

# Minutes of the Full Governing Body Committee Meeting Held on Tuesday, 24 March, 2009 at 6.30 pm

**Present:**

- Mr Peter Alcock
- Miss Esi Appiah-Anane
- Mr Christopher Ashcroft
- Miss Kath Boullen
- Mrs Margaret Buckley
- Mr Brian Coxhead
- Fr Paul Glover
- Mr Gerry Hill
- Mr Rod Hill (Chair)
- Mr John Humphreys
- Mr Donal McCormack
- Mr Mike Nencini
- Mr Rob Peacock (Principal)
- Fr Felix Stephens
- Dr Christine Tyler

**College Personnel:**

- Mr Nick Burnham (Vice Principal)
- Mrs Michelle Williams (Director of Resources)

**In Attendance:**

- Mr Colin Williams, Project Sponsor for Agenda Item 6
- Mr John Perry (Clerk)
- Mrs Alison Fishwick (Minuting Clerk)

*The Vice Chair led Governors in an opening prayer.*

## 1. **Declarations of Interest**

There were no declarations of interest.

## 2. **Apologies**

Apologies were received from Mr John Fogarty, Mrs Helen Stevenson, Canon Leo Stoker and Mr Karl Smith.

## 3. **Minutes of the Meeting of 1<sup>st</sup> December 2008**

The Minutes were agreed as a correct record and signed by the Chair.

## 4. **Matters Arising**

### Agenda Item 3 – Minutes of the Meeting of the 13<sup>th</sup> October, 2008

As requested, the Clerk had prepared and circulated revised wording for the first paragraph of **Item 19 Management Training Programme**. Governors approved the amended text. The Vice Principal informed Governors that the Management Training Programme is going well and has been very well received.

### Agenda Item 10 – The New Accommodation (ii) Naming the Blocks

There have been no further comments from staff regarding the naming of the blocks.

### Agenda Item 4 – Matters Arising – Agenda Item 5 – Principal's Report

The Principal reported that, as recorded at the last meeting, the Appeal Hearing on the Outcome of a Result Appeal for History had been upheld and the papers were re-marked. However, the College did not feel that the re-mark outcome was satisfactory and the Principal had attended a

further appeal that day in London at the Examinations Appeal Board with the Head of Department History. The EAB will be informing the College of their decision the following day. *The Principal agreed to email the outcome to Governors.*

#### **Agenda Item 4 - Matters Arising from Item 8 – Telephone Masts**

Governors noted that Orange have confirmed that they are vacating the site. T Mobile will remain on site until notified when C Block is to be demolished.

### **5. Report of the Governors' Strategic Planning Day – 31<sup>st</sup> January 2009**

Governors enquired about progress with Carmel's interest in the International Baccalaureate qualification. The Principal explained that as Cowley Language College has been delivering the course for three years now it is regarded as the 'centre' and, as the IB do not encourage competition, there has been little progress in pursuing the programme at Carmel. Delivering the programme is also expensive; the feelings therefore are mixed.

**Governors received the report. Governors requested that a progress report on the achievement of the objectives be a standard Agenda Item at Full Governing Body meetings. (The Clerk to arrange).**

### **6. The Accommodation Strategy**

- a. The Project Sponsor highlighted the key dates over the next few months; these included the refurbishment of D and F Block, the demolition of C and E Block and the handover of the new build. Governors noted that the build (Phase 1) is currently on target.
- b. There are issues, however, should there be a delay with the completion of Phase 2 as firstly, the proposed new main reception is part of phase 2 and secondly, by putting in an alternative entrance between the new and old build could result in an annex effect which would attract VAT. New entrance designs are currently being explored to ensure that, for the duration of the phase 2 delays, it is fit for purpose and is of the highest quality. The Project Sponsor added that some of the materials to be used will be the same as those used in the new building in order for the entrance to appear to be the proper frontage and design for that building.
- c. Governors noted that funds from the Contingency budget have been diminishing but the College is currently exploring what monies can be clawed back. There is also £1.9m worth of LSC claims outstanding due to the LSC not paying as originally profiled. It has therefore been necessary for the College to draw more down from the bank loan. However, Governors noted that the project is currently on budget.
- d. The Principal informed Governors that the College is very happy with the quality of build and have recently had the opportunity to view a 'sample room' in the new art building. Feedback about the overall design has been very positive.
- e. Governors enquired whether there was any risk associated with the LSC repayment claims. The Director of Resources explained that with an Application in Detail funding is guaranteed and the AiD also reflects a contractual obligation for the LSC to fund the project; indeed the Bank will not release a loan unless they have had sight of the AiD. The recent delay in LSC repayments is due to the claims not arriving on the first of each month and the LSC adopting a more rigid stance on this.
- f. Governors questioned whether the proposed alternations are likely to be the same high standard as the rest of the build. The Project Sponsor responded that in some ways the changes actually work better, for example, by moving the lift shaft (as illustrated in the proposed design circulated) the shape of the Conference Room is improved. Governors agreed that any modifications made will have to be carried out on the basis that Phase 2

will not go ahead; currently likelihood appears low. The expected cost for the alterations has been initially calculated at £145k.

## Phase 2

- g. The Principal reported on the AoC Capital Summit for Principals which had been held in London the previous day. In summary, the funds set aside for the development of the FE estate have been badly managed by the LSC. Colleges had been encouraged to be ambitious but now the number of bids exceed the funding available three times over. Governors noted that only 8 Application in Detail projects have been approved by the LSC since the projects had been put on hold. There are at least 144 other projects in the pipeline, 79 of which are at the AiP stage, although there is some doubt over the accuracy of these figures.
- h. The AoC Capital Summit was attended by a number of different bodies, e.g. Colleges, SFCF, ASCL and the 157 Group, all working together to ensure that the messages are consistent. DIUS were also represented as well as members of the LSC. It was noted that at this event the Chief Executive of the LSC, Mark Haysam, had stepped down. His post has been taken over by Geoff Russell from KPMG.
- i. In essence, there is unlikely to be any more monies going into the building fund. The next step for the LSC is to set up a list of priorities in order to decide which college building projects should be approved. This will take some time to consider. In the meantime, the LSC have appointed Andrew Foster to carry out an independent review on what had caused the problem in the first place, he has not been asked to explore solutions.
- j. The Summit brought about a broad agreement of unity with the groups in attendance. The AoC felt that the approach to the situation should be measured and that the LSC should be held fully accountable. It was noted that the Building Schools for the Future fund is underspent and that £600m in the LSC comes from the DCSF.
- k. The arguments to be put forward for pursuing funding assistance included:
  - the need to stimulate the economy
  - the sector has a more immediate impact on stimulating the economy
  - the sector is also inclusive.

Other sources of funding may need to be considered, 'supported funding' for example. In summary the members at the Summit felt that, not only does the whole situation need stabilising, but the sector needed to move forward in a structured way.

- l. There were four key messages to come out of the Summit:
  - a. the FE sector is a succeeding sector on the verge of greatness
  - b. the capital projects will help the country to come out of the recession and projects are ready to go
  - c. the mismanagement should be directed at the LSC
  - d. a timeline for decision-making was needed to include time to consider the worst case scenarios for colleges.
- m. Governors enquired about LEA support. The Principal responded that the LEA have already carried out some lobbying and referred to the Machinery of Government changes where capital funding for Sixth Form Colleges will go through the local education authority. It appears that St. Helens were involved in the early wave of bidding and these projects have already been signed off so there are no monies available. The College considered whether this fact could be used to inform the LSC's 'prioritisation'.
- n. The NW Regional Director of the LSC will be visiting Carmel in April to see first hand the issues faced by Carmel. In addition, letters describing Carmel's position in the light of these developments have also gone out to a number of key people in the borough, including MPs.

- o. Governors discussed how best to effectively lobby support at the highest level and to raise awareness of the incompetency surrounding this matter. Governors felt that the latter would naturally happen anyway and that it was more important at this stage to ensure that the College aims to get 'above the line' in terms of the prioritisation criteria by proving our case robustly e.g. that Phase 2 will be value for money, to underline the difficulties if we don't get the funding and the impact on the education of the young people of St. Helens. Some Governors referred to the fact that when the College first embarked on the accommodation strategy the aim was to simply refurbish but it was the LSC who encouraged Colleges to re-build and be ambitious and this was a point worth making.
- p. Governors agreed that, although the College should continue to lobby for the successful completion of Phase 2 as originally planned, it was crucial that in order to preserve the integrity of the estate the College also prepared itself for the worst case scenario that Phase 2 will not be approved. There is, therefore, an urgency for the College to explore not only the options for the credible completion of Phase 1 but also explore the various funding avenues to pursue completion of Phase 2. The Chair therefore recommended delegating authority to set up a working party as soon as possible to explore the options, along with the financial implications, and to consider whether the build could, if necessary, be funded via other funding sources. The views of the working party would then be shared with the Accommodation Working Party before reporting back to the Full Governing Body meeting. Governors approved this recommendation. In the meantime, the College, in consultation with the College management team, will continue to lobby appropriate bodies and organisations.
- q. In addition, in order to prevent the programme being delayed at a further cost to the College, the Governors gave approval for the Chair to be given delegated authority to approve the sum of £145k when required to carry out the alterations to the main entrance and to authorise any increases to the sum as deemed necessary. The College's lead Auditors will also be informed of these developments.
- r. The Director of Resources enquired about the cost of further professional advice as the £1.5 m was an estimated cost calculated by the Quantity Surveyors that would be required to make the campus function effectively should Phase 2 not be completed. The Chair recommended that the financial situation should be explored first before any decisions are made.
- s. At this juncture, the Director of Resources also referred to the College's concern that there may be £250k less in the 2009/10 funding allocation. The College is waiting for the final funding allocation to come through and this matter is also discussed later in the meeting.
- t. Governors were invited to visit the Art Block after it has been handed over to the College. *Governors will be contacted about dates.*

*The College Project Sponsor left the meeting at this point.*

Governors were informed that if phase 2 does not start at the end of phase 1 then the posts of Project Sponsor and Clerk of Works will no longer be required. The two members of staff will need to know of future plans as soon as is practically possible in order that they can make appropriate arrangements.

## **7. Risk Management of the Funding 2009-10**

Governors noted that the Corporate Management Team had reviewed the Risk Register and Risk Management Action Plan in line with College Policy. The following have been added to the weaknesses section of the action plan:

- 1) The impact on the College finances of the LSC's decision to lower the College's Standard Learner Number ratio for funding for 2009/10.
- 2) The impact on the College of the increased likelihood that phase 2 of the College building programme is significantly delayed.

Governors noted that in respect of Impact 1, the Standard Learner Number ratio had been lowered for 2009/10 as last year's funding for General RE had been removed from the calculations as at the time the College did not have an accredited course. This was agreed with the Learning & Skills Council. The College has since put in place and is currently delivering an accredited course. The SLN reduction from 1.6 to 1.54 will equate to approximately £200k. In an attempt to discourage 'artificial funding' the LSC will be funding Colleges at the lowest SLN. The College will need to explore ways of managing this within the income. The Director of Resources confirmed that the Year 0 cohort is self-funded.

The Principal has spoken to the Regional Director of the GM LSC who does not believe that this SLN calculation is justified. Up to now there has not been any information on the forthcoming allocation in writing; the official funding allocation was expected on the 13 March but this has been delayed.

Governors noted the changes to the action plan.

## **8. Barclays Loan Documentation**

There was produced to the meeting a letter of variation from Barclays Bank PLC (the "Bank") Manchester Branch to the College setting out the amendments to a facility letter dated 17 May 2008 between the Bank and the College (the "Letter of Variation").

It was resolved:

1. That the amendments set out in the Letter of Variation are in the interests of and for the benefit of the College and that its terms and conditions be and hereby are approved and accepted.
2. That Mr Rod Hill and Mr Rob Peacock, as Chair and Principal respectively, be and are hereby authorised to sign the Letter of Variation on behalf of the College to indicate acceptance of the terms and conditions.
3. That the Bank be and is hereby authorised to act in all manners concerning the facility as amended by the Letter of Variation upon instruction from the College in accordance with this Board Resolution.

## **9. LSC Funding Assurance Review**

Governors noted the Audit undertaken by the LSC on Learning Eligibility and MIS. There were no recommendations in relation to the former and one low recommendation for the latter. The College was required to put in place a procedure which demonstrated that a learner is eligible for EMA. The College has responded with the implementation of an Eligibility Checklist form to be signed by the student.

Governors noted the outcome and also learned that in respect of Framework for Excellence the LSC has concurred with the College's assessment that its financial health is 'good' and its self-assessment is 'outstanding'.

Governors noted the Report

## **10. Whole College Self Assessment Report (SAR) 2008**

The Vice Principal took the opportunity of thanking those Governors who have served on the self assessment panel during the last cycle.

Governors noted that the remedial actions to one area which was graded 'inadequate' would take a couple of years to have any impact.

The Chair thanked Governors for their support in the self assessment process.

Governors noted the Report

## **11. Ofsted Monitoring Report 2008-09**

Governors noted the annual report compiled by Ofsted's desk based monitoring. The report looks at the College's performance data and Self Assessment Report making judgements on both current performance indicators and the rigour and accuracy of the College's quality assurance and capacity to improve. A risk assessment is then completed as to the scheduling of the next inspection. If the arrangements for the next inspection remain the same then Ofsted continues to judge the college concerned to be outstanding. The Vice Principal was pleased to report that this is the case for Carmel.

The Vice Principal referred to the recent January Modular results, explaining that it is difficult to compare year-on-year. However, AS and A2 results look to be broadly in line, perhaps slightly lower than that of last year, although subjects like Mathematics were taken earlier than usual. All the Head of Faculties are pleased with their respective results, certainly the upper sixth students look to be in a better position this year than last.

Governors noted the contents of the report.

## **12. Procedures for the Recruitment and Retention of Staff**

Governors noted the recommendation of the Personnel & Quality Assurance Committee and approved the Policy.

## **13. Access to Information and Publication Scheme Policy**

Governors enquired as to how the Policy relates to the Data Protection Act. The Clerk explained that the Data Protection Act is the superior document as it is pertinent to the data provided categorised as 'confidential' and cannot be released if there are identifiable individuals, commercially sensitive data or papers used to inform policies.

Governors suggested that a paragraph be added to the Policy outlining the College's compliance to the Data Protection Act along with an accompanying letter clarifying what data the College can and cannot release.

Governors approved Access to Information and Publication Scheme Policy.

## **14. Procedure for Resolving Differences Between the Governing Body and the Clerk**

Governors approved the procedure.

## **15. Student Application Appeals Procedure**

This policy was withdrawn from the meeting as the College were awaiting on further information.

**Committee Reports**

16. **Report of the Personnel and Quality Assurance Committee – 24<sup>th</sup> February, 2009**

The key issues arising from the Committee were noted.

17. **Report of the Finance, Estates & Marketing Committee – 6<sup>th</sup> March, 2009**

The key issues arising from the Committee were noted.

18. **Report of the Audit Committee – 10<sup>th</sup> March, 2009**

The key issues arising from the Committee were noted.

19. **Any Other Business**

(a) The Clerk gave notice of the **election of the Chair** for 2009-11. This will be on the Agenda for the next meeting and that nominations will be invited in May.

(b) **College Lenten Service** – Governors noted that this will be held on Friday, 27 March at 10.45 am.

*The meeting ended at 8.35 pm*

Signed by the Chair .....

On this day .....