



**Minutes of a meeting of the Governing Body held on Wednesday 8  
December 2010 at 5.00pm in Room 2F103/104, York College**

**Present:** Hilary Bainbridge  
Alison Birkinshaw  
Lesley Booth  
Peter Burrows  
Sam Garside  
David Johnson  
David Marsh  
Lynne Marston  
David Maughan Brown  
Andy Mendus  
John Short, Chair  
Terry Wolf  
Bill Woolley

**In Attendance:** Trevor Armer, Director of Finance  
Richard Hinde, Clerk to the Governing Body  
Glyn Jones – Assistant Principal 16-19 A Level  
Graeme Murdoch, Deputy Principal QA & Support  
Bob Saynor, Assistant Principal: Lifelong Learning and HE  
Anne Tyrrell, Deputy Principal Resources

The meeting started at 5.05pm.

**Action**

**10.61 Apologies for Absence / Declarations of Interest**

Apologies had been received from Jim Clark, Kevin Deadman, David Jackson, Andrew Lindsay, Michael Proctor, Carol Runciman, Louise Lawrence-Crockford and Clare Wareing.

Governors were requested to make declarations of interest in relation to any agenda items. Lynne Marston declared an interest in relation to agenda item E1d) on the College staff pay award for 2010/11.

**10.62 Minutes of Previous Meeting – 14 October 2010**

Subject to noting that Andrew Lindsay and Lynne Marston had also declared an interest in relation to the item on the College's Property Strategy, the minutes and confidential minutes were approved as an accurate record and signed by the Chair.

**10.63 Matters Arising**

**a) Action Summary Sheet**

The action summary sheet was considered and it was noted that all items had been actioned or were in progress.

b) Any Other Matters

There were no matters arising not otherwise dealt with on the present agenda.

**10.64 Principal's Report**

The Principal presented her report outlining key developments across the sector and for York College including sector updates relating to the implications of the Comprehensive Spending Review and the Browne Review of HE; local 14-19 update; 2010 recruitment/financial forecast update; 2009/10 performance relating to final success rates and other KPIs; together with other business of interest.

The Principal explained that the loss of the Education Maintenance Allowance (EMA) was of great concern. 42% of the College's students received EMA and, of these, 33% received the maximum amount. Students who started two-year courses this year would not receive EMA for the second year of their courses and this could create problems with retention. It was also explained that the proposed increases to the level of Discretionary Learner Support Funding would not be allowed to be used for students to pay travel costs to attend College. This was what many students now used the EMA for. This could again lead to serious retention issues. The Student Union President explained that the Student Union was currently running a campaign in which students were sending postcards to their respective MPs stating the amount of their EMA they currently used to fund travel to College. The removal of the age 25+ Level 3 entitlement was also disappointing as the College had students on access courses who would be affected.

In relation to the Browne Review, it was reported that the College was now looking at how it would frame its offer; what modules could be provided; and what the costs implications would be. It was noted that if part-time adults were able to access course fee loans in future, they would then count towards the College's admission quotas for HE, whereas previously they had not.

It was reported that the current disparity between the level of funding received by schools and FE colleges for each learner, was to be reduced by about £70 over each of the next four years. This funding was to be administered by the new Education Funding Agency.

(David Maughan Brown joined the meeting at 5.20pm.)

The Principal was questioned about how the Common Spending Review would affect the College as a whole; and explained that the College did not yet know the funding levels that would apply. The Director of Finance added that he expected the College's income to reduce by approximately £1million next year and that this would be

the third consecutive year that this level of reduction had occurred. The College was currently working through various scenarios, and it was acknowledged that in view of the way the funding formula applied, some of the anticipated reduction in College income might possibly be offset by improvements to College success rates. The College would be informed of its student number allocation before Christmas, but the amount to be paid per student would not be known until March 2011. It was noted that the College needed to continue investing in NEETS provision as this was a potential area of growth, and it featured in the College's targets in any event.

Principal

It was reported that members of the 157 Group were currently considering the possibility of establishing their own awarding body, and the possible options were outlined. Discussion took place about the potential benefits and pitfalls, and it was acknowledged that it could be a very difficult process. The Principal was due to attend another meeting on this topic the following week; she would keep the Chair informed and provide an update at the next Governing Body meeting.

Principal

Concern was expressed about the low reported rate of completed staff performance reviews. The Deputy Principal Resources explained that the figure stated referred only to those in respect of which all signed paperwork had been received. It did not mean that the reviews themselves had not been carried out, and management was confident that the target stated in the College's Strategic Plan would be met by the end of December 2010. The Chair stressed that it was important. The aim was that performance reviews and objective setting should, as far as the available information allowed, be completed during September.

