



**Minutes of a meeting of the Governing Body held on Friday
16 March 2007 at 2.00pm in Middlethorpe Hall Hotel, York**

Present: Mr J Short (Chair)
Miss H Bainbridge
Mr J Clark
Miss H Crook
Mr K Deadman
Mr G East
Mr M Galloway
Professor B Gilbert
Mr D Jackson
Mr D Johnson
Mr D Marsh
Mr A Mendus
Ms J Moore
Mr D Morgan
Councillor C Runciman (from minute 07.13ci)
Ms T Wolf

In Attendance: Mr T Armer, Director of Finance
Mrs M Birch, Clerk
Mr G Murdoch, Deputy Principal QA and Customer Support
Mrs A Tyrrell, Deputy Principal Operations
Mrs M Price, Director of Teaching and Learning

Prior to commencement of the meeting the Chair announced that the Principal had informed him in February of his intention to resign, with effect from 31 January 2008. This would be notified formally within the College and externally on Monday 19 March 2007. On behalf of the Governing Body the Chair recorded his thanks to Mr Galloway for the work he had undertaken during his tenure as Principal. This had placed York College at the centre of the work to drive forward employment in York.

Mr Deadman joined the meeting at this point.

Action

07.01 Apologies for Absence / Declarations of Interest

Apologies had been received from Mr Burrows, Professor Maughan Brown and Mr Wright. Councillor Runciman had presented apologies for a late arrival.

07.02 Minutes of previous meeting – 14 December 2006

The minutes were approved as an accurate record and signed by the Chair.

07.03 Appointment of Student Governor

The Clerk provided an oral report. Following a recruitment process Mr Christopher Evely had been nominated for approval

as the HE Student Governor. After consideration the Governing Body **approved** the appointment of Mr Evely as a Student Governor for an initial term of office to conclude on 31 July 2007.

Action

Clerk

07.04 Matters arising

The action summary sheet was noted.

PRINCIPAL

07.05 Principal's Report

Principal's Report

The previously circulated report was noted. It was further noted that the development session on Saturday would expand on the items contained in the report. This would form an appendix to the Governing Body minutes.

07.06 Governance Issues

a Search and Governance Committee meetings – 27 November 2006 and 26 February 2007

The previously circulated minutes were noted and supplemented by an oral report from Professor Gilbert, Committee Chair. Items considered in November had been reported to the previous Governing Body meeting. The main items considered in February 2007 were noted including Committee membership. Mr Short confirmed that he had discussed membership with the relevant governors. Mr King is willing to extend his Audit Committee term of office beyond 2008 and Mr Burrows is able to join the Finance and General Purposes Committee whilst retaining membership of the Personnel Committee during Summer 2007. Mr East is willing to move from Quality and Curriculum to Audit Committee. These appointments were **approved** by the Governing Body. The vacancy on the Quality and Curriculum Committee would be subject to further consideration.

Clerk
Search &
Governance
Committee

The recommendation that Professor Gilbert be re-appointed as a Co-opted Member of the Governing Body for a further term of office (December 2007 – December 2011) was **approved**.

Clerk

It was noted that the confidential HR item considered at the February 2007 meeting related to recruitment for a new Principal and an oral report was provided. In addition to a selection panel of governors as required under the Articles of Government and the Governing Body Standing Orders, the Committee had considered the benefits of engaging a recruitment consultancy to work with the College. After consideration, the Governing Body **approved**:

- a selection panel consisting of six governors: Mr Short (Chair), Mr Johnson (Vice Chair), Miss Bainbridge (Chair

of Finance and General Purposes Committee), Professor Gilbert (Chair of Personnel) plus two other Governors following self nomination

- the engagement of consultants to assist the process, the selection to be determined by a panel of Governors chaired by Mr Short
- that the Principal's Job Description be approved by Chair's action.

It was **agreed** not to determine a financial limit for engagement of the consultants but that the Chair would email Governors, if considered appropriate, with the proposed costs. Governors also discussed the benefit of the involvement in the recruitment process of a senior individual with wide and contemporary experience of education. It was recognised that such an individual could not be a member of the selection panel.

b Governor Role and Governor Specification

The previously circulated Governor Role and Governor Specification were considered. These had been recommended for approval by the Search and Governance Committee. Subject to the amendment of minor typographical errors the Governor Role and Governor Specification **were approved**.

Clerk

c Modification Direction – Amendment to Instrument and Articles of Government

The previously circulated report was considered. Governors noted the further amendment which had taken effect from 1 January 2007.

