

BRIGHTON HOVE & SUSSEX SIXTH FORM COLLEGE

MINUTES OF THE MEETING OF THE CORPORATION HELD ON WEDNESDAY 9th DECEMBER 2009 at 6.00 p.m. IN THE SPORTS CENTRE CAFE

Present: Helen Andrews, Dominic Blythe, Peter Freeman (Chair), Melissa Gibbon, Leslie Ironside, Howard Kidd, Elizabeth Lamb, Rod Mallinder, Sam Rowe, Jamal Salman, Pippa Smith, Jim Smithyes, Chris Thomson, Matt Ward, Chris Wellings, Marion Wilcock, Sam Wolfe.

In Attendance: Sue Smith (Observer Staff Governor elect (Support)) Sally Bromley, Anne Fielding Smith, Jutta Knapp and Louise Pennington.

Training Briefing – Health and Safety – Richard Tabor (Health and Safety Officer)

Richard Tabor gave a 30 minute presentation and circulated two handouts to each of the Governors present.

C09/01 Membership Matters

Peter Freeman reported to Governors on the discussions held at the Search Committee meeting, immediately prior to Corporation and gave the Search Committee's recommendations which were endorsed as follows:

- a) Jim Smithyes elected as Staff Governor (teaching category) replacing Nigel Fisher, for a three year term of office ending 31st December 2012. It was resolved that he should join the Finance & General Purposes Committee.
- b) Sue Smith elected as Staff Governor (support category) replacing Melissa Gibbon for a three year term with effect from 1st January 2010, until 1st January 2013. It was agreed that she should join the HR Committee, replacing Melissa Gibbon, and the Audit Committee.
- c) With regard to the forthcoming Governor vacancies – Chris Wellings and Marion Wilcock (effective 31st December 2009) and Yvonne Hillier (effective 31st March 2010), it was resolved that an advert seeking Governors should be placed on the College's website and also if possible, on the sites of both local Universities. It was noted that the advertisement might be extended to other areas such as the local newspaper and/or other suitable publications. Peter Freeman invited Governors to let him have any ideas regarding other advertisements for Governors or recommend candidates. It was also intended to include an advert in the newsletters to parents in the near future to encourage applicants for the vacant External Governor posts.
- d) Vacancy for Quality and Curriculum co-optee teaching staff member – following the transfer of Jim Smithyes from co-optee to Staff Governor – the position has been advertised in Staff News recently.

C09/02 Apologies and Welcomes

Apologies were received from Vanessa Brown, Yvonne Hillier, Richard Schaverien, Rod Mallinder, Jim Smithyes and Sue Smith were welcomed to the meeting.

C09/03 Minutes of the Meeting held on 9th July 2009

The minutes were approved and signed by the Chair as a correct record.

C09/04 Matters Arising

There were no matters arising that were not already included within the Agenda items of the meeting.

C09/05 Chair's Report

PF gave his report to the Corporation and the following points were recorded:

