

## **BARNSELY COLLEGE BOARD OF GOVERNORS**

### **MINUTES OF THE MEETING OF THE BOARD OF GOVERNORS HELD ON TUESDAY 20 OCTOBER 2015**

#### **PART I**

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##### **PRESENT:**

G Beever	Governor	G McSkimming	Governor
P Bird	Governor (staff)	C Partridge	Governor
N Bowen	Governor (Vice Chair)	S Perryman	Governor (Vice Chair)
R Dewar	Governor	R Pourali	Governor
E Holmes	Governor (FE student)	D Shepherd	Governor
P Jagger MBE	Governor (from 15.239)	J Thirkell	Governor (Chair)
R Kent	Governor (HE Student)	C Webb	Principal

##### **IN ATTENDANCE:**

A J Oaks	Clerk to the Board	P Singh	VP Comms and Recruitment
D Harding	VP Quality & Adults	A Fairest	VP Property Development
L Miah	Director of Finance	J Miccoli	VP Teaching & Learning
T Johnson	VP Corporate Services	P Briscoe	AP Access to Learning
P Skelland	Head of Estates (from Min 15.262)		
B Mansford	Governor with effect 9/11/15 (from Minute 15.239)		

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##### **APOLOGIES FOR ABSENCE**

15.223 Apologies for absence were received from S Brian, R Eccleston, S Turton, M Wesson.

##### **DECLARATION OF INTERESTS**

15.224 The Chair reminded members of the requirement to declare any financial or personal interests in any agenda items. Members reserved the right to declare any interests should any arise during the course of the meeting. Standing declarations from C Partridge and Governors / SMT who were Directors of Wellspring Academy Trust were noted.

##### **MINUTES**

##### **Minutes of the meeting held on 22 September 2015**

15.225 The Minutes of the Extra Ordinary Board meeting held on 22 September 2015 were confidential and would be approved under Agenda Part II.

##### **MATTERS ARISING**

15.226 The Board received a list of actions arising from previous meetings, the status of which was noted with no issues raised.

##### **GOVERNANCE AND SEARCH COMMITTEE BUSINESS**

15.227 The Chair referred members to the Minutes of the meeting held on 24 September 2015 and recommendations contained therein. The G&S Committee had considered applications from Paul Jagger MBE, and Ben Mansford, both of whom had been interviewed and were recommended for appointment to the Board. At the current time, the Board had one vacancy and it was proposed that P Jagger be appointed. The Chair had written to Board members some weeks previously to inform them of her decision to retire from the Board

and had since made the decision to stand down after the Graduation Ceremony on 6 November 2015.

This effectively created an immediate vacancy for both a Governor and Chair. It was proposed that B Mansford be appointed to fill the governor vacancy with effect from 7 November 2015.

- 15.228 The Chair commented that recent appointments on the Board, particularly the new Vice Chair S Perryman, had brought about a significant and positive impact on the profile of the Board, and that the two new appointments would enhance this further, demonstrating an extremely strong Board to take the College forward. The Board had no hesitation in approving the two new appointments.

**RESOLVED 15.229.1 To appoint Mr Paul Jagger MBE as a member of the Board for a term of office of four years;**

**RESOLVED 15.229.2 To appoint Mr Ben Mansford as a member of the Board for a term of office of four years with effect from 7 November 2015**

- 15.229 A further recommendation to appoint Ms Anna Milanec as a co-opted member of the Audit committee was put forward and accepted. The Chair of Audit welcomed the addition of an experienced co-opted member to further strengthen the Committee.

**RESOLVED 15.230 To appoint Ms Anna Milanec as a co-opted member of the Audit Committee.**

- 15.231 Further recommendations were made with regard to Committee memberships and approved as follows:

**RESOLVED 15.231.1 To appoint Mr D Shepherd to the Audit Committee**

**RESOLVED 15.231.2 To appoint Mr B Mansford to the F&R Committee**

**RESOLVED 15.231.3 To appoint Mr C Webb to the F&R, G&S and Q&S Committees**

**RESOLVED 15.231.4 That the Vice Chair N Bowen be appointed as Chair of the Remuneration Committee.**

- 15.232 The Board wished to enact its power as the sponsor of Wellspring Academy Trust to appoint the Principal, C Webb as a Trustee.