SMT

***The Governing Body resolved to note the Principal's Report.***

**10.65 College Annual Report**

The Chair presented the College's proposed Annual Report for 2009/10 which was considered by Members.

***The Governing Body resolved to endorse the College's Annual Report for 2009/10.***

**10.66 Health, Safety & Welfare Annual Report 2009/10**

The Deputy Principal Resources presented the Health, Safety & Welfare Report for the Summer Term 2010 together with the Annual Accident Report for the Academic Year 2009/10.

The report included accidents statistics for the academic year 2009/10 and incidents reported to the Health & Safety Executive (HSE) under RIDDOR; Health & Safety audit outcomes under the College's new health & safety audit framework and accidents recorded over the year to date; progress in complying with the

College's Improvement Notice; and updated analysis of the College's current position against the good practice identified in the HSE report on Leading Health & Safety at Work.

It was reported that during the academic year the total number of accidents, excluding the Nursery, was 178 compared with 244 the previous year. The number of "accidents" in the Nursery had also reduced significantly. However, three incidents had already been reported to the HSE under RIDDOR so far this year, the causes of which were being closely examined.

DPR

Following the issuing of the HSE Improvement Notice, the remedial work to the stonemasonry dust extraction had been completed as planned and was now operational and working properly. The HSE inspector had attended the College to inspect the work undertaken, and had been fully satisfied with the improvements made. The Notice had now been removed.

It was also reported that the first peer referencing meeting had taken place between the College and representatives from two other colleges to set out an agenda for health and safety benchmarking. A further meeting would take place later in the year when it was hoped representatives from two further colleges would also be able to attend.

***The Governing Body resolved to approve the College's Health, Safety & Welfare Annual Report 2009/10.***

#### **10.67 Safeguarding Annual Report 2009/10**

The Deputy Principal Resources presented the report, and explained that it was the College's Annual Report on Safeguarding for 2009/10, and that subsequent reports to the Governing Body this year would take the form of updates.

Members gave detailed consideration to the report, paying particular regard to their legal responsibilities as Governors and to those issues pertaining to College staff. It was noted that Members of the Personnel Committee had agreed that the report was very comprehensive, and had not recommended any changes to format or coverage.

***The Governing Body resolved to note the report.***

#### **10.68 2010/11 Learner Enrolments – Progress Report**

This item was treated as confidential and a separate confidential minute produced.

#### **10.69 Personnel Committee**

##### **Minutes of Meeting on 16 November 2010**

The Chair of the Governing Body presented the minutes and confidential minutes of the meeting, which were noted by the Governing Body.

(David Johnson joined the meeting at 5.50pm.)

#### **10.70 2009/10 College Self Assessment Report**

The Chair of the Governing Body and Deputy Principal Quality Assurance & Support presented the College's Self Assessment Report (SAR) for 2009/10, and explained the process that had been followed. It was explained that the Report had been reviewed and recommended for approval by the Governing Body Committee Chairs' Group held on 24 November 2010 together with the proposed Quality Improvement Plan, which had also been reviewed and recommended for approval by the Committee Chairs' SAR Group. Members were also referred to the benchmark targets to 2011/12, which reflected the strategic objective of being in the top 10% of colleges by the end of that academic year. The document setting out the improvements required to move up a SAR grade for 2010/11 was also presented, and it was noted that these actions had been agreed with Heads of Division as part of the self assessment validation meetings. The Deputy Principal QA&S then presented the individual grades awarded for each of the College's curriculum areas, service areas, and cross – college themes which were considered by Members before they went on to consider the overall cross – College grades that were being proposed.

Members noted the following key changes in the SAR that were being proposed when compared to the previous year's Report.

With curriculum areas, four had improved, none had gone down and the remainder had stayed the same. Eight had been graded as outstanding.

With cross – college themes, one had improved and the remainder had stayed the same. All had been graded as outstanding or good.

With service areas, two had improved, one had dropped a grade and the remainder had stayed the same. Again, all had been graded as outstanding or good. The service area that had dropped a grade was Student Services. It was explained that this was largely due to the fact that this area had been heavily dependent on external funding that was no longer available, and there was concern that the service to students might suffer as a result.

The Overall Effectiveness of the College had been graded Good; Capacity to Improve had been graded Outstanding; and Outcomes for Students, Quality of Provision and Leadership and Management had all been assessed as Good.

Safeguarding had been graded as Outstanding, and Equality & Diversity was graded Good.

