

The Corporation of Newham Sixth Form College

Minutes of the Meeting held on 9 October 2019

Members

Gail May (Chair)	Independent Member	Present
Ismail Abdirahman Abdillahi	Student Member	Present
Fabiha Ahmed	Student Member	Present
Joanne Dean	Independent Member	Present
Mandeep Gill	Principal & Chief Executive	Present
Elizabeth Harris	Staff Member – Support	Present
Sohidul Hoque	Independent Member	Present
Shawab Iqbal	Independent Member	Apologies – unwell
Julianne Marriott	Independent Member	Apologies – Council commitments
Jay Nair	Independent Member	Present
Martin Oakeshott	Independent Member	Present
Miklos Saroso	Parent Member	Present
Julia Shelton	Independent Member	Present
Rayon Walters	Staff Member – Teaching	Present
Katharine Young	Independent Member	Present

Non-Members in attendance

Nick Christoforou	Director of Finance & Resources	Present
Ray Ferris	Vice Principal	Present
Robin Jones	Clerk to the Corporation	Present
Tracy Oko	Assistant Principal Student Services	Present

1 APOLOGIES FOR ABSENCE

The Committee NOTED and ACCEPTED the apologies for absence submitted by Members Shawab Iqbal and Julianne Marriott.

2 DECLARATION OF INTERESTS

The Members and the Clerk confirmed that there were no declarations of interest to be recorded on this occasion other than Gail May and Joanne Dean who would be putting themselves forward to continue as Chair and Vice Chair respectively (see item 8 below).

3 MEMBERSHIP OF THE CORPORATION – STUDENT MEMBERS

The Chair welcomed the 2 new Student Members of the Corporation to their first meeting – Ismail Abdirahman Abdillahi and Fabiha Ahmed.

All those present introduced themselves to the Student Members.

4 MEMBERSHIP OF THE CORPORATION – APPOINTMENT OF AN INDEPENDENT MEMBER

Note: Sohidul Hoque left the meeting room.

The Corporation APPROVED the recommendation of the Governance & Search Committee that Sohidul Hoque be appointed as an Independent Member to serve on the Corporation for the period to 8 October 2023.

Members were interested to know that Mr Hoque had a finance background which was an area previously identified as one where an additional Member was required.

Note: Sohidul Hoque returned to the meeting room.

5 MEMBERSHIP OF THE COMMITTEES OF THE CORPORATION

Sohidul Hoque was appointed to serve on the Audit & Scrutiny Committee and the Budget Strategy Task & Finish Group until further notice.

6 MINUTES OF THE MEETING OF THE CORPORATION HELD ON 1 JULY 2019

The Minutes of the meeting of the Corporation held on 1 July 2019 were agreed to be a correct record and were signed by the Chair.

7 MATTERS ARISING FROM THE MINUTES OF THE MEETING OF THE CORPORATION HELD ON 1 JULY 2019

The Corporation considered the matters arising from the Minutes of the last meeting and noted the following items including those not covered elsewhere on the Agenda:

- Item 3 – Diagnostic Assessment Report – the Principal & Chief Executive reported that the provisional and unconfirmed dates for the review by the FE Commissioner’s Team were 5 and 6 November 2019
- Item 5 – Principal & Chief Executive’s probationary period review – progressed via a Written Resolution
- Items 6 and 9 - Campus Masterplan and establishment of the proposed Task & Finish Group – the first meeting to take place before the end of the Autumn Term subject to the availability of Members
- Item 7 – the Corporation to receive a report on the feasibility of conversion to an Academy during the Spring Term 2020 and not the Autumn Term 2019 as originally scheduled in recognition of the number of other priority issues requiring attention at the coming meetings of the Corporation
- Item 7 – report on the work to support the mental health and wellbeing of staff to be covered in the report on staff and performance scheduled for February 2020

8 APPOINTMENT OF THE CORPORATION CHAIR AND VICE CHAIR FOR THE YEAR TO 7 OCTOBER 2020

The Clerk reported that, following his email to Members on 18 September 2019, nominations had been received that Gail May and Joanne Dean continued as Chair and Vice Chair of the Corporation respectively. Members present confirmed that no other nominations were to be put forward.

