

The Corporation of New College Durham

**Minutes of the meeting of the Corporation
held on 26 September 2024**

Present:

Stephen King (Chair)
Andy Broadbent
Emily Baxter
Davey Benson
Allen Eccles
Ben Fisher
Mark Gomersall
Ian Green

Jonathan Hamill
Rhiannon Hiles
Kathryn McCloghrie
Beatrix Murray English
Chris Patterson
Philip Pollard
Suzanne Slater
Hailie Warren

Apologies:

None

In attendance:

Karl Fairley (Deputy Chief Executive)
Alison Maynard (Deputy Principal)
Paul Bradley (Chief Finance Officer)
Rob Grainey (Vice Principal)
Caroline Winter (Head of Governance and Corporation Secretary)

Action

24/84 Chair's introduction and starred items

The Chair welcomed everyone to the meeting and noted that this was the first meeting for new Corporation members Hailie Warren, Beatrix Murray-English, Kathryn McCloghrie and Philip Pollard. The Chair also welcomed Rob Grainey (Vice Principal) who was attending his first Corporation meeting.

The Chair reminded members to declare their interests in any item of business to be discussed at the meeting. Suzanne Slater declared an interest in Paper D (Update on 2023/24 Academic Performance) as an employee of awarding organisation NCFE, referenced in the paper. No other interests were declared.

Members **confirmed** that they did not require any further discussion about the starred agenda items G2, I1, J, L, M and N.

24/85 Apologies for absence – none.**24/86 Minutes of previous meeting**

The minutes of the meeting held on 4 July 2024 (including confidential minutes) were agreed as accurate and signed by the Chair.

24/87 Matters arising

24/59 – the timing of the internal audit review of procurement was being reviewed with the newly appointed Internal Audit Service

providers following postponement of the implementation of the new regulations.

Confidential minutes:

24/65a – an update on the strategic site masterplan was provided in Paper G4 on the agenda.

24/88 Principal's Report (Paper B)

The Principal briefed members about matters of strategic interest including: a reminder of key areas within the Labour Manifesto following the issue of the first Skills England report, the key issues for FE in the forthcoming Autumn Statement, Qualification Reform, North East Devolution and continued efforts to ensure FE representation across all NECA advisory boards.

Rhiannon Hiles joined the meeting at 4.12pm.

From a College perspective members were updated on the significant growth in 2024/25 enrolments at NCD which was also being seen nationally. Members noted that whilst this was extremely positive, a number of associated challenges would need to be addressed including accommodation of the additional student numbers and pressure on timetables and staffing. The Corporation's previous decisions to increase the size of the estate would prove to be key in managing the increase in numbers and the senior team were considering the strategic approach to planning for the next two to three years in light of further anticipated growth. Members were briefed on the latest position in relation to ongoing collaborations including: the North East Institute of Technology and the financial position of NA College; MADE NE, the Durham Learning Alliance; projects in development with some of the region's major employers and a potential visit to the College by Durham County Council's Overview and Scrutiny Committee to assist their understanding of a number of issues in which the College has involvement or experience. Philip Pollard declared an interest at this point as both an employee of Karbon Housing and a board member of Seaham Garden Village, both of which were referenced in the Principal's update.

Emily Baxter joined the meeting at 4.20pm.

The Principal also updated on recruitment from the College's sponsored Academies which remained strong, recent awards successes and applications, and senior appointments.

Members were pleased to hear the positive updates on the College's collaborations and in response to a member's question about the opportunities to use Westfirst Limited the College's subsidiary company in relation to commercial activity, the Principal advised that whilst Westfirst activity was expected to increase in future this would be limited to avoid any impact on the College's charitable status. In response to a question about the NECA

advisory groups that did not currently have FE representation, the Principal confirmed these were the Finance and Rural groups.

Members sought further detail on the latest position in relation to NA College and noted that work was ongoing with the DfE and NEIoT partners to manage both the financial and reputational risks.

Members noted the report.

24/89 Receipt of Committee minutes and verbal reports from chairs:

Audit & Risk Committee – 16 September 2024 – the Committee Chair provided a verbal update on the meeting, highlighting that the Committee had considered the internal audit reports on the reviews of Safeguarding and HE Partnerships, both of which provided substantial assurance.

Part of this item is recorded confidentially under minute 24/89a.

It was noted that the Chair approved minutes of the Committee would be received at the next Corporation meeting in November.