Members then went on to consider the proposed Improvement Plan

for 2010/11 together with the desired outcomes, for implementation by SMT. The approved report would be uploaded on the National Provider Gateway before the end of term.

DPQA&S

***The Governing Body resolved to approve the College's Self Assessment Report 2009/10, together with the Quality Improvement Plan for 2010/11, and proposed benchmark targets to 2011/12.***

**10.71 Progress on Strategic Plan 2010/13**

The Deputy Principal Quality Assurance & Support presented the report identifying the main progress to date with activities that supported the achievement of the College's strategic objectives. It was reported that at this stage progress was in line with the College's plans. The Chair noted that he would explore some issues with the format of this report at the next meeting of Governors and SMT to review the format and content of papers.

Chair

***The Governing Body resolved to note the report.***

**10.72 Equality & Diversity Annual Report 2010**

The Deputy Principal Quality Assurance & Support presented the report providing a summary of the activities undertaken during 2009/10 together with an overview of the College's staff and student profiles relating to age, gender, ethnicity and disability, and how these had changed over the last five years. The report also identified progress made during 2009/10 in terms of Equality & Diversity Training; embedding Equality & Diversity in the core curriculum; specific incidents and complaints; and student disciplinaries. Key legislative changes were outlined together with the College's and Governors' legal responsibilities and it was explained that Governors should be reassured that the actions undertaken within the College had ensured that these legal responsibilities had been met.

It was explained that the higher number of student disciplinaries was due to the procedure having been simplified, and the College being more pro-active in dealing with these issues at an early stage. It was agreed that it would be more meaningful if the report included a comparison with the previous year's figures and agreed that this could be considered further at the Governor meeting to discuss the format/content of papers. It was also agreed that the report should show the numbers of each type of disciplinary offence. It was also queried whether the report should state whether any lessons had been learnt as a result of the disciplinaries undertaken.

Chair/  
DPQA&S

DPQA&S

An issue of concern was the significant difference between the number of male students and female students being disciplined and it was agreed that this should be looked at further. It was also noted

DPQA&S

that there had been a significant increase in the proportion of females at the College and a drop in the proportion of male students. This merited further analysis.

DPQA&S

***The Governing Body resolved to approve the Equality & Diversity Annual Report 2009/10.***

**10.73 The Equality Policy and the Single Equality Scheme 2010/12**

The Deputy Principal Quality Assurance & Support presented the report on the College's Equality Policy; Single Equality Scheme 2010/12; and Single Equality Scheme Action Plan. It was explained that there had not been any significant changes to the College's processes or procedures associated with these updates. However, changes to the language and document structures necessitated revised equality impact assessments. Members then considered the results of the impact assessments that had been carried out. The purpose and process behind the impact assessment forms were also explained.

***The Governing Body resolved to approve the College's revised Equality Policy and the revised Single Equality Scheme 2010/12.***

**10.74 Quality & Curriculum Committee**

Minutes of Meeting on 10 November 2010

The Chair of the Quality & Curriculum Committee presented the minutes of the meeting, which were noted by the Governing Body.

**10.75 Student Union President's Report**

The Student Union President presented the report providing an update on SU Executive activities together with a summary of student responses to the following specific questions that had been posed by Governors:

- With the abolition of EMAs, what do students think the College can do to best support students (who would ordinarily receive an EMA)?
- What are the most annoying/frustrating things about College life, and what do the students suggest we do about it?
- Students often complain that there are never enough PCs available in the Learning Centre. Our survey shows that at any one time there can be up to 20% of PCs available (and this is at peak times) – what can we do, collectively, to resolve this?

With regard to EMA, concern was expressed about the way in which in future the College would be able to identify those students eligible to receive any other form of financial assistance, and whether this identification process would cause a drain on the College's resources. The point students found most annoying was

the cost of travelling to College, and this would be exacerbated by the loss of EMA. It was noted that a report on the College's Travel Policy had been presented at the last meeting of the Finance & General Purposes Committee, and that the amount of the travel fund awarded to the College would not be known until 2011.

In relation to the availability of PCs, it was agreed that it would be beneficial for a system to be devised which would display to students in an accessible way those PCs that were available for use at any particular time.

Members thanked the SU President for his report and contribution to the meeting.

***The Governing Body resolved to note the report.***

(David Marsh and Graeme Murdoch left the meeting at 6.45pm. David Maughan Brown declared an interest in this item as Deputy Vice Chancellor of York Saint John University.)