07.07 Academic Board – Meeting of 14 March 2007

The Deputy Principal Operations provided an oral report on the main items discussed. It was noted that the Academic Board had considered HE progression development which is part of the Higher York strategy. This will assist HE progression for York College FE learners.

07.08 Remuneration Committee – Meetings of 12 February 2007 and 13 March 2007

An oral report was received from Mr Short, Committee Chair. Governors noted that the Committee had agreed salary changes for senior postholders to take effect for the 2006-07 year.

07.09 Health, Safety and Welfare Report – Autumn Term 2006

The previously circulated report was considered and supplemented by an oral report from the Deputy Principal QA&CS. It was noted that this item had been considered at the most recent Personnel Committee meeting. Included within the appendices to the report were reporting structure diagrams which clarify the internal reporting arrangements.

In considering the report the following items were noted. Improved capture centrally of data has led to an increase in accident and ill health statistics being recorded. Accident figures include those for the childcare nursery. A revised approach is now being taken to internal managers' inspections and college audits. This approach seeks to validate the managers' self assessment. Where good self assessed grades are verified the area will be audited less frequently. A review was undertaken in November 2006 of the self assessment report for Health, Safety and Welfare. Good progress is being made with the actions identified. Since writing the report for Governors the Learning and Skills Council (LSC) has undertaken a College health and safety visit. This has resulted in a positive report.

In response to a query Governors noted the various mechanisms in College whereby staff and learners can raise health, safety and welfare concerns. For staff these include through TU safety representatives whose comments are generally reported back to the internal Health, Safety and Welfare Committee. In extreme circumstances the College's whistle blowing policy could be invoked. Governors noted that the College culture is to encourage staff and learners to report issues of concern. It was further noted that an external assessor has recently visited the College with regard to the dermatitis in hairdressing campaign and confirmed that arrangements are satisfactory. It was recommended that a letter to this effect is obtained for reference.

**HSW
Manager**

With regard to the self assessment action plan the lack of suitably qualified first aider provision in the evenings was noted and considered. There is ample first aider provision during the day but it has proved difficult to find people to undertake this role during the evening. All staff receive an honorarium for this role. Governors noted the actions taken by management, and further actions being considered, to resolve the issue including the possibility of engaging external provision.

TEACHING AND LEARNING

07.10 Director's Report

The previously circulated report was considered and supplemented by an oral report from the Director of Teaching and Learning. Detailed consideration was given to current learner numbers against target and the comparison with numbers in the previous year and the following was noted.

Although LSC FE 16-19 has exceeded target LSC FE 19+ Part Time is below target. This is partly a consequence of increased course fees which will also rise in future years. It was noted that Adult Skills for Life has been affected by the withdrawal of

Action

funding for taster courses (3-6 hours) with funding now available only for courses of 10 or more hours. The distance learning target will not be met. Previously the College has provided a lot of short courses for employees within the care home sector but the market for this may be reducing. Some work will be delivered against Train to Gain (TtG) Pot A (currently showing nil learners). The College is seeking employees without a Level 2 qualification for whom it will provide in situ assessment, additional skills to bridge the skills gaps and a final assessment. Governors noted the heavy bureaucracy associated with TtG. LSC Work Based Learning (WBL) is maintaining good numbers and the College has a good level of learners who progress from Apprenticeship to Advanced Apprenticeship. International work is growing (now 145 against 139 in the report). For the 14-16 age group the College has 123 learners on campus in addition to the off site provision it makes for schools.

A query arose as to whether, in view of the lower LSC FE 19+ part time numbers, the learner target for 2007-08 should be revised downwards. It was noted that, although learner numbers are lower, the overall learner combination is likely to generate the same amount of income. Governors noted the implication that, if the learner number target had been met, additional costs would have been incurred. It was further noted that two years ago the College did exceed target without receiving additional funding. College management and the LSC are to meet to discuss 2007-08 learner numbers and funding. Given the lower learner numbers achieved in 2006-07 the LSC might consider that the baseline should be amended.

The reduction in learner numbers against target on distance learning was noted. Consideration is being given to diversification into different learning products. This reflects the College need to be increasingly responsive to different opportunities as a consequence of market changes. The underachievement against TtG Pot B was discussed. It is currently estimated that 300-400 learners will be achieved by the end of March 2007 against the target of 514. The Principal indicated the difficulties experienced in the sector with TtG and some specific issues related to the local region. Although the Construction Brokerage (run by the College) has been successful, difficulties have been experienced with other brokerages. Late in the year it became clear that providers should approach employers direct rather than through the brokerages. Although problems might have been expected in the first year of operation these have been quite numerous. It was noted that TtG is seen as the mechanism by which Employer Engagement and demand led training will be met but it has raised concerns regarding deliverability. York College, as other colleges, hopes to deliver as many TtG trainees as possible by

the end of March 2007. However, the issues encountered are being compiled in order to discuss with the LSC after March.