The Clerk also referred to the suggestion that, although the NewVlc practice has been to appoint the Chair and Vice Chair for a period of two years, on this occasion it was proposed to appoint for one year in recognition that the current term of membership of the Corporation of Gail May ends on 30 November 2020.

Note: Gail May withdrew from the meeting

Gail May was both nominated and seconded to be appointed Chair of the Corporation for the year to 7 October 2020 and there being no other proposals this was APPROVED unanimously.

Note: Gail May returned to the meeting and Joanne Dean withdrew

Note: Joanne Dean withdrew from the meeting

Joanne Dean was both nominated and seconded to be appointed Vice Chair of the Corporation for the year to 7 October 2020 and there being no other proposals this was APPROVED unanimously.

Note: Joanne Dean returned to the meeting

9 MEMBERSHIP OF THE CORPORATION - GAIL MAY

Gail May thanked Members for their continued support and appointing her as the Corporation Chair for a further year. She went on to advise that, as her current term of office as a Corporation Member ends on 30 November 2020, she will not be seeking re-appointment.

Members recognised that this advance notice provided helpful lead in time for addressing the succession arrangements in terms of filling the vacancy for an Independent Member and identifying a new Corporation Chair.

10 REPORT OF THE PRINCIPAL & CHIEF EXECUTIVE

The Corporation received and discussed the report of the Principal & Chief Executive which provided updates on a range of issues including:

- the announcement that there would be an increase in FE funding in 2020/21 – for 16-18-year olds it would rise from £4,000 to £4,188 and 19+ students it would rise from £3,300 to £3,455
- the members of the College Branch of the NEU (National Education Union) had voted to participate in the national strike which related to the dispute with the Government and not the College over pay in the sector – the first day of industrial action was scheduled for 17 October 2019 and, although the College would be open, there was bound to some impact on students – two further days of strike action were also scheduled
- the College would be supporting the national “Love our Colleges” week during the period 14 to 18 October 2019 organised by the AoC
- the London Borough of Newham had granted the College a 5 year extension for the use of G Block and the Business Block but it was understood that there would be no further extensions – the implications of this decision by the Local Authority would start to be addressed at the first meeting of the Campus Task & Finish Group

The Principal & Chief Executive gave particular attention to the enrolment position for 2019/20 which was extremely positive relative to the funding allocation for the year to the extent that, subject to any significant number late withdrawals before the first 42 days, it would be possible for the College to apply for additional in-year funding. It was stressed that there was no guarantee of funding being made available, but it was thought that a good case could be made to the ESFA on the basis of actual numbers being 5% plus above the allocation.

The enrolment position also provided a clear guide to the likely funding position in 2020/21 under the national lagged funding arrangements. This should show a significant increase on the amount included in the Financial Plan submitted to the ESFA in July 2019.

The enrolment position was a credit to the staff of the College who had progressed a range of marketing campaigns including use of social media and the impact of the College open days which saw far more visitors than in previous years.

In response to a question from a Member it was confirmed that there would be a post enrolment review to identify any learning points for the future so that the increased numbers continued year on year as far as practicable rather than 2019/20 being seen as a one off.

The Corporation AGREED after discussion:

- 1 to thank the Principal & Chief Executive for such an informative report
- 2 to thank the staff for all that had been done over the last year to bring about such an increase in the number of enrolments and to look forward to hearing the outcomes of the post enrolment review to inform planning for 2020/21 and beyond
- 3 to welcome the national increase in funding in 2020/21 and to acknowledge the roles of the AoC and SFCA in highlighting nationally the adverse impact of the year on year reductions in the value of the allocations over the last 9 years

11 PERFORMANCE AGAINST STRATEGIC OBJECTIVES

The Corporation received the updates against the 3 strategic objectives:

- Strategic Objective 1 – to have the best teaching, learning and curriculum
- Strategic Objective 2 – to be recognised as an inclusive and supportive College providing a holistic student experience
- Strategic Objective 3 – ensuring financial stability to allow continual investment in our resources and estate

The Members of the Executive highlighted a number of the items including:

- the 2% fall in the achievement rate in 2018/19 which was as expected and previously reported due to the move to 2 year linear A Levels
- the hope that value added would improve but this did not in the event materialise
- the small reduction in attendance which could continue in 2019/20 and was in part attributable to the increased numbers attending resit GCSEs as part of their Study Programmes
- the 4% increase in the proportion of lessons that met or exceeded the College standard compared to 2017/18 which showed a range of improvements including the extent of stretch and challenge
- the position on known destinations would be addressed in a report to the Corporation in December 2019
- staff costs as a percentage of income at 72.70% were in line with other sixth form colleges

The Corporation AGREED following discussion:

- 1 to NOTE the updates against the strategic objectives including the intention to present to the Corporation in February 2020 the outcomes from the Staff Survey
- 2 to welcome the significant increase of 7.60% in the number of students participating in enrichment activity which was seen a positive for potential students – a USP for NewVlc – and was highlighted when addressing school assemblies
- 3 to request further information on staff absences – such as the split between long-term sickness and short-term absences – as part of the report on staff and performance scheduled to be presented to the Corporation in February 2020

- 4 to note the substantial increase in the number of students taking GCSE resits in English and Maths and that this has had an impact of staff resources and costs
- 5 to look forward to receiving further updates at future meetings which will include the targets for 2019/20

12 QUALITY IMPROVEMENT ACTION PLAN – 2018/19 OUTCOMES AND ISSUES FOR THE NEW SAR

The Corporation received and NOTED the report of the Vice Principal setting out:

- the key performance indicator outcomes for the College Quality Improvement Action Plan for 2018/19
- whilst at an early stage in the College self-assessment process, the emerging issues in terms of strengths and areas for improvement which will be reflected in the report to the Corporation in December 2019.

13 COURSES REQUIRING IMPROVEMENT

The Corporation received and NOTED the schedule providing an update on those courses identified as requiring improvement including those which will continue to be under close scrutiny.

14 FINANCIAL REGULATIONS

The Corporation received the proposed updated version of the Financial Regulations which, it was explained, had been the subject of review to reflect changes in approach such as the authority to amend the Instrument & Articles of Government and the inclusion of a section (now 29) on Salaries and Wages which addresses a recent recommendation of the Internal Auditors.

Whilst a number of issues had been addressed as part of this latest review, it was apparent that some aspects required further attention to aid the clarity of understanding for those members of staff who have specific or general responsibilities under the Financial Regulations. This review would be completed over the coming months in readiness for 2020/21.

A Member asked for clarification of the College's approach to documenting decisions following the receipt of Tenders and Quotations (section 28.5 of the Financial Regulations). Whilst noting the arrangements as explained by the Director of Finance & Resources it was agreed that there would be benefits in revisiting the College protocols – Member Jay Nair offered to progress with the Director of Finance & Resources and to present proposals to the Corporation as part of the planned “root and branch” review of the Financial Regulations.

The Corporation AGREED following discussion:

- 1 to adopt the updated Financial Regulations as presented on condition that the more detailed review is completed and recommendations presented to the Corporation by 1 July 2020 at the latest
- 2 to welcome the offer of Member Jay Nair to work with the Director of Finance & Resources on the protocols associated with the decisions arising from the receipt of tenders and quotations
- 3 to note that the Director of Finance & Resources would be presenting to the Corporation at the December 2019 meeting a report on the operation of the Treasury Management arrangements (section 25 of the Financial Regulations)

- 4 to note that amongst the issues to be addressed during the planned “root and branch” review would be the arrangements associated with pension schemes (section 29.7 of the Financial Regulations).

15 INSTRUMENT & ARTICLES OF GOVERNMENT

The Corporation noted at the meeting held earlier in the day the Governance & Search Committee had received and discussed the report of the Clerk to the Corporation following his review of the Instrument & Articles of Government on taking up the appointment on 1 August 2019.

It was recalled that since the Government enabled College Corporations to make appropriate changes to the Instrument & Articles of Government without the approval of the Secretary of State certain modifications had been made to the NewVIC versions such as transferring the section on proceedings of meetings to the Standing Orders. However, it was thought that there would be merit in reverting back to the original national template and then carry out a comprehensive review of what should be retained in the Instrument & Articles of Government and what could be left to the Standing Orders or, indeed, removed completely.

