



Minutes of a meeting of the Governing Body held on Tuesday 23 March 2010 at 5.00pm in Room 1F024/025, York College

Present: Hilary Bainbridge
Alison Birkinshaw
Jim Clark
Kevin Deadman
Bruce Gilbert
Tom Hobman
David Jackson
David Johnson
Andrew Lindsay
Lynne Marston
David Maughan Brown
Danny Morgan
Carol Runciman
John Short, Chair
Terry Wolf

In Attendance: Trevor Armer, Director of Finance
Chris Dyson, RSM Tenon
Richard Hinde, Clerk to the Governing Body
Glyn Jones – Assistant Principal 16-19 A Level
Louise Lawrence-Crockford, Assistant Principal: Employer Engagement
Graeme Murdoch, Deputy Principal QA & Support
Bob Saynor, Assistant Principal: Lifelong Learning and HE
Anne Tyrrell, Deputy Principal Resources
Clare Wareing – Assistant Principal 14-19 Vocational

The meeting started at 5.00pm.

Action

10.01 Apologies for Absence / Declarations of Interest

Apologies were received from Peter Burrows, Elizabeth Fenn, David Marsh, Andy Mendus and Bill Woolley. The Chair introduced Chris Dyson of RSM Tenon who was in attendance as part of a thematic review currently being carried out by the College's internal auditors.

The Chair invited declarations of interest in relation to any agenda items. The Principal, Designated Senior Post-holders and the Clerk to the Governing Body all declared an interest in relation to agenda item H.

10.02 Minutes of Previous Meeting – 9 December 2009

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

10.03 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. It was noted that the College had spoken with Higher York to co-ordinate any prospective Parliamentary candidates being invited to speak, but that nothing had come to fruition to date.

The Director of Finance reported that the College had just received confirmation from the LSC that the College's 2008/09 financial statements were "outstanding" under Framework For Excellence. The LSC had also just endorsed the College's assessment of its financial management and control as "outstanding" following submission to the LSC of the College's Financial Management and Control Evaluation approved by the Governing Body at its last meeting.

b) Any Other Matters

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

10.04 Principal's Report

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

10.05 Health, Safety & Welfare Annual Report 2008/09

The Deputy Principal Resources presented the Health, Safety and Welfare Report for the autumn term 2009, which was considered by Members. The report included accidents statistics for the autumn term 2009; Health & Safety audit outcomes under the new framework; an updated analysis of the College's current position against the good practice identified in the Health and Safety Executive (HSE) report on Leading Health & Safety at Work; and an update on key occurrences to date this term.

It was reported that no accidents had been required to be reported to either the HSE or LSC for the period of this report. The total number of accidents, excluding the Nursery, was down by 48 on the same period last year which was a drop of 56.7%.

The Deputy Principal Resources confirmed that the College's new audit framework was in place and that the LSC's view was that it was very comprehensive. The latest LSC audit visit in this regard had taken place on 10 March 2010 and the College had been awarded an assessment of "Outstanding" for Health & Safety, subject to final confirmation from the LSC.

It was reported that following an increase in the number of reported cases of silicosis, the HSE had recently carried out checks on stonemasons' workshops to check the procedures in place to

control silica dust and the efficiency of the dust extraction systems. The College's inspection had taken place on 22 February 2010. Whilst the system in place was working, the College was found to be in breach of the Control of Substances Hazardous to Health Regulations 2002 regulations 6(1) and 7(1) (i.e. no suitable control measures, and exposure to silica had not been prevented or adequately controlled, so far as was reasonably practicable). The main problem was that the extractor system was not removing the dust at source and that the collection points were in a position where they drew the extract through the operatives' breathing zone.

The units had been tested annually according to the regulations and they had passed all the Local Exhaust Ventilation tests. Whilst they had met all previous requirements, within the new more regulated and restrictive codes of practice, they now needed to be moved so that the extraction was closer to the source.

As a result, the College had now received an Improvement Notice under the Health and Safety at Work etc. Act 1974 to make the necessary improvements to the current equipment. The HSE had not stopped the College using the current equipment and had complimented the College on some of the working practices within the area. The position was therefore one which could be remedied by adaptation/moving of the current units.

The HSE had agreed that 50% of the units should be completed by November 2010 and 50% next year. The College was working internally to complete the work prior to the agreed timescales in order to ensure that it was operating a best practice environment. It was hoped that this would be done by the end of summer 2010. The College was currently obtaining design solutions and costs, and would also be using limestone rather than sandstone to minimise any potential risk.

