

The Corporation of New College Durham

Minutes of the meeting of the Corporation held on 25 May 2023

Present:

Christine Warren (Chair)	Davey Benson
Andy Broadbent	Ben Fisher
Joy Brindle	Stephen King
Linda Wight	Allen Eccles
Chris Patterson	Megan Poole
Mark Gomersall	Ian Green

Apologies:

Emily Baxter
Joyce Drummond-Hill
Nicola Watchman-Smith

In attendance:

Karl Fairley (Deputy Chief Executive)
Alison Maynard (Deputy Principal)
Paul Bradley (Chief Finance Officer)
Adele Dowson (Vice Principal)
Andy Stephenson (Vice Principal)
Peter Morrison (Vice Principal)
Colleen Peters (Vice Principal)
Caroline Winter (Head of Governance and Corporation Secretary)

Action**23/45 Chair's introduction and starred items**

The Chair welcomed everyone and reminded members to declare their interests in any item of business to be discussed at the meeting. The following interests were noted:

- Paper N1 (Appointment of Chair and Vice Chairs) – Christine Warren, Ben Fisher, Ian Green
- Paper M* (Extension of External Audit Services Contract) – Allen Eccles. Members agreed the interest presented no conflict in considering the report.

Members confirmed they did not require any further discussion about the starred agenda papers C1, C2, C3, G3, K, L, M and O.

It was noted that this was the last meeting for Megan Poole as she would be leaving her post as Student Union President on 30 June 2023. Megan had served two full year terms as Student Union President and Student Governor.

It was also the last meeting for Linda Wight as her term of office was due to expire on 30 June 2023. Linda was appointed to Corporation on 9 July 2014 and served 9 years as a member as well as serving on and Chairing numerous committees. She had also been Vice Chair since 2016. On behalf of Corporation, the Chair thanked Megan and Linda for their service to the College and Corporation.

Ian Green joined the meeting at 4.10pm

- 23/46 Apologies for absence** were received from Emily Baxter, Joyce Drummond-Hill, Nicola Watchman-Smith.

Ben Fisher joined the meeting at 4.12pm

23/47 Minutes of previous meeting

The minutes of the meeting held on 23 March 2023 (including confidential minute) were **agreed as accurate** and signed by the Chair.

23/48 Matters arising

23/27 – members were updated by email that an election would be held for the role of Student Union President.

23/49 Principal's Report (Paper B)

The Principal briefed members about matters of strategic interest including the following: the Association of Colleges' (AoC) work to develop a manifesto for the next general election, the latest update on the VAT position for colleges on which it had been indicated there would be no change to exempt colleges following reclassification, Level 1 and Level 2 qualification reforms and progress on devolution within the region.

From a College perspective, members were updated on the very positive feedback from the current year's staff survey, the new development programme for newly appointed teaching staff, the revised remission model for Curriculum Managers, recruitment and retention, the response to the College's indefinite FDAP application, the recent success in achieving the award for Highly Commended FE Provider of the Year at the Educate North Awards and current opportunities and challenges for the North East Institute of Technology.

Members noted the report.

23/50 Receipt of Committee minutes and verbal reports from chairs:

Audit Committee (Papers C1* and C2*) - the minutes of the meeting of 20 March 2023 were received.

Academy Sponsorship Committee (Paper C3*) – the minutes of the meeting of 30 March 2023 were received.

23/51 Review of Vision, Contribution and Values (Paper D)

The Principal presented the College Vision, Contribution and Values, which were approved by Corporation in July 2021.

Members were asked to consider whether any changes were required following the recent strategic review day. It was felt that the current wording was still relevant and valid and the vision and values were not something that was expected to change each year unless there were significant changes to the organisation. In response to a member's question the Principal confirmed that the Senior Leadership Team had considered the vision and values and endorsed them without proposing any changes.

Members re-approved the Vision, Contribution and Values.

23/52 Accountability Agreement Statement (Paper E)

The Chair introduced the item advising that members attending the training session immediately prior to the Corporation meeting had considered the draft accountability agreement and that a detailed discussion had taken place.