**10.76 Higher Education Presentation by the Assistant Principal, Lifelong Learning & HE: The Browne Review**

The Assistant Principal Lifelong Learning & HE gave a presentation providing an overview of current funding for higher education and higher education in FE, together with the main aspects from the Browne Review on future HE funding and fees.

Discussion took place about the possible implications for the College and the sector more generally including modular provision; local oriented provision; competition; marketing opportunities; partnership working; credit-based system of provision; student numbers; sector shrinkage; increased demand for apprenticeships; and the possible blurring of the distinction between prescribed and non-prescribed qualifications. It was acknowledged that the situation was very unpredictable, and there was a need to devise revised objectives and strategies for the development of the College's HE.

APLL&HE

***The Governing Body resolved to note the report.***

**10.77 Finance & General Purposes Committee**

**a) Analysis of the 2009/10 Financial Performance**

The Director of Finance presented the report providing different analyses of the College's financial performance in 2009/10, intended to assist Governors to interpret the financial information provided in the College's 2009/10 Financial Statements.

It was reported that the indicators confirmed that the College had achieved all its financial objectives for 2009/10 and had been compliant with the financial covenants associated with the College's

loan with Lloyds TSB.

***The Governing Body resolved to note the report.***

b) 2010/11 Year End Financial Forecast

This item was treated as confidential and a separate confidential minute produced.

c) 2010/11 Financial Objectives Progress Report

This item was treated as confidential and a separate confidential minute produced.

(It was agreed to deal with agenda item E1d) at the end of the meeting.)

e) SFA Financial Health Confirmation

This item was treated as confidential and a separate confidential minute produced.

f) Minutes of Meeting on 22 November 2010

The Chair of the Finance & General Purposes Committee presented the minutes and confidential minutes of the meeting, which were noted by the Governing Body.

**10.78 Audit Committee**

a) 2009/10 Financial Statements Audit Management Letter

The Director of Finance presented the report summarising the findings and recommendations of the College's 2009/10 Financial Statements Audit. It was noted that, subject to the approval of the accounts by the Governing Body, KPMG anticipated issuing an unqualified audit opinion for the year ended 31 July 2010. It was explained that KPMG were required to report any adjusted audit differences arising from their work. They were also required to report any unadjusted audit differences to the Audit Committee. KPMG had reported that they did not identify any adjusted or unadjusted audit differences, which was said to be a very positive result. KPMG also confirmed that they had followed up the recommendations made the previous year and that all of these had been implemented.

***The Governing Body resolved to approve the 2009/10 Financial Statements Audit Management Letter.***

b) 2009/10 Annual Internal Audit Report

The Director of Finance presented the report summarising the findings and conclusions of the work undertaken by RSM Tenon as the College's internal audit service providers during 2009/10.

The annual opinion on internal audit assurance contained in the Annual Internal Audit Report stated:

“We are satisfied that sufficient internal audit work has been undertaken to allow us to draw a reasonable conclusion on the adequacy and effectiveness of York College’s arrangements.” It continued by saying that for the 12 months ended 31 July 2010, based on the work undertaken, their opinion regarding the adequacy and effectiveness of York College’s governance, risk management and control arrangements rated governance, risk management and control as “Green” (the highest level of assurance on a three point traffic light system). This represented an “unqualified opinion”.

A total of 35 findings had arisen from the 9 audit reports produced, of which none were “fundamental”, 11 were “significant”, 18 “merited attention”, and 6 were “advisory”. This compared to the 59 recommendations which had arisen from the 12 audit reports produced in 2008/09.

Members noted that further improvements had been made on the previous year and acknowledged that the report was very positive.

***The Governing Body resolved to approve the 2009/10 Annual Internal Audit Report.***

c) 2009/10 Audit Committee Annual Report

The Clerk to the Governing Body presented the Audit Committee Annual Report for 2009/10 which was considered by Members. It was explained that the report was a review of the Audit Committee’s activity and the service of the internal and external auditors during the course of the year. It was noted that the report had been approved by the Audit Committee which had resolved that it should be presented to the Governing Body prior to the signing of the College’s financial statements.

***The Governing Body resolved to endorse the 2009/10 Audit Committee Annual Report.***

d) 2009/10 Financial Management and Control Evaluation

The Director of Finance presented an extract of the key parts of the College’s FMCE return for 2010/11 which was considered by Members. It was explained that the College had completed a full FMCE return for 2010/11, as opposed to the short-form return that had been submitted the previous year. It was noted that the FMCE had to be approved by the Governing Body, signed by the Principal and returned to the Skills Funding Agency (SFA) by 30 November 2010. As this preceded the date of this meeting, the Audit Committee had been asked to approve the FMCE return on behalf of the Governing Body, for subsequent endorsement by the Governing Body at this meeting. Members considered the return in detail, paying particular regard to the summary of grades and action plan. It was noted that, as for the previous year, the College had

assessed its overall grading for financial management and control to be “outstanding”.