DPR

Consideration was also given to the College's current position against the HSE publication Leading Health & Safety at Work.

The Governing Body resolved to note the report.

10.06 2009/10 Student Enrolments – Progress Report

The Deputy Principal Resources presented the report summarising the data on recruitment as at 10 March 2010. Data returns to the LSC in November/ December 2009 had been used to assess the College's initial allocations for 2010/11 which had now been received.

It was reported that with 16-18 Learners (excluding apprenticeships) the College's targets had been exceeded. There had been an increase of 105 learners compared with the same point last year and the College was currently 101 learners ahead of its LSC year

end target. The College was currently 6.0% above its Standard Learner Numbers (SLNs) per learner. This was because the College was currently delivering an average of 1.44 SLNs per learner against a funding level of 1.40 SLNs per learner.

The Deputy Principal Resources explained that the College's current position, as reported to the LSC in December 2009, together with projected uplift to the year-end, had been used to calculate its 'sustainable baseline' and initial allocation for 2010/11. This had demonstrated the importance of the College exceeding its targets in 2009/10. The average SLNs per learner for 2010/11 had been set at 1.38 on the basis of the College's 2008/09 outturn. This set a challenge when planning 2010/11 delivery. The College needed to maintain the breadth and size of its programmes for some students as part of its drive to improve value-added. The College would need to review programme size in light of its allocation, but still needed to hit its cash allocation.

The College was currently 87 below target for 16-18 Apprenticeships, with little movement in recruitment since the last report. Employers were reluctant to take on Apprentices, and this was leading to conversion from Apprenticeships to full-time FE programmes despite Apprenticeships being a key government priority for 2010/11.

Adult Responsiveness provision (excluding apprenticeships) was at 83% of the College's year-end learner number target, which was better than the same time last year. The College was currently achieving 107% of its SLN target and its actual funding position was 9% above its allocation. The College had received its initial Adult Learner Responsive Allocation for 2010/11. This represented a 25% cut on its 2009/10 allocation and was based on its delivery of priority provision in 2008/09. The College's delivery of priority provision in 2009/10 was currently 86% of its 2009/10 allocation. The College was awaiting final confirmation of its adult allocation and was currently working on constructing its programme of priority provision for 2010/11.

SMT

With Employer Responsive, 19+ Apprenticeships were currently 30 below target, with the College having the same concerns as for 16-18 Apprenticeships. However, the College anticipated achieving its other Employer Responsive targets for 2009/10. Construction Skills were currently 54 below the position at the same time last year.

Current enrolment levels for the College's direct HEFCE contract were above target. This could potentially require claw-back of funding by HEFCE, and the College had now received notification of claw-back of £88,000. The College had submitted a case to HEFCE for mitigation to any claw-back due to a range of factors previously presented to Governors. The Mid-Year Forecast had assumed a

claw-back of £89,000 based on current information. The overall performance of HE operations had resulted in an increased mid-year forecast for HE income of £148,000 (taking into account the claw-back) due to an increase in fee income and increased franchised income. International recruitment was currently 40 below target.

Discussion took place about the demographic downturn in the numbers of potential students and it was acknowledged that the College had been successful so far in countering the effects of this in terms of recruitment of 16-18 students. It was queried whether the College tracked its percentage share of each cohort, and explained that the College had been carrying out such analysis, which could be provided in a future report.

DPQA&S

The Governing Body resolved to note the report.

10.07 Property Strategy

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

10.08 Personnel Committee

Minutes of Meeting on 22 February 2010

The Chair of the Personnel Committee presented a verbal report on the minutes of the meeting, which was noted by the Governing Body. Specific reference was made to the positive results of the College's 2008/09 staff survey. However, concern was expressed at the response rate to the survey and discussion took place about how this could be improved. The Deputy Principal QA&S explained that it was proposed to allocate a session during the College's staff development week when the next survey would be presented for completion.

DPQA&S

Further discussion took place about how the results were fed back to staff and about benchmarking. The Deputy Principal QA&S reported that he had received some benchmarking data from other college's in the peer-referencing group but that this was of limited use as very few questions were the same. The Chair stated that the College should be looking to obtain more meaningful benchmarking data and that the real issue was how soon and at what cost.

SMT

Reference was made to the very informative Safeguarding presentation that had been organised for Governors. It was agreed that all Governors should now undertake the on-line training utilised by the College.