- a) Chairs of Sussex FE Governing bodies had met the new Chief Executive of the LSC, Geoff Russell, in September. There was a full and frank exchange on the failure of the LSC to manage the Capital Programme effectively and the consequential financial damage to Colleges. Geoff Russell acknowledged that, with a few exceptions (none of them in Sussex), Governors were not at fault in the Capital Project decision-making process. He agreed to make a public announcement to the effect that Governors had acted in good faith, but to date nothing has been forthcoming.
- b) At the end of July a House of Commons' Select Committee had confirmed that the problems lay with the LSC's mis-management and called on the government and LSC to go beyond their legal financial liabilities.. It has been assessed that the cost nationally of consultancy and other fees incurred by Colleges which aborted Capital Projects totals approximately £250M, of which BHASVIC's share is in the region of £2.5M. Not surprisingly, this recommendation had not been accepted, though some minimal financial help for 2009/10 is still possible.
- c) The source of public funding for future capital development is still unknown. The Government's stated intention is that Sixth Form Colleges will have access to the Building Schools for the Future programme from April 2011 but it is far from clear whether and how this will happen.
- d) The transfer of responsibility from LSC to LA in April 2010 for commissioning, funding and performance management for sixth form colleges is going reasonably well. Some LSC staff will be transferring over to Brighton and Hove Council to assist continuity. A number of issues remain regarding the role of the 14-19 Partnership, although the College's SMT is working to promote the purposes of the legislative changes, particularly on quality improvement and better information and guidance.. One area we are watching closely is the mechanism for commissioning and funding for students who live outside Brighton and Hove but choose to study at BHASVIC. Traditionally 40% of BHASVIC students have been recruited from outside the Brighton and Hove area.
- e) The College was made aware of the Council's proposal to include the BHASVIC/Cardinal Newman playing field as a potential site for a new Primary School via the Argus newspaper. In response to this the Chairs of Governors of BHASVIC and Cardinal Newman had written a joint letter expressing their concern at not being consulted directly. In practise it seems unlikely that this idea will be pursued..

C09/06 Principal's Report

CT gave his report and Governors noted the following:

- a) Various charitable acts initiated by the Student Union, one of which is the first case in the UK following the model established in the USA of pairing a US school with an African School, the latter being in a war-torn area.
- b) Car safety demonstration for Students.
- c) Christmas Concert Wednesday 16th December and E4L Awards Evening Thursday 17th December.
- d) National negotiations regarding staff pay awards has now been resolved with all three of the main Teaching Unions in agreement. The award was agreed earlier in the term for Support staff. The agreement is within the budget already agreed by the Corporation.
- e) Sally Bromley chairs the 16-19 Curriculum Group within the Learning Partnership and similarly Anne Fielding Smith is leading in the area of Guidance within the IAG. Chris Thomson, as the Partnership for Success Champion, is involved in defining management philosophy within the Learning Partnership in order to bind all the providers – Colleges, Post-age 11 Schools and Special Schools - with the strategy planners within the LA and LSC. To date this has proved very successful and the LA's Statement of Needs will be generated shortly as a result of this work. Particular strategic areas for development have been student voice, quality across the City and Information, Advice and Guidance.
- f) BHASVIC's consultation on Guidance (Specialist Tutors) – a presentation was given to the Quality and Curriculum Committee regarding the proposal for the future of Guidance at BHASVIC, involving the introduction of a specialist tutor system. Presently every full time teaching staff member has a tutor group. Ofsted and students have identified this system is not working well nor meeting the needs of the students. Having investigated tutoring systems at other Beacon Colleges, SMT have proposed a system of specialist tutoring in place of the existing model. The new model would involve the introduction of about 20 specialist tutors (rather than approximately 80 at present) and would enable the 20 tutors to have a significant stake in guidance of the College. A consultation process with staff is underway at present.
- g) An external consultant (Steve Hutchinson) had analysed the College's proposals on how to reach the Strategic objective of reducing expenditure on pay as a percentage of income. SMT, having agreed with the Chair of Governors and Chair of Finance & General Purposes Committee that further work is necessary, has recently made new proposals on which staff are being consulted. An initial reaction had been received from NUT members and a discussion arranged for the following day via JUMCoG (Joint Union Management consultation Group). Staff Governors explained the concerns expressed at the NUT meeting about SMT proposals on both tutoring and teachers' contact time. The Corporation noted that decisions on how best to take forward the College strategy need to be reached soon for implementation in 2010/11 Chris Thomson also reported that, following a request from the Student Union, he had also given an undertaking to discuss this matter with them.

C09/07 Sixth Form College Designation

The contents of the paper were noted by the Corporation and Peter Freeman and Chris Thomson gave a further summary of the issues involved. The Corporation were informed that some LA's and SFC's have concerns over debt liabilities as a new financial memorandum has not yet been issued to replace that currently in existence with the LSC. It was agreed that it would be preferable to be part of a larger group

of sixth form colleges rather than remain within the general FE sector as a lone "sixth form" voice.