In response to a query regarding the resourcing implications of new products it was noted that there are resource difficulties in some curriculum areas. As a consequence the College is investigating new ways of delivering and growing TtG. Staff development and curriculum development are necessary to underpin these new approaches. Similarly, there is a need for broadly skilled staff supplemented by core products with sufficient flexibility to respond to different markets. It was noted that the College is faced with a significant challenge in responding to these demands.

07.11 Work Based Learning Progress Report on 2006-07 actions

The previously circulated report was considered and supplemented by an oral report from the Director of Teaching and Learning. It was noted that this item had been considered in detail by the Finance and General Purposes Committee and will be considered by the Quality and Curriculum Committee at its meeting in the following week. A significant amount of work is being undertaken to ensure that systems and processes meet the LSC funding and audit requirements. Task groups have been established to take forward implementation of the action plan. Governors noted that, due to lower numbers, a lower level of income than target is projected for 2006-07, even where the action plan is fully implemented. Governors further noted that WBL and TtG have impacted on the same curriculum areas which has significantly increased their workload.

FINANCE

07.12 Director's Report

The previously circulated report summarising activity since the December 2006 meeting was noted.

07.13 Finance and General Purposes Committee

a Finance and General Purposes Committee Meeting – 1 March 2007

The minutes and confidential minutes were circulated in the meeting and supplemented by an oral report from the Chair, Miss Bainbridge. Key issues discussed included the WBL audit, New College Project finances, and the 2006-07 Mid Year Financial Forecast.

b New College Project Borrowings

A previously circulated confidential report was considered and supplemented by an oral report from Miss Bainbridge. Governors noted the circumstances giving rise to the request for approval of delegated authority to the Finance and General

Purposes Committee. The previous agreement regarding the level of borrowing was noted and it was further noted that the current proposal is within the limit previously agreed.

After consideration the Governing Body **approved** the delegation of authority to the Finance and General Purposes Committee for any additional borrowings required subject to a limit of £10,000,000 for the total borrowing (inclusive of the previous loan).

The meeting broke for 10 minutes at this point and then reconvened with the same persons present. Councillor Runciman joined during discussion of ci below.

c 2006-07 Mid Year Financial Forecast

i 2006-07 Mid Year Financial Forecast

The previously circulated confidential report was considered and supplemented by an oral report from the Director of Finance. In response to a query regarding lower enrolments against some time part programme areas it was noted that it is not always possible to separate out the staffing resource against the source of funding. In some areas, however, reduced expenditure is consistent with lower learner numbers.

In response to a query regarding learner behaviour the Deputy Principal Operations provided an oral report. It was noted that a small minority of learners exhibit behaviour problems. The College has responded by engaging support officers. These are supporting staff by working with learners to provide a safe and secure environment. It is hoped this approach will promote a positive transfer into the New College.

After consideration Governors **approved** the 2006-07 Mid Year Financial Forecast.

ii Comparison with Financial Objectives

The previously circulated confidential report was noted. Governors noted the impact of the Mid Year Financial Forecast on the financial objectives.

iii Comparison with Bank Covenants

The previously circulated confidential report was noted.

07.14 **Audit Committee**

a Meeting of 7 March 2007

The unconfirmed minutes and confidential minutes were circulated in the meeting. Mr Clark, the Committee Chair, highlighted the main items considered.

b 2005-06 Annual Internal Audit Report – Work Based Learning Assurances

The previously circulated report was considered and

supplemented by an oral report from Mr Clark. It was noted that a meeting had been held with Mr Looker of Pricewaterhouse-Coopers to discuss the report prior to the meeting of the Audit Committee. It was noted that, In responding to queries raised regarding their annual report in the previous year, this report is proving beneficial in assisting the College to implement the WBL action plan in 2006-07.

07.15 Pure Business Solutions Limited

a Pure Business Solutions Limited meeting – 28 February 2007

An oral report was received from Mr Morgan, Chair of the meeting. Major items considered had been strategy and performance. Currently the Company is forecasting a loss of £13,000 so will not be in a position to make a Gift Aid transfer to the College. The meeting had discussed possible new directions for the Company as part of its recovery plan. The Directors consider that positive action has been taken to reduce costs and improve sales. The critical importance of having a clear strategy to take forward the business was noted. Areas for development include rail sales and the role of the recently established Rail Advisory Board to assist this was noted. Some Directors had offered specific assistance regarding sales and products. College management have agreed that PBS is the right mechanism to drive forward maximisation of income from room lettings. The possibility of working with a commercial partner was raised and the Principal agreed to discuss this model further with Mr Marsh.