**RESOLVED 15.233 That C Webb be appointed to the Board of Wellspring Academy Trust.**

- 15.234 The G&S Committee had also reviewed the Code of Good Governance, presented as a matrix to highlight the aspects underpinning each of the 10 key principles and where evidence could be identified to demonstrate compliance. In terms of reviewing the Board's effectiveness against the Code, it had been suggested by the Committee that the Code be used as a self-evaluation tool that could be considered during the strategic seminar. This was agreed by the Board.

- 15.235 The G&S Committee had reviewed several governance policies after a period of two years. The Code of Conduct for Board Members, Standing Orders for the Conduct of Business, Terms of Reference of all the Board's Committees and the Recruitment and Selection Policy had been updated in line with good governance practice and recent legislation. Copies had been circulated to all Board members and were recommended for approval. In addition the Role Description for the Chair, Vice Chair and Governors had been substantially amended to reflect the time commitment required of each individual role at Barnsley College, particularly that of the Chair.

**RESOLVED 15.236.1 To approve the Code of Conduct for Board Members, 9<sup>th</sup> Edition**

**RESOLVED 15.236.2 To approve the Board's Standing Orders and Terms of Reference of its Committees**

**RESOLVED 15.236.3 To approve the Board's Recruitment and Selection Policy**

**RESOLVED 15.236.3 To approve revised Role Descriptions for the Chair, Vice Chair and Governors.**

- 15.237 The Chair referred to the Board attendance analysis for 2014/15, which was exceptionally good at 87%. Commenting on levels of attendance generally, the analysis had highlighted where specific individuals had fallen below the target during the year; this had been addressed during the 1-1s to ensure there was a full understanding by Governors of the importance of participation and contribution to the Board's work, particularly in terms of the expectations of Ofsted.
- 15.238 The results of the recent self-evaluation exercise had been analysed and shared with the Committee. Strengths and areas for improvement had been identified and would be taken forward later in the term as an Action plan.

*Mr Paul Jagger MBE and Mr Ben Mansford joined the meeting.*

- 15.239 The Chair welcomed Mr Jagger and Mr Mansford and congratulated them on their appointment. Introductions were made by all.

**APPOINTMENT OF CHAIR TO THE BOARD**

- 15.240 The Chair confirmed that in accordance with due process, nominations for the role of Chair to the Board had been received from Mr Simon Perryman and Mr Paul Jagger. Each candidate provided a brief address to members of the Board, setting out their background, skills, strengths, details of leadership roles current and past, and of their reason for wishing to take on a leadership role with Barnsley College Board. Further to the candidates' addresses, both individuals withdrew from the meeting to allow voting to take place.
- 15.241 The Principal spoke, stating that both individuals had excellent personal qualities and many strengths, with different aspects for the Board's consideration. Members shared their views and asked further questions about each individual to inform decision making. Whilst it was agreed both were extremely strong candidates, there was a general consensus that Simon Perryman's engagement in the skills sector gave him an advantage in terms of his networking ability and high profile contacts within the sector both local, regionally and nationally. Following a lengthy debate, a secret ballot was held and votes counted by the Clerk.
- 15.242 By a significant majority Mr Simon Perryman was duly elected as Chair to the Board. The Chair advised members that she would now wish to move to appoint a Vice Chair and that Mr Paul Jagger be considered for the position. Following voting by show of hands, Mr Paul Jagger MBE was duly elected as Vice Chair to the Board. The Chair invited the candidates back to the meeting and both were congratulated on their respective appointments.