Search & Governance Committee (Papers C2 & C3) - the Chair Approved minutes of the meetings held on 26 July 2024 and 16 September 2024 were received. Members noted that both meetings were in addition to the Committee schedule, with the July meeting arranged to hold interviews for Corporation membership and the September meeting arranged as a single item agenda to consider committee composition matters following a number of governor departures and appointments over the summer period.

24/90 Update on 2023/24 academic performance (Paper D)

Alison Maynard presented Paper D, which provided an analysis of academic performance and curriculum developments for the 2023/24 academic year. Members received a comprehensive briefing on achievement and pass rates for Further Education, T Levels, A Levels, Maths and English, Apprenticeships and Higher Education.

Members noted the actual achievement rate at the time of the report and the work underway to close the achievement rate for FE and Apprenticeships and the final position on continuation and completion rates in HE. Alison advised that the FE results were expected to place the College in the top 10% nationally and that the College was in a very good position.

In response to a member's question about the scope for appealing the GCSE English grades impacted by the grade boundary changes it was noted that this had impacted students nationally and re-marks would be limited to those within the boundary tolerance. Members sought clarification between the pass rate and achievement rate and commented on the excellent apprenticeship

achievement rate, particularly in the context of the high apprenticeship numbers. Members commented on the impact of the move from functional skills maths to GCSE on the high-grade rate and Alison advised that the maths department would be undertaking a deep dive exercise to consider further support that could be put in place, with the outcome being fed back to the Education Quality, Curriculum and Students Committee in November.

Members noted the report.

24/91 Update on 2024/25 enrolments (Paper E)

Alison Maynard presented Paper E, which updated on the enrolment position at 13 September 2024, covering 16-19 learners, T Levels, Adult Skills Budget (ASB) provision, Higher Education and Apprenticeships.

Alison explained that the figures were a snapshot in time and the situation remained fluid until the completion of 42 days, after which students would be included in funding and quality statistics. Focus was currently on ensuring 'right student, right course' including through attendance meetings and discussions with parents where required.

Members noted that 16-19 enrolments had significantly exceeded the curriculum planning target and that a waiting list was in place for courses that were oversubscribed. The position was unprecedented and the College was liaising with other Durham colleges to try and place learners. Alison updated that several curriculum areas had seen over-recruitment and the Vice Principals were working with Heads of School to manage the situation.

Alison reported that whilst T Level academic performance had been strong, recruitment was below expectations. There were no concerns in relation to ASB numbers however HE recruitment was below planned targets. Members noted that new HE students were enrolling and that the issue primarily related to progression students. Actions to address the position ahead of next year included promotion of the HE offer with existing Level 3 students which was already underway and commissioning market research to understand the enrolment issues. Apprenticeship recruitment remained strong and would continue throughout year.

Members had a wide-ranging discussion which included whether more could be done to address the waiting list as well as referral to other local colleges, whether potential learners were seeking courses that fit with local skills needs, the reasons for under recruitment in particular programme areas and the need to consider future sustainability in any actions to address the current year's level of growth. It was noted that the over-recruitment brought a mix of staff, accommodation, and timetabling challenges and whilst there was potential to offer places in January, the

College was liaising with Durham County Council and Durham Works to try and support young people to remain engaged and prevent them becoming NEET. The increase in learner numbers had also come with an increase in behaviour concerns and the Principal emphasised the importance of setting clear expectations on student behaviour, advising that a number of students had been excluded due to their behaviour.

Mark Gomersall left the meeting at 5.11pm.

In planning for the longer term, the Principal explained that projections around natural demographic growth to 2027/28 required a review of capacity alongside the curriculum plan and would consider all areas where there was a need to expand. One member highlighted potential opportunities for further growth around the need for housing qualifications under future social housing legislation and Alison confirmed that discussions were taking place with housing sector representatives to support employers and develop the right offer. Members noted that the recruitment challenge in specialist areas continued and a strong HR strategy was required, with the demand for engineers and electricians cited as key examples given the difficulties in attracting sufficient lecturers. The College would need to work with other FE providers to meet the collective demand and it was positive that the collaborative work with other Durham colleges was already paying off in this respect.

In response to a member's question about the College's approach to behaviour issues Alison confirmed that the College worked very closely with the police, local schools, anti-social behaviour officers and Durham County Council more widely, sharing intelligence and delivering workshops and dedicated programmes to young people. Members noted that current behaviour issues were not limited to NCD and were also being seen in secondary and even primary schools. The importance of the College's role as an educational institution in setting high standards of behaviour and protecting students and staff was emphasised and whilst behaviour concerns had increased, this related to a small minority of students.