***The Governing Body resolved to endorse the College’s FMCE return for 2010/11 for submission to the SFA.***

e) Minutes of Meeting on 18 November 2010

The Chair of the Audit Committee presented the minutes of the meeting, which were noted by the Governing Body.

## **10.79 Risk Management**

a) 2009/10 Risk Management Annual Report

The Director of Finance presented the report on the College’s Risk Management activity during the 2009/10 financial year. It was noted that this report had been developed from the format previously recommended by the LSC. It provided a summary of activity in the previous year and conclusions reached which would inform the recommendation to the Governing Body on the statement of corporate governance and internal control in the College’s 2009/10 financial statements.

It was explained that the Audit Committee had considered the report at its meeting on 18 November 2010 and recommended the Governing Body to approve it.

***The Governing Body resolved to approve the 2009/10 Risk Management Annual Report.***

## **10.80 2009/10 Financial Statements**

a) 2009/10 Members’ Report and Financial Statements

The Director of Finance presented the report describing the College’s financial performance for the year to 31 July 2010.

In summarising the financial performance of the College in the year to 31 July 2010. It was noted that the reported surplus of £532,000 was after the impact of FRS 17 pension charges, staff re-structuring, and residual costs from the New College Project (£761,000). If these items were excluded the College’s reported operating surplus would be £1,293,000.

This £1,293,000 surplus was £404,000 better than forecast in July 2010. It was also £1,009,000 better than the College’s 2009/10 Mid Year Forecast and £1,248,000 better than originally budgeted for in 2009/10. It was confirmed that these financial statements had been audited and agreed by KPMG. Members acknowledged this to be a very positive financial outcome.

***The Governing Body resolved to approve the College’s 2009/10 Members’ Report and Financial Statements, and authorised them to be signed.***

Chair/  
Principal

b) Letter of Representation to the Auditors

The Director of Finance explained that the College was required to provide the financial statements auditors with a Letter of Representation before the auditors' report could be finalised. The purpose of the letter was to provide reassurance to the financial statements auditor on a number of material accounting issues; potential breaches of law and regulations; fraud; and related party transactions. Members considered the proposed letter and noted that the Audit Committee had recommended the Governing Body to approve it.

***The Governing Body resolved to approve the Letter of Representation to the College's Financial Statements Auditors, and to authorise the Chair and Clerk to sign it on behalf of the Governing Body.***

Chair/  
Clerk

c) Re-appointment of Financial Statements and Regularity Auditors

The Director of Finance presented the report with a summary of the conclusions of the Audit Committee's review of KPMG's performance as the College's financial statements and regularity auditors in 2009/10.

***The Governing Body resolved to approve the re-appointment of KPMG as the College's financial statements and regularity auditors for 2010/11.***

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## 10.81 Governance Issues

a) Search & Governance Committee: Minutes of Meeting on 24 November 2010

The Chair of the Governing Body presented the minutes of the meeting which were noted by the Governing Body.

b) Governance Self Assessment 2009/10 and 2010/11 Governance Improvement Plan

The Chair of the Governing Body explained the process that had been followed to date in relation to governance self assessment for 2009/10. Members then considered the Governance self assessment including key strengths and weaknesses that had been recommended for approval by the Self Assessment Working Group; Search & Governance Committee; and the Committee Chairs' Self Assessment Group. It was noted that an overall grade 2 (Good) was being proposed for Governance at the College. Members then considered the proposed Governance Improvement Plan for 2010/11. A small number of refinements were proposed and it was agreed that these should be incorporated, and actions commenced to progress the Plan.

Clerk

***The Governing Body resolved to approve the Governance Self Assessment for 2009/10, together with the Governance Improvement Plan for 2010/11, subject to agreed amendment.***

**10.82 Any Other Business**

None.

**10.83 Date of Next Meeting**

Tuesday 22 March 2011 at 5.00pm.

(All Staff and Student Members and other College staff except the Principal and Clerk left the meeting at 7.45pm.)

**10.77 Finance & General Purposes Committee**

**(cont)**

d) College Staff Pay Award 2010/11

This item was treated as confidential and a separate confidential minute produced.

The meeting closed at 8.00pm.

Richard Hinde  
Clerk to the Governing Body

**Signed (Chair):** .....

**Name** .....

**Date:** .....