**AUDIT COMMITTEE BUSINESS**

- 15.243 The Chair of Audit presented the unconfirmed Minutes of the Audit committee meeting held on 22 September 2015, referring to recommendations for consideration. The Annual Internal Audit Report for year ending 31/7/15 which had been considered in detail, was recommended for approval. The opinion given by the internal auditors was one of 'reasonable' assurance in relation to the college's systems of internal control, governance and risk management processes. Further, operational assurance had been provided concluding that the college had adequate policies, procedures and operations in place to manage its statutory and regulatory obligations. Overall a very good report, and C Partridge explained that the Committee had requested a progress report from management be brought to the March 2016 meeting on the implementation of the recommendations made within the SLA advisory review. She added that discussion had also taken place with regard to the scope of audit reviews, encouraging management to include areas of concern within the Plan to obtain the best value for money from the internal audit process.

**RESOLVED 15.244 To approve the Annual Internal Audit Report for year ending 31 July 2015.**

- 15.244 The Chair of Audit referred to the Risk Register which had been presented for Board approval.  
She commented on the importance of the Board owning the top level risk register and suggested that it be presented at least once, perhaps twice each year, to allow the Board to acknowledge the high level risks and understand how these were being mitigated. The VP Corporate Services advised members that the Risk Management Policy was appended for Board approval, which encapsulated minor changes that had been made as a result of discussions at Audit Committee level.
- 15.245 The VP explained the scoring formulae and risk classification matrix for Governors' information. Questions were raised with regard to the level of risk presented by the ABR process to understand what controls were currently in place to mitigate risks and how management had determined these. D Shepherd commented that it would be helpful to see more clarity around the risks associated with this in the context of protecting the College's Tertiary status as the process moved forward. The Chair responded, stating that due to the College being engaged fully in the process, it was unlikely there would be any surprises when the outcome and recommendations were published. The Chair of Audit assured the Board that she was comfortable with the level of SMT scrutiny from an operational perspective. Due to the significance of the ABR it was proposed the Board have sight of the Risk Register again in the spring term.

**RESOLVED 15.245.1 To approve the Risk Management Policy.**

**RESOLVED 15.245.2 That the Risk Register be presented to the Board in March 2016.**

- 15.246 The Chair referred to the final recommendations within the Minutes which related to the SORP Accounting Policies. The F&R Committee had also considered the options put forward in respect of the policies and concurred with the Audit Committee which was reassuring.

The Minutes were received.

## **FINANCE AND RESOURCES BUSINESS**

- 15.247 The Chair of F&R, R Dewar was invited to summarise the business conducted at the meeting held on 6 October 2015. Of note was the draft financial outturn for 2015/15 which indicated, subject to audit, EBITDA of 17.5%, which was significantly better than forecast due to careful and cautious management of budgets, particularly income and expenditure, by both SMT and heads of department. Financial performance for the year had been exceptionally strong with the highest surplus recorded for many years. Only two other colleges in the sector had recorded a higher EBITDA which was excellent. With regard to the Accounting Policy options, R Dewar explained the impact on the financials of the two options for the benefit of Governors who were not members of the Committee. In response to a question from the Vice Chair on the choices, the Chair of Audit provided additional assurances of the rationale, adding that in 2 to 3 years the option chosen by the College would become mandatory. Further to consideration the Board approved the recommendations of both Audit and F&R.

**RESOLVED 15.248.1 To adopt the performance model for accounting for Government and Capital Grants and for Asset Revaluation;**

**RESOLVED 15.248.2 That there would be no revaluation of assets, and that on transition the assets should be transferred at historical cost.**

**RESOLVED 15.248.3 To adopt the accrual model for revenue recognition for Government Revenue Grants**

**RESOLVED 15.248.4 to adopt the process outlined above for Holiday Accruals.**

- 15.249 The Chair of F&R then asked the Board to approve the recommendation from the Committee for the implementation of a new HR system in the College. The VP Corporate Services spoke of the advantages the system would provide to staff over and above the existing one in terms of functionality, which were substantial.

**RESOLVED 15.249** to approve Midland HR as the preferred supplier for the implementation of the new Software system.

15.250 The Board received a recommendation from the F&R Committee to approve the Policy for Subcontracting, as this was now a requirement of the SFA. The Policy had been reviewed by the Committee who were content to recommend its approval.