Members noted the report.

24/92 Students Union Report (Paper F)

Hailie Warren presented Paper F, the Students' Union report.

Members were briefed on the FE welcome week and the HE Student Support Fair, both of which received very positive feedback. Enrichment activity had commenced with a strong level of interest, doubling the number of students engaged compared with the previous year with students encouraged to submit ideas for new activities. Members noted that the Totum (Student Discount) scheme was returning this year. Hailie updated on the initial training and induction activity she had undertaken as the new

Students' Union President and also on her work to develop support for young carers studying at the College. Student Voice activity had been undertaken with two cohorts of CECOS students and had been positively received. It was noted that Student Forum meetings would start in October for both FE and HE.

In response to a member's question about the likely reasons for the increased engagement with enrichment activity, Hailie explained that this had been promoted through posters and the electronic screens around the College and student feedback had been used to tailor activities and understand which were the most popular.

Members noted the report.

24/93 Financial Monitoring to 31 July 2024 (Paper G1)

Paul Bradley presented Paper G1, which detailed the financial position to 31 July 2024 and represented the first draft of the College accounts for 2023/24. Members noted the estimated surplus position for 2023/24. Paul drew attention to the difference between forecasted trade debtors and payments on account, explaining that this was due to manual adjustments relating to HE partnership income and that this would be resolved for the final accounts. Members were also briefed on how the evolving NA College position would be reflected in the final accounts.

In response to a member's question about the unexpected additional high needs funding, it was noted that this did not meet the costs of the places funded over the last year and that 57 applications had been made in the current year.

Members noted the report.

24/94 Financial Monitoring – Westfirst Limited to 31 July 2024 (Paper G2)

Members received and noted the Westfirst Limited financial reports to 31 July 2024.

24/95 Financial Benchmarking Data (Paper G3)

Paul Bradley presented Paper G3, which provided financial benchmarking information from the Association of Colleges (AoC) and assessed the College's financial performance against colleges with similar demographics and catchments in the North East.

Members noted the comparative position in relation to: turnover, profit/deficit before other gains/losses, investment in assets, solvency, EBITDA, borrowing, regional financial health outcomes and the national picture of college financial health. The College continued to perform well against all financial indicators and remained financially 'Outstanding' as one of the top 10 colleges nationally for its financial position.

Paul highlighted the significant investment in the College's assets including T.H.E. Hub, the Copper Pot training restaurant, Digital Learning Centre, Artificial Grass Pitch and Car Park in addition to the annual investment in estate modernisation and ICT. In response to a member's question about using the strong financial position to promote the College with stakeholders and support recruitment of staff and students, the Principal advised the College had been financially outstanding since 2008 and this status was reflected in all bid submissions due to the assurance it provided to funders. Capital investment projects were actively promoted on social media and the College had hosted numerous tours for local and regional businesses. The College's approach was to translate the information appropriately for the relevant audience and members commented that the balance of activity was currently appropriate. Members commented on the assurance received through HR reports demonstrating that staff valued both the investment in the estate and decisions on staff pay and noted that this also assisted from a reputational and recruitment perspective.

In response to a member's question about sharing best practice, Paul explained that the regional College Finance Directors group offered support and shared learning between finance colleagues and that he also served on the national AoC Finance Directors' Group.

Members commented on the positive cash position and asked about the implications for reserves. Paul advised that whilst current reserves were high and expected to increase alongside turnover, the College had a number of current commitments as well as plans for further investment and development. Maintaining an appropriate balance would ensure finances were compliant with the reserves policy.

Members welcomed the strong financial position and noted the financial benchmarking information for 2022/23.

24/96 Capital Projects Update (Paper G4)

Paul Bradley presented Paper G4, which updated on the College's major capital projects. Paul updated members on discussions with the Council around drainage at the site and confirmed that the position was now resolved. Members reviewed the current strategic site masterplan, noting this was currently being refreshed. In response to a member's question, Paul confirmed that project review meetings took place on conclusion of each capital project to ascertain learning for future developments.

It was agreed to arrange a visit for governors to the Construction Centre of Excellence (CCoE) and members emphasised the need for assurance around the student experience for those studying at the CCoE as NCD students.

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Members noted progress on the Artificial Grass Pitch and Car Park Relocation Project, the Construction Centre of Excellence, the Sixth Form and Sports Building and noted the current Strategic site Masterplan.

24/97 Update from Safeguarding Governor (Paper H)

Davey Benson presented Paper H, which summarised his termly meeting with the Designated Safeguarding Leads (DSLs).