Clerk

10.09 Progress on Strategic Plan 2009/12

The Deputy Principal Quality Assurance & Support (QA&S) presented the report identifying the main progress to date with activities that supported the achievement of the College's strategic

objectives. It was noted that progress was in line with College plans. However, concern existed in relation to current retention rates for adult students at Levels 2 and 3, which were currently being investigated by Heads of Study and Heads of Division.

SMT

Members commended staff on the format and content of the report which they found very useful.

The Governing Body resolved to note the report.

10.10 Student Success 2008/09

a) FE Qualification Success Rates (QSRs)

The Deputy Principal QA&S presented the report which had been lodged on the Provider Quality Gateway on 26 January 2010. It was explained that it was based on the College's final success rate data submitted on 15 January 2010 (FO5) and it concurred with the College's Self Assessment Report (SAR) (at College Level) approved in December 2009. Three Divisions had outcomes which were 1% lower than the College's SAR (Health & Social Care, Engineering, and Science) and two Divisions had outcomes which were 2% higher than the College's SAR (Skills for Life, and IT & Computing). None of these outcomes affected the self-assessment grade that had been approved.

It was noted that the College was making a significant improvement in narrowing the gap between the results achieved by males and females, which did not reflect the position in York generally. For the College's 19+ provision the success rate was virtually the same for males and females, and for 16-18 provision the differential had reduced to approximately 2%. Within the City of York this differential at Key Stage 4 was 8%, and had not improved over the last three years. Discussion took place about the measures taken by the College in seeking to redress this imbalance.

The Governing Body resolved to note the report.

b) Minimum Levels of Performance

The Deputy Principal QA&S presented the report showing the College's performance in light of the Minimum Levels of Performance (MLP) set by the LSC. It was reported that with FE significant improvements had been made over the last three years and no College provision was to be removed. In 2006/07, 6.8% of Long FE provision had been below MLP. The corresponding figure now was 0.4%. With Apprenticeships, despite the Advanced Apprenticeship in Hair being below the MLP, no provision was to be removed. With Train to Gain, Dental was unlikely to be offered in 2010/11, although no provision was to be removed. Where issues had arisen, the College had looked very closely at the reasons for this and was taking measures to bring about improvement. It was confirmed that the College still issued its own internal Notices to

Improve where provision was not below MLP but was viewed to be under-performing. Members acknowledged that the general trend shown was one of improvement.

The Governing Body resolved to note the report.

10.11 Student Success 2009/10

a) Employer Engagement

The Assistant Principal Employer Engagement presented the report showing the current position and predicted out-turn for Work Based Learning and Train to Gain success rates for 2009/10. With Work Based Learning, it was reported that Apprentice Frameworks were predicted to be 8% up on the previous year's out-turn. Advanced Apprentice Frameworks were predicted to be 7% up on the previous year's out-turn. The year-end out-turn was forecast to be an improvement on 2008/09. With Train to Gain, performance in 2009/10 was predicted to be a 2% improvement on the previous year's out-turn. Targeted improvement strategies were proving to be effective with success rates projected to increase from 2008/09. No success data had yet been received from Construction Skills, but the College was undertaking a manual exercise in this regard which was indicating that current levels of success were on a par with previous years.

The Governing Body resolved to note the report.

10.12 Student Destinations 2008/09

The Deputy Principal QA&S presented the report identifying the known destinations of full-time students who had completed a qualification at the end of July 2009. It was noted that the survey accuracy had improved significantly again this year to give a known destination for over 95% of all such full-time students.

The proportion of students who progressed onto "positive" destinations was 82.9% (79.7% in 2008, 81.3% in 2007). If deferred HE entries were included this rose to 86.4% (82.7% in 2008). The number of "unknown" destinations was reducing and was very low compared to other colleges. The number of students opting for voluntary work, or a gap year (i.e. "other" category) had also reduced. The proportion of students who had progressed to vocationally relevant employment was 54%.

The Governing Body resolved to note the report.

10.13 Information, Advice and Guidance Report

The Deputy Principal QA&S presented the report showing the work currently being undertaken by the College and the City of York Council in respect of working towards a common Careers Education, Information, Advice and Guidance (CEIAG) framework. Reference was also made to the similar activities being undertaken

by North Yorkshire County Council.

It was reported that the City of York Council had created a Steering Group of interested parties (of which the Deputy Principal QA&S was a member) to recommend an appropriate system for implementation. The Steering Group had met three times and its recommendation had recently been approved by the Resources and Strategy Group of the City of York Council. It was now a question of the recommended approach being implemented. It was intended to seek to mirror Humberside's Information, Advice and Guidance Gold Standard.