**RESOLVED 15.251** to approve the Policy for Sub Contracting.

*The VP Property Development and Head of Estates joined the meeting.*

*B Mansford left the meeting.*

## **2014/14 DRAFT FINANCIAL OUTTURN**

15.252 The Director of Finance presented the outturn, commenting that figures were subject to final external audit and that the report had been discussed in detail by the F&R Committee. It was reported that EBITDA of 17.5% was significantly better than forecast and that this was due to careful and cautious management of budgets, particularly income and expenditure, by both SMT and heads of department. Financial performance was exceptionally strong this year, with the highest surplus recorded for many years. She added that only two other colleges in the sector had a higher EBITDA.

15.253 All Development plan targets had been met with exception of tuition fees and international. Total expenditure was reported to be £2,694k better than budget, with staff costs 8% below budget achieving savings of £2,038k. The impact of this would be a reduced EBITDA in 14/15 and an increase in 2015/16. The key financial targets had been met and/or exceeded, with the SFA financial health grade remaining satisfactory. All three key ratios demonstrated improved financial performance in the budget. Banking covenants were expected to be achieved and would be confirmed when the financial audit had been undertaken. Governors acknowledged that staff should be congratulated for the outstanding financial performance.

The report was received.

## **RECRUITMENT 2015/16**

15.254 The Board received a report highlighting the current position for 16-18, adults and HE recruitment. The College expected to receive the lagged student number contract of 4230 in 2016/17 from EFA against the 3 year plan target of 4275. The departments most affected by the reductions were highlighted in the paper, as were those with significant growth. Questions were raised by governors wishing to understand the reasons for the numbers falling below target, which the VP Comms and Recruitment responded to. In respect of the Sixth Form, one of the reasons was the change to entry requirements and also competition from other colleges. The Principal spoke of the work being undertaken by the interim Principal of the Sixth Form College, who had been successfully appointed to the permanent post with effect from 1 January 2016, commenting that she understood the role extremely well and had already implemented new strategies to drive up recruitment, engaging with local Secondary Heads. The Principal added that there were several opportunities for the College to recruit additional students, including marketing the new building, partnership work with other colleges and recruiting from outer district schools, to address the demographic dip.

15.255 Questions were raised with regard to the entry criteria for A levels which was now more specific for certain subjects in line with new DfE reforms. The Principal explained the differences and rationale for making the changes to move towards 3 year programmes. Governors commented favourably with regard to the strategy, recognising the benefits to the College. In respect of HE recruitment, the anticipated shortfall in income was acknowledged.

The Report was noted and received.

## ANNUAL REPORT – SAFEGUARDING

- 15.256 The VP Access to Learning presented the Annual Report which provided a comprehensive summary of the College approach towards safeguarding its learners, staff and visitors in order to ensure compliance with the various legislation and regulations. In terms of safeguarding vulnerable adults, the introduction of The Care Act 2014 had placed similar statutory obligations on the college as those for safeguarding children and young people. In addition, the assent of the Counter Terrorism and Security Act had placed new duties on the college to have ‘due regard to the need to prevent people from being drawn into terrorism’. As in previous years the College aimed to exceed its duties by continuing to keep the college a safe and supportive place for everyone. A list of activities undertaken in 2014/15 in respect of achieving that aim were included in the paper. Full details were provided of the total number of disclosures in each department and work undertaken to support new learners in their transition to college life. The Board were pleased to note that a total of 717 staff had undertaken mandatory training in safeguarding and the new Workshop to Raise Awareness of Prevent (WRAP) training, which Governors had also undertaken. Positive comments were made by Governors with regard to the two case studies provided.

The report was noted and received.