The meeting considered the data from the MyConcern safeguarding management system for the 2023/24 academic year and discussed the August safeguarding dashboard and increased reported concerns since the start of the current academic year. Members reviewed the safeguarding risk update and noted the changes to the disciplinary procedure in response to students displaying violent behaviour.

Davey commended the MyConcern system advising that it provided significant assurance through the way that data was collected and used, and that this supported the discussions in the termly meetings. Davey welcomed the willingness of the DSL and Deputy DSL to consider and reflect on external input and confirmed the meetings provided strong assurance that Safeguarding and Prevent continued to be managed robustly.

24/98 Corporate Services update – verbal update

Karl Fairley updated on developments across the Corporate Services Directorate since the previous meeting in July. Members were briefed on developments relating to the College supply pool, the internal audit of safeguarding practices, changes to policy and procedures arising from the updated Keeping Children Safe in Education (KCSIE) guidance, safeguarding reports arising from promotion of safeguarding support via Welcome Fest and new student induction activity, increased behaviour concerns as referenced earlier in the meeting, the forthcoming implementation of Martyn's Law, preparation for governors' consideration of the cost of living pay award, the implications of future changes in employment law, expansion of the College's wellbeing and support offer, estates activity to support development of the sports and music building and the National Battery Training Academy, upgrades to curriculum ICT, wider ICT replenishment and continuous upgrades to network systems to counter the high risk of a cyber attack.

The Head of Governance advised that governors would be asked to confirm they had read the relevant sections of KCSIE following issue of the updated guidance.

Members noted the updates.

24/99 Committee Composition (Paper I1)

Members **approved** the proposed committee composition which included the following changes:

- Kathryn McCloghrie would join the Audit and Risk Committee
- Philip Pollard would join the Finance and Resources Committee
- Emily Baxter would join the Remuneration Committee

24/100 External Review of Governance (Paper I2)

Caroline Winter presented Paper I2, which updated on the requirement to undertake an external governance review every 3 years and outlined the proposed approach for a review in the current academic year.

Members reviewed the DfE guidance on commissioning an external review and noted the assurance that the intention was to issue a specification that closely reflected its content, which was largely unchanged since the College's first review in 2022. It was proposed to progress the appointment of a reviewer as soon as possible to enable the review to be carried out in Spring 2025.

Members agreed to:

- note the requirement to undertake an external governance effectiveness review during the 2024/25 academic year and the intention to conduct this in the Spring Term; and
- **delegate the approval of a suitable brief and tender documentation to commission a review to the Search and Governance Committee**

24/101 Public Interest Disclosure Procedure Update (Whistleblowing) (Paper J)

Members reviewed Paper J, which outlined proposed revisions to the College's Public Interest Disclosure (Whistleblowing) Procedure. Members noted the proposed changes to the procedure had been discussed by the Audit and Risk Committee on 16 September 2024, where members endorsed the policy for Corporation approval.

Members approved the proposed changes to the Public Interest Disclosure Procedure.

24/102 AI Policy (Paper K)

Karl Fairley presented Paper K, which proposed an umbrella policy that would provide the framework for a set of guidelines for the fair and responsible use of Artificial Intelligence.

Members welcomed the introduction of the policy observing that whilst much of the debate around AI was in the context of potential threats, it presented lots of opportunities and it was positive that the College recognised the importance of AI skills and literacy.

Members approved the AI Policy.

24/103 Proposed Schedule of Business – Education Quality Curriculum and Students Committee (EQCS) (Paper L)

Members **approved** the Schedule of Business for 2024/25 for the new Education Quality Curriculum and Students Committee.

24/104 Written Resolutions passed since the last Corporation meeting (Paper M)

Members noted that the following Written Resolutions had been passed since the last Corporation meeting:

- Two resolutions approving the Appointment of Corporation Members (both passed 13 August 2024)
- Policy and Procedure on Safeguarding Young People and Adults at Risk (passed 18 August 2024)

24/105 Use of the College Seal (Paper N)

Members noted the application of the College Seal to the following documents:

- Structural Engineer Collateral Warranty for Promotion House (seal applied 27 August 2024)
- Grant Funding Agreement for the Devolved Adult Skills Fund and Level 3 Free Course for Jobs (seal applied 11 September 2024)

as recorded in the Corporation Register of Seals. The documents were signed by the Chair and Principal on behalf of Corporation.

24/106 Any other urgent business – none.

24/107 Date of next meeting: 7 November 2024

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