Principal

b Pure Business Solutions Limited - Appointment of new Director

The previously circulated confidential report was noted. This provided further information regarding Mr Hugh Fenwick who has recently been appointed as a Director of the Company.

07.16 Risk Management Report

The previously circulated report was noted. The Director of Finance indicated that a meeting had been held earlier in the week to commence the risk management process for 2007-08.

QUALITY ASSURANCE AND CUSTOMER SUPPORT

07.17 Directorate Report

The previously circulated report was considered and supplemented by an oral report from the Deputy Principal QA&CS. Governors noted developments towards achievement of the Healthy Colleges standard. The College will customise the national standards for schools and will then self assess against the Healthy Colleges standard which covers aspects such as diet, nutrition and exercise.

07.18 Personnel Committee – Meeting of 22 February 2007

The previously circulated minutes and confidential minutes were received and supplemented by an oral report from Professor Gilbert, the Committee Chair. The main items considered were noted including the health, safety and welfare report, and new policies relating to age equality, grievance and disciplinary procedures, and Criminal Records Bureau (CRB) disclosures.

07.19 Students' Union President's Report

The previously circulated report was considered and supplemented by an oral report from the Deputy Principal QA&CS. It was noted that Mr Wright, the Student President and Student Member of the Governing Body, has been elected as Chair of the first National Learner Panel in FE. The College is now making nominations for the local Learner Panel. Governors noted that, following establishment of the national and local learner panels, management needs to consider actions to increase the learner voice within College. It was noted that the student voice is being increasingly taken account of within the school sector and this will lead to growing expectations within the FE sector.

Governors recorded their congratulations to Mr Wright on his appointment as Chair of the National Learner Panel in FE.

07.20 Students' Union Accounts – Year Ended 31 July 2006

The previously circulated accounts, and supplementary notes, were received. After consideration the Governing Body **approved** the accounts.

07.21 2006-07 Annual Operating Plan – Progress Report

The previously circulated report detailing progress to 15 February 2007 against the 2006-07 Plan was noted. It further noted that all actions identified within the Plan are anticipated to be completed by the end of the academic year.

07.22 Freedom of Information – Register of Requests and Policy Review

The previously circulated report was considered and supplemented by an oral report from the Deputy Principal QA&CS. It was noted that since the previous review in March 2006 two formal requests had been received under the Act for which information had been provided.

07.23 Learner Success Rates and Minimum Levels of Performance 2005-06

The previously circulated report was considered and supplemented by an oral report from the Deputy Principal QA&CS. It was noted that College headline success rates for all ages and most levels are improving; however, the percentile analysis suggests that improvements across the sector are greater. Actions for improvement by the College have been identified. Additional work is required on retention including

capturing data in an appropriate way. Governors noted that small improvements could raise College achievement into the top quartile. It was also noted that other College teams outside the Teaching and Learning Directorate contribute to make the learner experience positive which impacts on learner success.

Governors noted that the current overall success rate is 68%. North Yorkshire LSC wishes to raise this rate to 76% for both 16-18 and 19+ age groups. The College therefore needs to work to 76% as a minimum. A "traffic light" system is being introduced in the College to identify courses within 5% of the target. Individual learners are also being identified for example those who submit course work late. It was noted that the data had been derived from a national database so will provide comparative data for future years.

In response to a query it was noted that the College does measure value added and that this has shown a positive increase. However, these results do not feed into a league table such as success rates. By their nature, FE colleges offer some learners a second chance of success. Although achieving, some learners do not always obtain high grades.

Governors queried whether 76% is an appropriate target and noted the provider performance minimum levels which are forming the basis of LSC discussions with the sector. It was noted that any FE funded provision below 50% (40% for WBL) would be identified by the LSC as a focus for a future funding discussion. This is the first time such criteria have been used. It was further noted that the LSC will expect minimum levels of performance to increase year on year.

Governors considered the information contained within the report provided a useful tool for assessing performance and identifying future action.

OPERATIONS

07.24 Director's Report

The previously circulated confidential report was considered and supplemented by an oral report from the Deputy Principal Operations. It was noted that work is on schedule to complete the New College by the target date of 23 July 2007. Governors further noted some negative reports regarding a late completion have been circulated. It is therefore important that this positive position is reiterated. Management are also negotiating the earlier transfer of a substantial part of the New College which will assist the migration process. Other items noted included items related to the Learning and Teaching Strategy.