Members considered the original action plan produced by the City of York Council in this regard, and serious concern was expressed at the slow pace of progress. It was noted that the Deputy Principal QA&S also attended the CEIAG Strategy Group of North Yorkshire County Council.

Discussion took place about the activities undertaken to date, and the Deputy Principal QA&S undertook to check whether the College had already visited All Saints, Easingwold and Huntington schools. It was noted that the College was also liaising with Liz Burdett at North Yorkshire County Council to identify which key events the College should attend in North Yorkshire.

DPQA&S

The Governing Body resolved to note the report.

10.14 Quality & Curriculum Committee

Minutes of Meeting on 4 March 2010

David Maughan Brown presented the minutes of the meeting, which were noted by the Governing Body. Particular reference was made to the number of Observations of Teaching and Learning (OTLs) that had not been carried out, although the outcomes of those undertaken had been very positive.

The Deputy Principal QA&S referred to the recent City Of York Quality Assurance Visit to the College to assess its provision of specialist diplomas. It was noted that this had been a city-wide quality assurance exercise, and that the outcome of the report on the College was very positive.

10.15 Student Union President's Report

The Student Union President presented the report providing an overview of the recent Student Union Executive elections and highlighting some of the key activities being continued by the incoming Executive. It was noted that the turnout for the elections had been much stronger this year following changes to the system to cater for night-time students and revised rules governing publicity.

As it was Mr Hobman's last meeting as Student Union President,

Members thanked him for his service to the Governing Body.

The Governing Body resolved to note the report.

10.16 Finance & General Purposes Committee

a) 2009/10 Mid Year Financial Forecast

i) 2009/10 Mid Year Financial Forecast

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

ii) Analysis of Financial Performance

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

b) Minutes of Meeting on 11 February 2010

The Chair of the Finance and General Purposes Committee presented the minutes and confidential minutes of the meeting, which were noted by the Governing Body. Specific reference was made to the Committee's approval of the College's Procurement Strategy and to the College's draft 2010/13 Strategic Financial Objectives. It was explained that these objectives were essentially those approved for 2009/12 subject to one significant difference. This was the recommendation that in the current circumstances, it may not be in the College's interests to seek the 1.0% surplus in 2010/11 necessary for 'Outstanding' financial health. The Finance & General Purposes Committee had recommended that this objective should be deferred until 2011/12, when some of the current political and funding uncertainties should have been removed. It was noted that decisions about financial objectives for 2011/12 would be taken in February 2011, when the College should be clearer about the political landscape, relationships with new funding bodies and any economic recovery.

The Governing Body resolved to approve the College's proposed 2010/13 Strategic Financial Objectives.

c) Santander Corporate Bonus Account

The Chair of the Governing Body explained that at a previous meeting, the Governing Body had authorised the College to open investment bank accounts with Santander. Two weeks ago the opportunity had arisen for the College to place its funds in a Santander account - the Santander Corporate Bonus Account – which was different from those previously authorised. Due to time constraints, the Chair of the Governing Body, Chair of the Finance & General Purposes Committee, the Principal and Director of Finance had all met to consider the proposal and agreed to invest in this account due to the improved interest benefits. The Chairs of the Governing Body and Finance & General Purposes Committee had written accordingly to Santander, the proposal being consistent with the spirit of the Governing Body's earlier resolution. The Governing

Body was now recommended to endorse this approach and the College's investment in the new account.

The Governing Body resolved to endorse the decision for the College to invest funds in the Santander Corporate Bonus Account.

10.17 Audit Committee

a) Minutes of Meeting on 16 March 2010

The Chair of the Audit Committee presented the minutes of the meeting, which were noted by the Governing Body. Specific reference was made to the Committee's recommendation relating to the College's proposed Risk Maturity objective.

It was explained that in carrying out its thematic review on Risk Maturity, RSM Bentley Jennison had assessed the College as being "Risk Defined" which was the middle point on a five point scale of Risk Maturity. It was now for the Governing Body to determine the level of Risk Maturity that the College wished to achieve: whether to remain at Risk Defined or strive to move to a higher level as Risk Managed or Risk Enabled. The Audit Committee had recommended that the "Risk Managed" level of Risk Maturity should be achieved.

Members considered the definitions of each level of Risk Maturity and with the benchmark data provided it was noted that 38% of all 107 colleges reviewed had been assessed as "Risk Defined"; 50% were assessed as Risk Managed; and 6% were assessed as Risk Enabled. This also largely reflected the position with regard to the 22 Beacon Colleges reviewed. It was agreed that Members would be circulated with further explanation of the five levels of Risk Maturity outlined.