Alison Maynard presented the draft accountability agreement, reminding members this was a new document required by the DfE to access core funding for next year. DfE/ESFA arrangements for monitoring the new agreement remained unclear, however the document would be owned by the College and brought together the College's existing key documents. Members noted the structure was consistent with the guidance and linked to the Local Skills Improvement Plan (LSIP), reflecting its key priorities and demonstrating how the College would support growth and development, address skills needs in the North East and meet national, regional and local priorities. The plan had been discussed in detail by the Senior Leadership Team and in the dedicated members' session earlier that day. Whilst the document was high level, it outlined the College's objectives and approach. and was an external facing document that would be placed on the College website. The agreement would be discussed as part of the Annual Strategic Conversation with the DfE and Further Education Commissioner, at which point further detail and evidence would be provided. Information on the College workforce and estate, current and planned improvements were also included to provide a full picture of direction of travel and growth.

Members noted that minor amendments to ensure consistent language and terminology were still to be made to the document and it would be re-circulated to governors for final review prior to submission. The Chair summarised the discussion at the members' training session advising that members agreed with the substance of the document, felt it was as expected with no surprises and members had provided some comments for consideration in finalising the document.

Members approved the accountability agreement subject to the comments provided. The Chair thanked Alison for the work that had gone into developing the agreement.

23/53 HE Partnerships – Update and Proposal (Paper F)

This minute has been confidentially recorded under Minute 23/53(a).

23/54 Financial Monitoring to 30 April 2023 (Paper G1)

Paul Bradley presented Paper G1, the financial monitoring report to 30 April 2023. Members noted the forecast surplus for 2022/23 was £921,000 which had increased since the March position. The increase was largely due to an increase in European Social Funding (ESF) claimed from the Digital Skills project.

Members noted a favourable variance of £159,000 in some staffing costs due to staff vacancies however increased external agency spend had resulted in a £63,000 adverse variance in other areas. The staff contingency currently totalled £296,000 with £20,000 expected to be utilised before the year end. Non-staffing contingency was £292,000.

A prudent approach had been taken in relation to LSC enrolments anticipating that some students would be unsuccessful in their applications for Student Finance.

In response to a member's question, it was confirmed that the increase in adult funding was included within the surplus figure. It was also confirmed that the cost of addressing the roof works at Promotion House was not currently included in the figures, but this would be capital expenditure and would not impact the projected surplus.

Members noted the financial position to 30 April 2023.

23/55 Financial Monitoring – Westfirst Limited to 30 April 2023 (Paper G2)

Paul Bradley presented Paper G2, the financial reports for Westfirst Limited. Members noted a profit of £616 for the period and a net liability position of £4,161.

In response to a member's question, Paul confirmed that the external audit fee referenced in Paper M included auditing the Westfirst Limited accounts.

Paul reminded members that a discussion with the external auditors regarding the status of Westfirst had taken place however the intention was to maintain the company pending future developments around lettings.

Members noted the Westfirst Limited financial reports to 30 April 2023.

23/56 Capital Projects Update (Paper G3*)

Members reviewed Paper G3, which updated on the College's major capital projects.

Members noted the progress on The Hub, the Artificial Grass Pitch Project and Promotion House.

23/57 Artificial Grass Pitch and Car Park Project (Paper G4)

Paul Bradley presented Paper G4, which presented the business case for the proposed Artificial Grass Pitch (AGP) and Car Park Relocation Project. Members noted that the proposal was considered in detail at the Finance and Resources Committee on 10 May 2023.

Paul outlined the proposal, reminding members of previous discussions on initial feasibility and that the project sat within the wider context of the strategic site masterplan agreed in principle in January 2022. Paul emphasised that the relocation of the car park as part of the project was key to unlocking the potential of the masterplan and planning advice had indicated that the new location was likely to be positively received having the least impact on residents and providing additional parking, but with a requirement for biodiversity gain.