07.25 New College Strategy Group

Meetings of 11 December 2006, 12 February and 13 March 2007

The previously circulated confidential minutes of the meetings of 11 December 2006 and 12 February 2007 were noted. An oral report from the meeting of 13 March 2007 was received from the Chair, Mr Johnson. Main items considered by the Group were noted including agreement reached on a number of actions to take forward current issues. Finances associated with the New College were further noted.

07.26 Any other urgent business

None.

07.27 Date of Next Meeting

Thursday 12 July 2007 at 5.00pm in Room AH001.

All to note

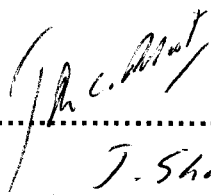
The meeting closed at 5.05pm

Signed:

Chair:

Name:

Date:



J. Short

12 July 2007



Governing Body Meeting of 16 March 2007

Presentation on 17 March 2007 : Positioning the College in a Changing Environment

The Principal led a discussion on a wide range of issues facing the College (see copy of Powerpoint presentation attached), in some cases drawing on observations which had been made by the LSC's Regional Director in her presentation to Governors on the evening of 16 March. Two issues were of particular concern/interest and absorbed a high proportion of the discussion. These were (i) the proposed implementation of the "sixth form presumption" at Archbishop Holgate School (AHS), and its likely impact on the College; and (ii) the proposed feasibility study on collaboration and partnership between the York and North Yorkshire FE colleges particularly in light of the proposed de-merger of Harrogate College from Leeds Metropolitan University.

On the sixth-form presumption issue, Governors noted the risks to College enrolments presented by the proposal particularly if it led to other York 11-16 schools seeking a similar status in the future. They acknowledged the need for some differences in patterns of provision (probably involving the college becoming more involved in outreach provision) if the issues raised by the Strategic Area Review (StAR) were to be addressed. They expressed concern at the fact that the AHS's proposal did not seem to be addressing these issues, and at the prospect of provision across the City becoming more fragmented and less coherent as a result of the increase in the number of school sixth-forms.

Having outlined the extent of rationalisation in the sector with particular reference to developments at Keighley, Skelmersdale, the proposed Leeds Colleges' merger and the de-merger of Harrogate College from Leeds Met, the Principal sought Governors' support for a LSC funded feasibility study into models of partnership and collaboration between the York and North Yorkshire FE colleges (including Darlington College). The feasibility study would consider the full range of possible options, with no option ruled out, but would not commit any college to anything. The purpose of any new relationship is to be in a better position to take advantage of new opportunities in the emerging environment; to ensure that decisions about local provision continue to be made as close to the point of delivery as possible whilst benefiting from economies of scale and of geographical reach. The Governors agreed to the College participating in such a feasibility study.

A copy of the presentation slides is attached.



POSITIONING THE COLLEGE IN A CHANGING ENVIRONMENT



- 1. 14-19 Developments**
- 2. Post 19 Education and Training**
- 3. The F.E. Bill**

14 – 19 Developments

- 1. The 14-19 Planning Group and the development of a York entitlement.**
- 2. Curriculum Developments**
 - Diplomas
 - Apprenticeships
 - International Baccalaureate
- 3. Education and Training for all up to 18**
- 4. NEETS and gaps in provision at levels I and II**
- 5. School Sixth Form presumptions**

Post -19 Education and Training

- 1. Competition, contestability and commissioning. Making the market.**
- 2. Leitch**
- 3. Train to Gain**
- 4. Collaboration between North Yorkshire Colleges**

Leitch

- 5 concerns emerging from Leitch analysis**
- 1) Qualifications as a proxy for skills**
 - 2) Reductionist and utilitarian**
 - 3) Demand led?**
 - subsidy-led; policy-led
 - demand v need
 - 4) Employers as a monolithic group**
 - 5) Regional dimension or lack of it**

Train to Gain

- 1. All publicly funded adult vocational education routed through Train to Gain by 2010.**
- 2. Brokers helping to make this market and address market failure.**
- 3. The story of 2006/07**

Collaboration between North Yorkshire Colleges

1. F.E. Means Business
2. Rationalisation of F.E. provision
 - Park Lane/Keighley
 - Newcastle/Skelmersdale
 - Dewsbury seeks merger partner
 - Leeds mega-merger
 - Leeds Met seeking de-merger with Harrogate College
3. LSC – funded feasibility study to explore models of collaboration
 - Trusts
 - Federations
 - Powers to Innovate

Progress of the F.E. Bill

1. Validating Foundation Degrees
2. Powers of the LSC
3. Self Regulation