The Corporation resolved that the College should accept designation as a Sixth Form College. **ACTION: PF/LEP**

C09/08 Strategic Planning Update

Chris Thomson presented the Outturn against the College's Strategic Objectives 2006-2009, the outturn against last year's (2008/2009) Annual Operating Priorities and an update on progress with matters within the Strategic Plan 2009-2012 that were unresolved at the July 2009 Corporation meeting when the Strategic Planning paper was presented and approved.

The contents of the paper were noted and the proposed new entries regarding item 4.0 Progress in setting the Strategic objectives in the Strategic Plan 2009-2012, was approved, subject to the amendment to Target 5: 16-18 year old student numbers as follows:

Delete "to review our and commence implementing our Property Strategy" and replace with: "To devise and implement a new Property Strategy".

C09/09 Draft Minutes of Meetings of Committees

Remuneration Committee 28/9/09 – reported within reserved business

Audit Committee 17/11/09

Dominic Blythe, the Chair of Audit Committee, presented the draft Audit Committee minutes to the Corporation advising that there were no significant audit issues. The following items were considered and approved by the Corporation:

Audit Committee Annual Report 2008/2009
Internal Audit Strategic Plan 2009-2012
External Audit Management Letter
Financial Management and Control Evaluation (FMCE)
Risk Management Annual Report
Performance Indicators for Audit

With regard to the FMCE document listed above, Dominic Blythe explained that the Committee had assessed the detailed return and recommended that the option of a shortened version of the FMCE be approved and submitted this year, owing to the fact that the grading of "outstanding" had not altered compared to last year's return.

It was also noted that the College would be issuing a Fraud Policy next term for consideration by the Corporation to supplement the details regarding fraud procedures already detailed in the College's Business Procedures.

Dominic Blythe reported that the a tendering process in respect of both External and Internal Auditor services would commence next term with proposals likely to be submitted to Corporation for approval in the Summer Term 2010.

Chairs' Committee 10/11/09

The draft minutes of the Chairs' Committee meeting were noted.

Peter Freeman advised Governors that the Chairs had also considered part of the FMCE document referred to above, as part of its annual Governance Self-Assessment exercise. A separate report had also been prepared on Governance Self-Assessment which had been submitted to Sally Bromley for inclusion in the College's SAR (refer to Q & C Committee business).

The following papers were approved:

Governance Self-Assessment (SAR)
Annual Review of Corporation Decision Making Processes
Annual Review of Corporation's Confidential Papers/Minutes
Governor Links Policy

Regarding the new Governor Links Policy, Governors welcomed the new process and looked forward to arrangements being made for them to visit College in the latter part of the Spring Term. Following a suggestion by Jim Smithyes, Governors noted that should they so wish, they could be invited to attend an NUT meeting as an observer only.

Finance & General Purposes Committee 23/11/09

Peter Freeman (reporting on behalf of Kate Blenkinsop – co-optee Chair in the absence of Howard Kidd from the meeting) and Howard Kidd presented the draft meeting minutes of the meeting and the following points were noted by Governors:

- a) As result of aborted capital project, £2.4M write off in respect of consultancy fees incurred have been included in the financial statements. Of the £2.4M, £1M was funded by the LSC once the College's AiP had been approved. Part of the overdraft facility with Barclays Bank has been carried forward within the statements and at some point, subject to finalisation of LSC's financial modelling exercise which may determine that additional funding be awarded to Colleges in respect of a proportion of the consultancy costs incurred, may be converted into a longer term loan. Currently the College has an overdraft facility agreed with Barclays of £1.5M until June 2010. The Bank and the auditors have been kept up to date with the delay in completion of the LSC's financial modelling exercise.
- b) The Financial Statements have been audited but it is recommended that they not be signed off on behalf of the College by the Chair and Principal, until the outcome of the LSC's financial modelling exercise – the results of which are promised before the year end. Should additional LSC funding be awarded will improve the College's final accounts for the year to 31/7/09.
- c) I & E account – page 215 of the papers, deficit on continuing operations is (£557,000) which includes a write back from the part of the College's buildings previously written off in respect of the planned capital programme. Historical Cost surplus for the year (predicted outturn 2009/2010) is slightly worse than the budget for 2009/2010 being £26,000 less than budgeted as a result of a reduction in tuition fees which the College had anticipated receiving. Predicted outturn 2009/2010 column, net cash inflow is £135,000.
- d) Page 204 of the papers – Principal Risks and Uncertainties – the fifth paragraph was highlighted, namely "The Corporation has considered whether

- e) Following a query from Rod Mallinder regarding the total level of debt which the College could reasonably be able to afford, taking into account the fact that there will be a need to maintain the existing buildings, Jutta Knapp indicated that in her view the College could probably service in the region of £4.5M, which would cover servicing the existing debt caused by the aborted capital project and funds to continue to maintain the existing buildings.

The following papers were approved:

- a) Annual Report and Financial Statements for the year ended 31/7/09. It was resolved that delegated authority to sign the Report and Financial Statements should be granted to the Chair of Governors and Principal, should further LSC funding be advised to partly offset the consultants' cost write off, thereby improving the College's financial position in the accounts for the year to 31/7/09. **ACTION: PF/CT**
- b) Health and Safety Policy
- c) Results for the first three months
- d) Environment Policy.

Human Resources Committee 16/11/09

Pippa Smith, Chair of HR Committee presented the draft minutes to the Corporation and summarised the key points arising from the meeting.

The following papers were approved:

Safeguarding Policy
Probation Policy

Pippa Smith also reported on the useful and interesting presentation given at the start of the meeting by members of teaching staff from ESOL and MFL.

Regarding Safeguarding training, Anne Fielding Smith reported that the majority of staff had now received their training and that training for the Chair of Corporation, Chairs of HR and Q & C Committees would take place in January 2010 with a further training session for all Governors at the March Corporation meeting.

Quality and Curriculum Committee 24/11/09

In the absence of Yvonne Hillier, Elizabeth Lamb presented the draft Q & C Committee minutes and gave a summary of the key items discussed at the meeting.

The following papers were approved:

Self-Assessment Report (SAR) and Action Plan
Annual Operating Priorities (noted)
Examination and Assessment Policy and Internal Appeals Policy
Marketing Policy

It was also noted that the Committee had been presented with a paper entitled The Future of Guidance at BHASVIC which had been discussed in some detail and any

Governor not already a member of Q & C Committee, was welcome to request a copy from Louise Pennington or Anne Fielding Smith.

Search Committee 9/12/09 - refer to item C09/01

All Committee Terms of Reference – following recommendation from the Committees, the terms of reference were approved, but it was noted that the Remuneration Committee terms of reference would be updated, subject to Corporation approval of the proposed changes as detailed in the Reserved Remuneration Committee minutes. **ACTION: PF**

C09/10 Any Other Business

a) Student Report

Sam Rowe and Matt Ward gave a verbal presentation to the Corporation with the following points being recorded:

- SU Constitution has been revised and will be reviewed at the next Cross College Council meeting, before being presented to Q & C Committee and then Corporation for approval.
- Enrichment issues for students, particularly problems arising from clash with timetabling during lunchtimes was discussed
- .

There was no other business.

C09/11 Date of Next Meeting

Tuesday 23rd March 2010 at 6.00 p.m.

C09/12 Reserved Business

Refer to separate minutes.

It was resolved that the Student Governors and Jim Smithyes should leave the meeting at this point.

Louise Pennington
Clerk to the Corporation

CHAIR.....

DATE.....