to all College staff for their work during the COVID situation. She also thanked members for their time and contribution today.

DATE OF NEXT MEETING

The next meeting is scheduled for Tuesday 24 November 2020 at 3.45pm.