Members reviewed the curriculum case for the AGP, which demonstrated a competitive market in relation to sports programmes and the need to upgrade the College's facilities to compete with others, particularly in light of the current requirement to transport students to an external facility in Consett and the impact on all students beyond sports programmes in enhancing enrichment activity. Members noted the wider community benefits in terms of an enhanced community engagement offer that would bring more parents and other members of the public on site and further enhance the College's reputation. The pitch would generate additional lettings revenue through external use that would be accounted for through Westfirst Limited. No significant planning concerns were anticipated and it was noted that any plans to refurbish the existing sports building would be undertaken at the same time.

The total project cost was estimated at £5.941m including £0.653m contingency, with the estimated cost of the AGP at £2.285m and car park relocation at £3.656m. Paul highlighted the worst, mid and best case financial projections detailed in the report, which had been added at the request of the Finance and Resources Committee. Paul advised as Chief Financial Officer that the project was affordable as demonstrated in the revised Medium term Financial Plan projections, leaving an estimated £7.065m (15%) in reserves.

Members of the Finance and Resources Committee confirmed their extensive discussion on the proposal, advising that the initial paper had been quite prudent and following their discussion on the wider and often intangible community benefits in terms of engagement and bringing new people to the site, this had been reflected in the revised paper before Corporation. Members confirmed the proposal had received significant challenge at the Committee but felt that the do nothing option actually represented a decline rather than a standstill position, and that the question therefore was whether to make the capital investment now to prevent further decline in numbers. In response to a member's question, Paul confirmed that the cost of replacing the pitch every 10 years had been included within the financial model at 10, 20 and 30 years over the life of the pitch, but it was noted that this related to the surface only rather than then underlying infrastructure. Members commented that considering the facilities in the catchment area, it was important to provide the facility to meet student expectations. It was also agreed that the change to a North/South direction would be more suitable for the rest of the site.

Members asked about funding for refurbishment of the current sports building and Paul advised that the requirements were currently under discussion to inform the position on costs.

After careful consideration, Members agreed that the AGP and Car Park project proceed to full planning application and tender stage with the estimated budget of £5.941m.

Members noted that next steps for the project were to engage in community consultation prior to submission of the full planning application. A further paper would be brought back to members following the return of tenders in September.

23/58 Curriculum & Quality Monitoring Report (Paper H)

Alison Maynard presented paper H, which updated on curriculum and quality activity across term 2 and up to May 2023.

Further education and apprenticeships. Members noted the update followed the second prediction exercise. There had been a decline in the predicted achievement rate and this was also noted across all schools since the first prediction point. Members noted achievement continued to be impacted by students facing complex issues, mental health challenges and withdrawals as students left the College to undertake full time work. Curriculum teams had been made accountable for their data and securing improvements and a third prediction point had been created to capture the impact of interventions. Members noted the position in relation to maths and English functional skills and GCSEs which were more challenging. Members reviewed the adult education budget (AEB) position noting that this was expected to improve towards the year end. Internal AEB delivery predicted a decline in achievement but noted that ESOL provision had improved. The achievement rate

for functional skills remained low and was influenced by an increasing number of students at level one studying maths where nationally the achievement rates were lower. High grade rates for GCSE maths and English had improved from prediction point 1 but remained below KPI. Apprenticeship provision continued to be very positive and whilst achievement had declined from the previous prediction point, this was attributed to delays in end point assessments that would mean the achievement was delayed until 2023/24.

Members noted plans for 2023/24 were in development and a paper would be developed for the FEQCS Committee as well as Corporation considering the curriculum of the future. The College was also exploring a different model for GCSE and Functional Skills moving forwards.

Enhanced learning update Alison advised that a cultural shift had been seen over 2022/23 in the approach to quality and improving teaching and learning across the College. Members noted the outcomes of learning visits and learning drop ins across the academic year, which had evidenced a range of strengths and good practice to share across the College. A number of areas for enhancement had also been identified and the Teaching and Enhanced Learning Team were working with Heads of School where staff needed support or additional CPD. Members noted that whilst there was an increase in numbers of staff on Performance Improvement Plans (PIP), this was a positive process and although there were staff that had left the College, there were a number of staff that had gone through the process and emerged with strong outcomes and were now making a positive contribution to teaching. The team would be reviewing the year with a view to further enhancing the approach in future.