## POLICY ON PREVENT

- 15.257 The Board were asked to approve the College’s new Policy on Prevent. The Policy was required to be implemented to enable the college to comply with its statutory duties under the Counter Terrorism and Security Act 2015, which placed a duty on it ‘*to have due regard to the need to prevent people from being drawn into terrorism*’. The duty also required the College to ‘actively promote’ fundamental British values of democracy, rule of law, individual liberty, mutual respect and tolerance of those with different faiths and beliefs.
- 15.258 The VP Access to Learning explained that with FE colleges being the major education and training providers for the 16 – 25 year age group, particularly young people from ethnically diverse, and socially and economically disadvantaged areas, the age and profile of college students meant that it was crucial the college became fully committed to the Prevent strategy. The College’s strategy had five key objectives to ensure learners would be safeguarded from the risk of radicalisation and extremism. Governors noted that the Policy set out very thorough and robust procedures. The VP referred in particular to the section on external speakers and events, whereby the College was committed to ensuring the campus remained a safe place for all users and would carry out thorough checks before allowing events to take place on college premises. In response to a question from R Pourali in relation to cases of hate crime and raising awareness, the VP reported there had been two cases where students had been the victim of hate crime but this had happened outside of the College. He added that the college was now encouraging a climate where as a result of awareness raising, any potential signs would be identified and addressed quickly. He believed learners were becoming more confident in this respect. The Chair shared details of a recent incident that had taken place in the College that she had been informed of immediately by the Principal. She congratulated the staff involved for their commitment to resolving the issue and for providing regular updates which gave her much confidence in college procedures.
- 15.259 Asking student members for their views, E Holmes commented that concerns expressed at Student Union meetings had demonstrated there was more awareness amongst students of the issues. R Kent added that he had been asked to stay behind after the WRAP training for governors to discuss his opinions and how additional awareness could be promoted. Further to R Kent’s comments on work to raise awareness of Safeguarding and Prevent, the VP Teaching and Learning provided examples of activities being undertaken across college to embed the policies and procedures, adding that the College prided itself on its rapid response to issues.

**RESOLVED 15.260 To approve the Policy for Prevent.**

## **ANNUAL REPORT – SEN**

- 15.261 The Board received its first Annual Report on Special Educational Needs (SEN), presented by the AP Access to Learning. The Report highlighted how the College had complied with its statutory duties under s41 of the Children and Families Act 2014, particularly the duty for the College to use its best endeavours to secure the SEN provision that a young person needs, the purpose of which was to ensure the right support was provided. This duty applied to students with SEN up to age 25 in FE and 14-16 recruited directly. The SEN Code of Practice published in 2014 had set out the rules and regulations for Colleges in terms of compliance, and the College had worked hard to implement these to the point of being able to present compelling cases for commissioning high needs places.
- 15.262 The Report covered details of student support packages, staff, systems and school reviews. The Board were informed that high needs places had increased from 262 in 13/14 to 354 in the current year. The AP commented that it was a testimony to the College's reputation working with such learners that the out of borough places totalled between 59-70 places. The ALS department was currently working with six Local Authorities to commission Element 3 funding, which was the second highest number of high needs commissioned places in the whole FE sector. The income generated enabled the college to continue offering high quality support for learners with SEN and to focus on commissioning for learners the college assesses as High Needs, even in cases where the learners may not have a statement of SEN or s139a in the school system. Governors acknowledged the work being undertaken by the ALS department and noted the successes highlighted within the report. Of particular note were the success rates for students receiving ALS which showed the rising trends over the last four years from 86.5% in 2010/11 to 93% in 13/14.
- 15.263 Further questions were raised by a Governor seeking clarification as to the approach to commissioning places and the financials. The Principal responded with additional detail, and advised the Board that the financials were regularly considered and discussed in more depth by the F&R committee and at the last meeting there had been no financial concerns.
- 15.264 The Chair reminded members of her imminent retirement from the Board and emphasised again the importance of there being a link governor for Safeguarding and Prevent to provide clarity and assurance to the Board as to how effectively the College was meeting its statutory duties and be able to articulate this to third parties such as Ofsted. The Clerk advised that one Governor had been approached with a view to taking on the role and that she would follow this up. Volunteers to provide a link with SEN were also encouraged to come forward to the Clerk.