DF/ Clerk

The Governing Body resolved that the College should strive to achieve the Risk Managed level of Risk Maturity.

10.18 Risk Management

a) 2009/10 Risk Management Policy Review

The Director of Finance presented the report on the latest review of the College's Risk Management Policy. It was reported that the Policy was normally reviewed every two years and that it was last done in advance of the 2009/10 academic year. However, changes to the College's strategic planning processes had meant that a further review in 2010/11 had been needed. This had now been carried out. It was explained that the review had also taken account of some of the recommendations from the Bentley Jennison Risk Maturity Review in 2008/09, including the inclusion of a formal Risk Management Statement and a clarification of roles and responsibilities within the College's risk management processes. The Policy had been considered by the Audit Committee on 16

March 2010 which had recommended that the College should work towards becoming a “risk enabled” organisation as defined by the Institute of Internal Auditors.

The Governing Body resolved to approve the 2009/10 Risk Management Policy.

10.19 Employer & Skills Committee

a) Minutes of Meeting on 21 January 2010

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

10.20 Governance Issues

a) Search & Governance Committee: Minutes of Meeting on 8 February 2010

The Chair of the Search & Governance Committee presented the minutes of the meeting which were noted by the Governing Body, paying particular attention to the specific recommendations for approval. It was noted that further revisions had been made to the Governing Body’s Standing Orders and Code of Conduct and that these would be presented to the Governing Body after further consideration by the Search & Governance Committee.

Clerk

The Chair of the Governing Body shared his experiences of participating in the Governor Curriculum Link scheme and encouraged Members to arrange their own further visits for after Easter.

The Chair of the Governing Body also explained that Bruce Gilbert and Danny Morgan would be stepping down as Governors in due course with Mr Morgan continuing as a Co-opted Committee Member. Both Governors had been chosen from specific areas: the University of York and the health sector, and it was proposed to try and maintain these areas of representation on the Governing Body. As a result it was felt that it would be inappropriate to advertise these prospective vacancies on this occasion but, instead, to target recruitment from these specific areas directly.

Discussion also took place about the College’s Property Strategy and MIS Review and the role of the Finance & General Purposes Committee in this regard. It was queried whether it would be prudent to establish a new sub-committee to deal specifically with these two issues but it was concluded that it would be better for the Finance & General Purposes Committee to continue to have responsibility for both areas. It was acknowledged that the Committee might need to hold additional meetings purely to consider these two issues. Other Governors would be invited to such meetings from time to time as appropriate.

The Governing Body resolved: a)to re-appoint David Johnson and David Marsh as Independent members of the Governing Body for a further period of four years on the expiry of their current terms of office;
b)to dissolve the Governing Body's New College Strategy Group and Governance Working Group;
c)not to advertise forthcoming vacancies on the Governing Body at the present time; and
d)that the Finance & General Purposes Committee should continue to have responsibility for the College's Property Strategy and MIS Review, with other Governors being invited to attend specific meetings from time to time as appropriate for the discussion of the MIS and Property Strategies.

Clerk

b) Committee Terms of Reference

The Clerk to the Governing Body presented the proposed Terms of Reference for the Remuneration Committee which had been recommended by the Search and Governance Committee for approval by the Governing Body.

The Governing Body resolved to approve the Terms of Reference for the Remuneration Committee.

c) Governance Review

The Chair Of the Governing Body presented the summary report on the Review of Governance and Strategic Leadership in English FE which had been carried out by the Association of Colleges (AoC) and the Learning and Skills Improvement Service (LSIS) towards the end of last year.

From the summary report it was noted that a total of fifteen recommendations had been made and the deadline for replies to the consultation was 5.00pm on 31 March 2010. Members were requested to consider the recommendations and to complete the electronic questionnaire that had been produced by the AoC/ LSIS for completion by Governors on an individual basis.

Members

The Governing Body resolved to note the report.

10.21 Any Other Business

None.

(All members of College staff and students, including the Principal and all Staff and Student Governors, left the meeting at 7.45pm.)

10.22 Remuneration Committee

a) 2009/10 Pay Review for Principal, Designated Senior Post-holders and Clerk to the Governing Body

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

10.23 Date of Next Meeting

Thursday 15 July 2010 at 5.00pm.

The meeting closed at 8.30pm.

Richard Hinde
Clerk to the Governing Body

Signed (Chair):

Name

Date: