

## CORPORATION/COMMITTEE PAPER

### Meeting of the Corporation

15 December 2021

<b><i>TITLE</i></b>	Minutes of the previous meeting held on 28 October 2021
<b><i>PURPOSE</i></b>	To receive, agree and approve the minutes of the previous meeting held on 28 October 2021
<b><i>RECOMMENDATION</i></b>	Governors are recommended to note the minutes

<i>No. of pages in main paper</i>	11
<i>Appendices (with no. of pages)</i>	None
<i>Risk Register Reference</i>	-
<i>Operating Statement Reference</i>	-
<i>Financial Implications</i>	None
<i>EDI Implications</i>	None
<i>Other Risk Implications</i>	Failure to follow agreed and proper practices
<i>Paper Previously Considered by</i>	-
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# MINUTES OF A MEETING OF THE BOARD OF LEICESTER COLLEGE CORPORATION

HELD ON 28 OCTOBER 2021



Present:	Jonathan Kerry (Chair) Zoe Allman Lisa Armitage Shaun Curtis Anne Frost Danielle Gillett	Chan Kataria Zubair Limbada* Simon Meakin* Louisa Poole* Tom Wilson
In Attendance:	Louise Hazel Shabir Ismail Debi Donnarumma Jody Kerrod Kully Sandhu Della Sewell Zoe Butler	Director of Governance and Policy Acting Principal Vice Principal Quality Improvement Manager (item 6) Vice Principal Director of HR Director of Student Services and Marketing (item 5)

\*Attendance via Teams

Governors were welcomed to the meeting and introduced themselves.

## **1 DECLARATIONS OF INTERESTS**

- 1.1 Zoe Allman and Zubair Limbada declared an interest in item 12. Louise Hazel declared an interest in item 17.

## **2 APOLOGIES FOR ABSENCE**

- 2.1 Apologies for absence were received from John Allen, Tim Gray, Verity Hancock, Ed Marsh and Caroline Tote. Akith Maluge and Jai Sharda were absent.
- 2.2 The Chair explained that Verity Hancock was taking an extended period of paid compassionate leave following the death of her husband. A Special meeting of the Search and Governance Committee had taken place on 26 October and agreed the arrangements for her leave and that Shabir Ismail would act up as Principal/CEO and Accounting Officer from 1-30 November, to be reviewed at that point. Governors expressed their condolences to Verity and her son.

## **3 MINUTES OF THE LAST MEETING AND MATTERS ARISING**

- 3.1 Governors received and approved the minutes of the meeting on 14 July

**2021.**

3.2 **Governors received and approved the confidential minutes of the Special meeting on 14 July 2021.**

3.3 As a Matter Arising from the Confidential minute, an update on the costs of the Judicial Review was given.

#### **4 FEEDBACK FROM RECENT COMMITTEE MEETINGS**

4.1 The Chair invited Committee Chairs to feed back on recent meetings. The following points were highlighted:

4.1.1 The Search and Governance Committee had met and all significant items were included on this agenda.

4.1.2 The F&GP had reviewed the Period 12 accounts. It had also considered a health and safety annual report, gender and ethnicity pay gaps which provided a good set of information although comparative data was hard to find and had approved small bad debt write offs.

4.1.3 The Audit Committee had a good discussion about an FE Commissioner report on a good college which had fallen foul of funding rules. It had looked at the internal audit plan for the year, which was on track, an Ofsted report on Initial Teacher Education, a review of the College's HR policies which had proved helpful, cyber security and data protection and a JCQ malpractice review. Feedback on external audit had been given.

4.2 **Governors noted feedback from recent committee meetings.**

#### **5 SAFEGUARDING**

5.1 The Director of Student Services and Marketing presented the Safeguarding Annual Report. The following points were highlighted:

5.1.1 The total number of referrals to the Safeguarding team for 2020/21 was 106, a decrease of 18 from 2019/20.

5.1.2 The gap between female and male students had increased on the previous two years.

5.1.3 There had been a greater number of over 18 students, for the first time in three years.

5.1.4 The College had referred more cases to Police and Social care than previously; they contributed 31% and 29% respectively of all referrals to services.

5.1.5 Mental Health and self-harm continued to increase. Threats and sexually related abuse were higher for 2020/21, 23% of overall total referrals. There was an increase in domestic abuse referrals.

5.1.6 The team had strong links with external agencies; one of the benefits of the past year had been the ability to attend more

5.2 Governors asked a number of **questions** including:

5.2.1 **Whether the previous issue with getting data out of CPOMS had**

**been resolved.** Yes, this was now resolved. There had been an issue with the categorisation of data; feedback from the team was that it was now producing the data required.

- 5.2.2 **Behind the data were individual stories; what happened to those individuals and what support was available to them and to the staff involved with them?** For next year's report, some case studies would be included but a variety of types of support was available both as one-off or ongoing support through mentors, ASPIRE (mental health), counselling or external support. Cases were not closed until the team was happy the issue had been resolved. The safeguarding team shared information between members and were able to support each other, mentors had line management support and counsellors had external support.
- 5.2.3 **The ability to provide online support had appeared to be a positive development for some students; would this continue?** The plan was to continue both online and face to face support for students.
- 5.2.4 **What was behind the reason for the higher number of female students and did this reflect the College population?** This would be looked into.
- 5.2.5 **Whether it would be possible to give some examples of the types of bullying and harassment incidents and the action taken.** This would be provided. Further work was needed on the recording of bullying and harassment and work was underway to raise awareness amongst staff of the importance of reporting all cases in order to identify any hotspots.
- 5.2.6 **Whether there was an under-reporting of peer-on-peer abuse, including low level incidents, which was also harder to tackle?** Very possibly. This was another priority; the College was adopting a zero-tolerance approach to abuse including lower-level abuse such as name calling and what might be considered banter. This had been communicated at a staff development session and was part of a longer-term plan to change culture.

*Lisa Armitage and Shaun Curtis joined the meeting*

- 5.3 The Director of Student Services and Marketing presented updated guidance on Keeping Children Safe in Education (KCSIE). The following points were highlighted.
  - 5.3.1 The College's policy had been changed to reflect the changes in KCSIE. An update had been provided to staff drawing their attention to the changes around sexual violence and harassment.
  - 5.3.2 The main changes covered online safety, criminal and sexual exploitation, mental health, peer on peer abuse, serious violence and the management of safeguarding.
  - 5.3.3 An action plan was being developed to reflect the changes and recommendations from a recent audit.
- 5.4 **Governors noted that there had been a lot of interest in sexual harassment in schools and that colleges must also be affected.** Agreed; it was acknowledged that it would be happening and the College should be alive to this. Work was underway with the student union women's officer to identify

any areas where students might not feel safe.

- 5.5 **Governors received and noted the annual safeguarding report and update on Keeping Children Safe in Education.**

## **6 COMPLAINTS ANNUAL REPORT**

- 6.1 The Quality Development Manager presented the complaints annual report for 2020/21. The following points were highlighted:

- 6.1.1 There had been 124 informal and formal complaints received during the year compared to 170 the previous year, a decrease of 27%. There was a three-year decline in complaints. Informal complaints decreased by 39% and formal complaints decreased by 17% from the previous year.
- 6.1.2 Overall, only three complaints in 2020/21 progressed from stage one to stage two; this compared to two the previous year, No complaints progressed to stage three in either year, indicating that complaints were normally resolved within the stage one formal process.
- 6.1.3 There had been a decrease in complaints about service areas notably IT and accommodation and an increase in those relating to exams and enrolment, most of which related to students being unable to get onto a course. A number of complaints related to exams in January 2021 which had been complicated by late and confusing announcements by the Government following the January lockdown.
- 6.1.4 There were no themes or recurrences of complaints against individual members of staff.
- 6.1.5 There had been 11 compliments most relating to the support for students during the pandemic.
- 6.1.6 Some changes to the policy were being introduced, to try to resolve informal complaints more effectively. Changes to categorisation were also planned to help to identify EDI issues ore clearly.

- 6.2 Governors **noted** that analysis by EDI indicators would be helpful and asked a number of **questions** including:

- 6.2.1 **Whether the number of compliments included all compliments sent to Curriculum Areas.** It did not; there would be many more informal compliments received by the Curriculum Areas.
- 6.2.2 **Why there was a distinction between formal and informal complaints.** The distinction should encourage areas to deal quickly and more effectively with minor issues. The example was given of a student not liking their timetable which should be dealt with locally rather than requiring a formal complaint to be raised.
- 6.2.3 **Was the decrease in complaints a temporary issue because people were not able to complain in person?** It was hard to know but most complaints were written or over the phone.
- 6.2.4 **While the decrease in complaints was positive it was important to know that complaints were being received and dealt with.**  
Acknowledged.

- 6.3 **Governors noted the Complaints Annual Report.**

## **7 WHISTLEBLOWING ANNUAL REPORT AND REVISED POLICY**

- 7.1 The Director of Governance and Policy presented the annual report on whistleblowing and a revised Whistleblowing Policy. The following points were highlighted.
- 7.1.1 There had been no whistleblowing incidents during the year.
  - 7.1.2 The Policy had been slightly amended to reflect the Association of Colleges (AoC) model policy and to make it shorter and more accessible.
  - 7.1.3 It clarified when the Policy should be used and when the Grievance or Complaints Policy would be more appropriate and explained the safeguards for anyone making a disclosure.
  - 7.1.4 It also included a role for the Audit Committee in the process, which was currently the case but did not appear in the AoC model.
- 7.2 In response to a question as to whether the Audit Committee was comfortable with the Policy, the Chair of the Audit Committee confirmed that it was.
- 7.3 **Governors noted the whistleblowing annual report and approved the Whistleblowing Policy.**

## **8 CLIMATE EMERGENCY UPDATE AND SUSTAINABILITY ANNUAL REPORT**

- 8.1 The Acting Principal and Director of Estates presented an update on the climate emergency declaration and a sustainability annual report. The following points were highlighted.
- 8.1.1 A Sustainability Committee had been reconvened and a Task and Finish Group would be looking at the implications for the curriculum.
  - 8.1.2 It was planned to make a climate emergency declaration and sign the Race to Zero pledge during the week of COP26, making the commitment to achieve net zero by 2030. A number of other activities were planned during the week including the launch of a sustainability webpage and brand, issuing surveys to students and staff, a virtual event for T level Engineering students and other social media messages and campaigns.
  - 8.1.3 The sustainability annual report set out the actions undertaken during the year including replacement of old boilers, the installation of a building management systems at St Margaret's Campus and other projects.
  - 8.1.4 Utility consumption was highlighted. There was a largely constant pattern of gas usage, except in 2019/20 as a result of College closures.
  - 8.1.5 The College's energy supplier provided electricity on a Pure Green basis enabling the College to report zero emissions. There was a gradual trend downwards in electricity use. Data would be reported through the streamlined carbon reporting process.
  - 8.1.6 A number of sustainable initiatives had been implemented including in the refectories, green travel and waste disposal. 91% of waste was diverted away from landfill.
  - 8.1.7 Priorities for the year were highlighted and included continuing progress

with the AoC sustainability roadmap, recruiting a new Sustainability Officer and making progress on targets to reduce carbon emissions and energy use. There would also be a review of the curriculum offer to identify opportunities for covering sustainability and climate issues and for embedding sustainability within the personal, social and development programme for students.

8.2 Governors asked a number of **questions** including:

- 8.2.1 **Whether there was a plan to increase parking for bikes.** There was, and also to improve security for bikes.
- 8.2.2 **Why the boiler had been replaced with another gas boiler; had heat pumps been considered?** There were limited options for the site as the plant room was on the roof. A modulated boiler had been used to improve efficiency but heat pump technology was not yet advanced enough to allow for this option at St Margaret's.
- 8.2.3 **Whether single use plastics were used?** There had been a halving in reduction of their use with recyclable plastics used wherever possible.
- 8.2.4 **Did the College really produce 200,000 tonnes of waste; this seemed huge.** Correct but a lot of this was attributable to Construction waste; it should be possible to reduce this and work would take place with the curriculum area to reduce the amount of waste produced.

8.3 **Governors commented that a lot of good work had been done and it was a whole College effort to continue to push forward this important work. Governors were invited to put themselves forward as Sustainability Champions.**

8.4 **Governors noted the sustainability annual report and agreed the proposal to pledge to achieve net zero carbon by 2030.**

## **9 STAFF WELLBEING SURVEY**

9.1 The Director of HR presented the results of the staff wellbeing survey. The following points were highlighted.

- 9.1.1 The College made the decision to run a staff Wellbeing Survey, rather than the annual Culture Survey in 2020/21.
- 9.1.2 Three hundred and ninety-two staff (35% of the workforce) responded with representation from across all areas of the College.
- 9.1.3 87% of respondents identified work as having a positive impact on their mental wellbeing.
- 9.1.4 79% of staff felt able to manage a good work/home life balance; working from home during the Covid lockdown did not appear to have had a significant impact on this with just 20% of staff stating their work/home life balance was less effective when working from home.
- 9.1.5 83% of staff knew how to access support for their mental health and wellbeing from their line manager. 84% of respondents felt there was an awareness of mental health in the College.
- 9.1.6 The most negative responses came from teaching staff with some significant differences between support staff and delivery staff/curriculum

managers.

- 9.2 **Staff governors commented that the wellbeing support provided to staff had been really well received and the HR team was to be commended for this.**
- 9.3 Governors asked a number of **questions** including:
- 9.3.1 **What was the split in terms of take up of attendance at wellbeing events by curriculum and support staff?** This would be provided.
  - 9.3.2 **Whether there were plans for different focus groups for support staff and delivery staff, and for managers.** There would be.
  - 9.3.3 **What the timescales were for feeding back to staff on the planned actions in response to comments made in the survey.** A new Staff Comms initiative would be launched in the next week and key messages would be communicated through that.
  - 9.3.4 **What was the plan in terms of conducting a culture survey?** The intention was to run both the Wellbeing Survey and the Culture Survey during the year.
  - 9.3.5 **How could a better response from staff be achieved?** The timing and how it was promoted to staff would need to be considered; the new Staff Comms should also help encourage more staff to engage.
  - 9.3.6 **There was a lot asked of managers; how were they being supported?** A management development programme was being launched but there was also support from their own line managers and the HR team.
- 9.4 **Governors noted the staff Wellbeing Survey.**

## **10 PERIOD 12 MANAGEMENT ACCOUNTS**

- 10.1 The Acting Principal presented the finance report (period 12). The following points were highlighted.
- 10.1.1 The year end result was an operating deficit after restructuring costs of £686k compared to the budgeted deficit of £1,001k.
  - 10.1.2 The latest data return suggested the College was slightly down on its 16-18 learner responsive learner number and funding target. This had been impacted by the lockdowns imposed during the year, as the College normally recruited in ESOL and REEN throughout the year.
  - 10.1.3 Predicting the AEB outturn for the year had been challenging. The year-end income earned was included in the Period 12 accounts as 64% of the allocation at £6.8m although it was now closer to 68% as a result of better than expected recruitment in term 3. This would result in a £2.3m cash clawback.
  - 10.1.4 Apprenticeship income was below the summer reforecast target figure of £4.3m, at £4m.
  - 10.1.5 Overall, HE income was in line with target.
  - 10.1.6 The College had met its bank covenants and remained in the 'requires improvement' financial health rating, based on the draft year end accounts.



- 10.1.7 There were adequate cash balances for operational purposes for the coming two years although there would be cashflow pressures from the repayment of grants in 2021/22.
  - 10.1.8 External audit had taken place and a clearance meeting held. There were no adjustments.
  - 10.1.9 The additional audit work which was now required was likely to cost £2,800; this was much lower than many other colleges had been quoted.
  - 10.1.10 The College had submitted a business case to retain £2.1 million of its AEB based on an assessment of costs incurred during the year. The outcome was due by 15 November. If this resulted in the College being able to retain funding of more than £863k, the materiality level, it would need to adjust the accounts.
- 10.2 **The Chair of F&GP confirmed that the Committee had had a robust discussion of the report and noted that because of the AEB business case, the position was likely to be more positive.**
- 10.3 **Governors asked whether there was any intelligence about the likely outcome of the business case.** Not yet although it was known that it would be the ESFA local account manager who would review the claim.
- 10.4 **Governors noted the Period 12 finance report and commented that it was a positive outcome given the very difficult year.**

## **11 RECRUITMENT AND ENROLMENT REPORT**

- 11.1 The Deputy Principal and Vice Principals gave an update on recruitment and enrolment. The following points were highlighted.
- 11.1.1 Enrolments were still taking place. 16-18 was at 97% of allocation with some recruitment expected throughout the year; student retention would be the main issue. Practical areas with the exception of Construction and Engineering seemed to be slightly down.
  - 11.1.2 T level recruitment was overall on track although slightly down in digital and science.
  - 11.1.3 HE numbers were challenging and although down on target for full-time, had exceeded targets for part-time.
  - 11.1.4 Adult recruitment was on track and looked to be slightly up on 2018/19, the last normal year. Recruitment would be very sensitive to any further lockdowns or other restrictions.
  - 11.1.5 Apprenticeship new starts were positive but carry in numbers from the previous year had been affected and would impact on income. It was still to be seen how employers would respond.
- 11.2 **Governors noted the update on enrolment.**

## **12 PARTNERSHIPS AND PROJECTS**

- 12.1 The Acting Principal and Vice Principals presented a paper on partnerships and projects in which the College was involved. The following points were

highlighted.

12.1.1 The College's partnerships and other projects were set out in the paper.

12.1.2 HE subcontracting arrangements were coming to an end, as previously agreed.

12.1.3 Following an approach by Addict dance company, a proposal to subcontract for 200 HND Musical Theatre students was outlined. The potential contract value for 100 students over two years would be £1,233,000. This would be subject to normal tendering requirements.

12.1.4 There was also a proposal to deliver Highways Standard and Groundworker apprenticeship standards for 2021/22. These standards were not areas of specialism for the College so it would need to subcontract some of the delivery. This was considered to be a good fit with the College's existing offer and an addition to its portfolio, addressing skills gaps in the sector in an in-demand area for Leicester City Council. The potential contract value would be £90k over 18 months although there was scope to grow this activity.

12.2 **Governors asked whether the subcontract for HND musical theatre would present any competition issues.** It was unlikely, it would complement the College's existing offer and would provide progression opportunities.

12.3 **Governors noted the report and approved the proposed subcontracting tendering opportunities for HND Musical Theatre and Highways and Groundworks apprenticeships.**

### **13 INSTRUMENT AND ARTICLES AND STANDING ORDERS**

13.1 The Director of Governance and Policy presented proposed changes to the Instrument and Articles and Standing Orders. The following points were highlighted.

13.1.1 A minor change was proposed to the Instrument and Articles to reflect changing ways of working including a move to online and hybrid meetings, specifically, removing the reference to signature of minutes.

13.1.2 A further potential change relating to removing restrictions on voting rights of governors under 18 was still being discussed by the AoC, DfE and Charity Commission.

13.1.3 Proposed changes to the Standing Orders included permitting online and hybrid meetings, clarification around quoracy, permitting an exceptional leave of absence for governors and the requirement for an external review every three years.

13.2 **Governors approved the changes to the Instrument and Articles and Standing Orders.**

### **14 CORPORATION SELF-ASSESSMENT AND GOVERNANCE IMPROVEMENT ACTION PLAN**

14.1 The Director of Governance and Policy presented a report on the outcomes of the Corporation self-assessment survey and the governance SAR and

improvement action plan. The following points were highlighted.

- 14.1.1 The self-assessment was again very positive with clear impacts identified. The results had been used to inform a governance self-assessment report (SAR) as well as objectives for 2021/22 set out in the governance improvement action plan.
- 14.1.2 Themes emerging as areas for improvement included returning to face-to-face meetings; better engagement with employers and other stakeholders; a focus on apprenticeships and 16-18 achievement; being more explicit in focussing on EDI both in the College's strategic approach and in the composition of the board itself; reviewing the College's approach to risk; and making more effective use of KPIs and trend analysis to help benchmark the College.

**14.2 The Chair commented that there was increasing scrutiny of governance and while the Corporation was starting from a good base, there was always room for improvement.**

14.3 Governors asked a number of **questions** including:

- 14.3.1 **Whether the Governance Improvement Action Plan was brought back to Corporation.** This was reviewed at every meeting by the Search and Governance Committee and usually brought once a year to Corporation.
- 14.3.2 **Whether the Corporation would wait three years before conducting an external review.** Further guidance was expected from the DfE but a review would take place sooner than three years, probably towards the end of 2022.

**14.4 Governors noted the outcomes of the self-assessment process, the Governance SAR and Improvement Action Plan**

*Zoe Allman and Debi Donnarumma left the meeting.*

## **15 NATIONAL POLICY DEVELOPMENTS**

15.1 The Director of Governance and Policy presented a report on the outcomes of the Corporation self-assessment survey and the governance SAR and improvement action plan. The following points were highlighted.

- 15.1.1 Governing bodies would be required to undertake reviews of how well the education or training provided meets local needs at least once every three years. The College already did this when developing its strategic plans.
- 15.1.2 The funding and accountability consultation proposed the introduction of Accountability Agreements. It also indicated an intention to simplify adult funding although made no mention of how this would relate to other funding streams or the audit regime.
- 15.1.3 The oversight, support and intervention regime was changing with slightly different roles for the FE Commissioner, the ESFA and potentially Ofsted.

15.1.4 There was still much that was not yet clear and these developments would need to be monitored. The issue for the DfE was balancing appropriate use of public funds with simplification. Outcomes and accountability would look different for different colleges.

15.2 The Acting Principal gave an update on the Budget and Comprehensive Spending Review (CSR). There was still some detail to be clarified but there was potentially an increase in rates for 16-18s but not for adults, funding for T level capital funding, education recovery and a new adult numeracy programme (Multiply). There was no support to cover NI increases and the national minimum wage would impact. Further announcements on HE might follow.

15.3 **Governors noted the update on national policy developments and the budget and CSR.**

## **16 CHAIR'S REPORT – ACTIVITIES UNDERTAKEN 2020/21**

16.1 **Governors received and noted the paper.**

## **17 DIRECTOR OF GOVERNANCE AND POLICY JOB DESCRIPTION**

17.1 **Governors received and noted the paper.**

## **18 SEARCH AND GOVERNANCE COMMITTEE ANNUAL REPORT 2020/21**

18.1 **Governors received and noted the paper.**

## **19 GOVERNOR APPOINTMENTS**

19.1 **Governors received and noted the paper.**

## **20 ITEM FROM SEARCH AND GOVERNANCE: GOVERNOR ENGAGEMENT**

20.1 **Governors received and noted the paper.**

## **21 ITEM FROM SEARCH AND GOVERNANCE: ACTION RECORD 2020/21**

21.1 **Governors received and noted the paper.**

## **22 ANY OTHER BUSINESS**

22.1 There was no other business.

## **23 DATES OF NEXT MEETINGS**

- 25 November 2021 – Special meeting 12.30 – 9.00pm
- 15 December 2021
- 27 January 2022 (tbc)
- 16 March 2022
- 10/11 June 2022 – Away Day
- 6 July 2022