## **ANNUAL REPORT – HEALTH AND SAFETY**

- 15.265 The Board received the annual Health and Safety report covering details of the College's H&S Policy, which included minor amendments for Board approval; accident statistics and staff training. The VP Corporate Services introduced the report which showed an increase in the number of accidents reported by students, the majority of which had occurred in the Construction department. Full details were provided to Governors of the actions being taken by management to address the increase including the implementation of interim management arrangements, bespoke inductions and spot check audits. Questions were raised by Governors regarding the statistics particularly the issues in construction and severity of RIDDOR accidents. The Vice Chair expressed some concern regarding the issues in Construction to which the VP CS assured the Board of rigorous scrutiny by SMT through the departmental performance review process. The Principal provided further background details of the incidents that had occurred and how this had been successfully managed.
- 15.266 The Chair commented that the role of the link governor in this area was important and that the new link for this area would monitor progress through link visits and reviewing of action plans. Governors were content with actions that had been taken but asked that a report be brought to the next meeting identifying progress and providing some clarity in terms of H&S standards in the industry sector. It was noted that S Turton had taken over from P Bird as the H&S link governor.

**RESOLVED 15.267      To approve the Health and Safety Policy**

## **ANNUAL REPORT – COMPLAINTS**

- 15.268 The Board received the annual Complaints report which indicated the number of complaints received to be 61, an increase of 25 compared to 2013/14. 12 related to HE and 49 to FE. A table had also been provided to governors summarising each complaint in detail together with resolution and timelines. Areas where complaints had been higher were summarised and some discussion took place around the issues that had arisen in the Music Media and Performance department at UCB, the VP Q&A providing background information. Student governor R Kent, who had signed up for his course before the College had taken over UCB commented on his experiences in the last 18 months which had been challenging due to changes in staffing following the transfer. In response to further questions, the Principal emphasised that the college had prioritised replacing staff who had left and there was now a much different and improved culture in the department. He added that the complaints provided an opportunity for improvement. Further to the Chair's comment regarding the importance of student satisfaction, health and wellbeing, R Kent commented that he now felt more comfortable within the department and that his weekly meetings with the Assistant Principal HE were most useful and enabled issues arising from other HE students to be fed back to SMT via the AP.
15. 269 Further data provided for governors' information included a breakdown of complaints by type, department, gender and whether learner, parent or stakeholder initiated, which Governors found helpful. None of the complaints related to gender, ethnicity or disability. The VP remarked that there were no particular trends other than communication issues between some parents and learners.

The Report was received.

## **REPORT TO SPONSOR FROM CEO OF WELLSRING ACADEMY TRUST**

- 15.270 A report to the sponsor had been provided by the CEO of Wellspring Academy Trust updating it on recent developments. The CEO had been unable to attend. The report was noted and received.

## **PRINCIPAL'S REPORT**

- 15.271 The Principal's report was noted and received.

## **GOVERNOR /LEARNER ENGAGEMENT FEEDBACK**

*G Beever and the VP Q&A left the meeting.*

- 15.272 D Shepherd provided verbal feedback to the Board following a link visit and an OWL at the Sixth Form College. His visit had covered three lessons and a management team meeting. Some follow up work was required by the strategic leads in this area as part of the regular monitoring visits and a meeting with the new Principal of the SFC Liz Leek had been arranged. Overall the visit had been very positive and a full written report had been submitted to Chair and Principal.
- 15.273 N Bowen commented that his participation on the interview panel for the appointment of the new Principal, SFC had been a positive process that had generated more aspects for future challenge.
- 15.274 R Dewar and E Holmes had undertaken a strategic monitoring lead visit with the VP Teaching & Learning and had been very impressed with the extent of the work undertaken by the college, particularly the Teachers Fair. R Dewar added that it had been a useful opportunity to understand the scope of the activities and how these extended across all areas of college, demonstrating a tremendous sense of engagement. He added that he was looking forward to undertaking an OWL in the near future.

## **DATE AND TIME OF NEXT MEETING**

- 15.275 The next meeting would be held on Tuesday 15 December 2015 at 4.00 pm.



*J Miccoli, P Singh, P Briscoe and T Johnson left the meeting.*

End of Part I.

Signed ..... S Perryman (Chair)

Dated 15 December 2015