Higher Education Alison advised that a whole-college approach was taken in relation to quality with HE provision now aligned with FE and apprenticeships and it was noted that the revised quality cycle had led to improved retention rates at level 4. The College was currently working through its validation activity with the involvement of all Vice Principals due to the importance of this work. The internal on-programme survey was now underway and had been aligned to the national student survey (NSS) which closed at the end of April. The NSS results would be available mid-July but it was noted that the response rate had improved by almost 15% compared to the previous year. Members noted the updates on degree awarding powers and the partnership with the LSC which had been discussed earlier in the meeting.

Members discussed the challenges in maths and English including the preference of employers in relation to functional skills or GCSEs, the difference in how students learned with functional skills, the approach in other colleges and the associated impact on their achievement figures, the Ofsted position which was becoming more relaxed on the issue, the need to ensure students took the

course that was best for them while linking back to the needs of the market. It was agreed that the FEQCS Committee would discuss the issue in detail at its next meeting.

Members recognised the need to address staff performance issues and welcomed the changes being introduced in the approach to inducting new staff, as well as improvements to student inductions, which would benefit both groups in the long term. It was noted that the challenges relating to student mental health remained a significant concern and mirrored the situation nationally. The safeguarding report on the current agenda identified the top 3 safeguarding issues at the College as mental health, suicidal thoughts and self-harm and the College had continued to strengthen its counselling services in response. The impact of covid was still being seen in terms of student isolation and it was noted that student assessment would be through exams this year. In response to a member's question Alison clarified that the achievement rate figure of 83.9% included students that had dropped out and those that failed.

Members noted the report.

23/59 Skills and Employer engagement update (Verbal update)

Colleen Peters provided a verbal update in relation to skills and employer engagement, following the detailed overview of current initiatives provided at the recent strategic review session.

Members noted developments in relation to the UK Shared Prosperity Fund following removal of the restriction on the people and skills fund and that over £9m funding would now be allocated by Durham County Council. This strand related to a number of areas of work in which the College was experienced and the outcome would be confirmed in November.

The External Funding Team had responded to tenders for Bootcamps in green construction and green skills in the North of Tyne, NELEP and Tees Valley areas. The DfE had launched a new approach to bootcamps that would allow direct application to DfE to deliver in future, subject to securing a place on the framework.

Others updates were noted in relation to employers in Durham, Sunderland, Darlington and Cleveland.

Members were pleased to note the very positive progress and thanked Colleen for the update.

23/60 Academy Sponsorship update – Wellfield School (Paper I)

Karl Fairley presented Paper I, which reported back to Corporation on the decision by the Academy Sponsorship Committee (ASC) to

agree to the inclusion of Wellfield School in New College Durham Academies Trust (NCDAT).

Members noted the key milestones in the report and that the transfer of Wellfield into the Trust would take place on 1 June 2023. Karl updated that a further meeting of the ASC Committee had been held earlier in the week in which members had endorsed the joint submission of an application to the Regional Department for Education for a further four primary schools to join the Trust and to embark upon a due diligence exercise.

Members noted the report.

23/61 Update from Safeguarding Governor (Paper J)

Davey Benson presented a report to Corporation as Safeguarding Governor.

Members noted that safeguarding and Prevent continued to be managed robustly in the College. The report provided an overview of the safeguarding and Prevent matrix and Davey advised that these were well-maintained and managed and reflected the areas of risk. This was further supported by the MyConcern reporting mechanism which linked directly into the risk registers. Data was collated by the system and used appropriately. The Designated Safeguarding Lead (DSL) and Deputy DSL closely monitored the data to enable them to identify spikes and focus attention in the right place at the right time.

A positive discussion had taken place at the termly meeting with both DSLs receptive to suggestions, ideas and recognising the importance of wider points of view on areas of potential improvement. A detailed discussion on the 'do not enrol' guidance had provided assurance that the College worked with other institutions to ensure these students were supported through alternative routes, while protecting other students in the College.

Members noted the report and the conclusion that safeguarding and Prevent continued to be managed robustly.

23/62 Annual Review of Safeguarding and Prevent (Paper K*)

Members reviewed Paper K, the Annual Review of Safeguarding and Prevent.

The paper provided the context and statutory basis for the Corporation's responsibilities in these areas, an overview of activity in 2022/23 in which 193 concern events were recorded involving 163 students, the top three safeguarding concerns (mental health, self-harm and suicidal thoughts), curriculum developments, pastoral support, staff development, feedback from students indicating they feel safe at the College, an overview of the Safeguarding and Prevent risk registers and key areas for

development for 2023/24, which focused on mental health and resilience.

Members noted the report.

23/63 Sub-contracting arrangements/fees policy 2023/24 (Paper L*)

Members reviewed Paper L, which provided an update of the changes in the College's Sub-contracting Fees and Charges Policy for the next academic year.

The report confirmed that a review of the policy had been carried out with key staff within the College with input from the ESFA, and that additions had been made to reflect the inclusion of additional funding sources to include DWP, DfE and the Devolved Local Authorities. The policy did not currently include the UK SPF which would be introduced in 2024/25.

Members approved the Policy for the 2023/24 academic year.

23/64 Extension of External Audit Services contract (Paper M*)

Members reviewed Paper M, which presented the increase in fees proposed by RSM UK for the College's External Audit Services for 2022/23. The proposed increase had been considered by the Audit Committee in the context of the current market position and rationale provided for the increase.

Members noted the increased charges from RSM UK and agreed to extend the External Audit Services contract for two years for the audits of the 2022/2023 and 2023/2024 financial statements.

23/65 Appointment of Chair and Vice Chairs (Paper N1)

Christine Warren left the room and Linda Wight took the Chair whilst members considered her nomination as Corporation Chair. Members noted that handover and shadowing activity had commenced with the Chair designate and **after due consideration members re-appointed Christine Warren as Chair for a further six months until 31 December 2023.**

Christine Warren resumed the Chair and Ben Fisher and Ian Green left the meeting whilst members considered their nominations as Co Vice Chairs. **After due consideration, members appointed Ben Fisher and Ian Green to serve as Co Vice Chairs for a term of two years from 1 July 2023, subject to their respective terms of office.**

Members agreed for the avoidance of doubt that both Vice Chairs could take actions in accordance with the Corporation's Standing Orders.

Ben and Ian returned to the meeting and Corporation congratulated the members on their appointments.

23/66 Appointment of Student Governors (Paper N2)

Members noted that Alice Tomlinson had been elected to serve as Student Union President for the 2023/24 academic year.

Nominations had been sought for the second student governor post however none were received. Members noted this role would be re-advertised to incoming FE students in the Autumn Term.

Members appointed Alice Tomlinson as Student Governor for the 2023/24 academic year until 30 June 2024.

23/67 Governance Development Plan - Committee Effectiveness reviews Paper (N3)

Members reviewed Paper N3, which proposed a refreshed template for Committee Effectiveness reviews which were due to be reintroduced in the current year, following the external review of governance in 2021/22. It was noted that the refreshed questionnaire would be implemented to support discussions at the committee effectiveness sessions scheduled as part of the June Committee meetings, the outcome of which would feed into the Corporation's annual review of governance.

Members approved the Committee Effectiveness questionnaire.

23/68 Written Resolutions passed since the last Corporation meeting (Paper O*)

Members noted that one Written Resolution had been passed since the last Corporation meeting - Approval of Pension Access Request (passed 18 April 2023).

23/69 Use of the College Seal

None

23/70 Any other urgent business (communicated to the Head of Governance & Corporation Secretary in advance of the meeting)

None

23/71 Date of next meeting: 6 July 2023 at 4pm

Diary dates:

- HE Graduation Ceremony – 11 July 2023

Signed.....**Date**.....