The Corporation AGREED:

- 1 to APPROVE the recommendation of the Governance & Search Committee that the Instrument & Articles of Government attached to the report of the Clerk be adopted with immediate effect
- 2 to note that the Clerk would present to an early meeting of the Governance & Search Committee a report setting out the scope to amend the Instrument & Articles of Government so as to prompt a discussion for Members prior to forwarding recommendations to the Corporation.

16 CONFIDENTIAL ITEMS OF BUSINESS

The Corporation AGREED to adopt the recommendation of the Governance & Search Committee that, having regard to the requirement set out in the Instrument of Government (now paragraph 17 (4)), items previously determined to be confidential be reviewed:

- 1 all items classified as being confidential in 2017/18 and 2018/19 remain confidential until agreed otherwise
- 2 that, at the first meeting of the Governance & Search Committee in 2020/21, a comprehensive review of all confidential items over the previous three-year period be carried out to judge if any may now be placed in the public domain

The Corporation also noted that the Governance & Search Committee had agreed to adopt the proposal of the Clerk to the Corporation that, to assist in future reviews, confidential minutes be recorded separately in recognition that, over a period, some items may be re-designated as being public whilst others would always remain confidential.

17 TRAINING POLICY FOR MEMBERS OF THE CORPORATION

The Corporation noted at the meeting held earlier in the day the Governance & Search Committee had received and discussed a proposed new Training Policy for Members of the Corporation.

Whilst welcoming the new Training Policy a number of points associated with the proposed Training Policy were identified by the Governance & Search Committee for attention and these would be addressed:

- 1 awareness by the Committee of the annual budget allocation available for training with an opportunity to comment
- 2 importance of evaluating the impact of training undertaken by Members and, therefore, to add such an intention to the draft
- 3 signpost the whereabouts of the application and evaluation forms without making them part of the Training Policy or the process too bureaucratic
- 4 move the reference to the Code of Conduct to the Governance section

The Corporation agreed:

- 1 to APPROVE THE RECOMMENDATION of the Governance & Search Committee that the Training Policy as drafted be adopted with immediate effect with the proviso that the issues identified and listed above be addressed by the Clerk and covered in the published version
- 2 to look forward to receiving at a forthcoming meeting via the Governance & Search Committee the detailed induction programme for Members of the Corporation which, it was recognised by the Committee, may be of interest in whole or in part to longer serving Members of the Corporation.

18 REMUNERATION COMMITTEE – PROPOSED ESTABLISHMENT

The Corporation was advised that, at the meeting held earlier in the day, the Governance & Search Committee had received and considered the report of the Clerk to the Corporation which had been prepared to put into effect the arrangements for NewVIC following the adoption of the College Senior Staff Remuneration Code by the Corporation on 1 July 2019.

In reply to a question from a Member on the need for a Remuneration Committee, the Clerk explained that, at one time, the Corporation was supported by such a Committee. However, the role had been incorporated into that of what is now known as the Governance & Search Committee but this is not appropriate going forward given the terms of the College Senior Staff Remuneration Code and the membership of the existing Committee which included both the Chair and Vice Chair of the Corporation.

The Corporation AGREED:

- 1 to APPROVE the recommendation of the Governance & Search Committee that a Remuneration Committee be established with immediate effect with the Terms of Reference as set out in the attachment to the report presented to the Committee
- 2 the initial membership of the Remuneration Committee be Sohikul Hoque, Martin Oakeshott and Julia Shelton
- 3 the Members of the Remuneration Committee discuss the proposed Chair for 2019/20 and a recommendation be made to the Chair of the Corporation who would consider on behalf of the Corporation rather than waiting until the next meeting
- 4 the Terms of Reference and membership of the Remuneration Committee be subject to a further review by the Corporation in the light of experience in the Autumn 2020.

19 SENIOR POST HOLDERS – DESIGNATION

The Corporation AGREED TO ADOPT the recommendation of the Governance & Search Committee that the following posts continue to be designated as Senior Posts for the purpose of the Instrument & Articles of Government:

- Principal & Chief Executive
- Vice Principal
- Clerk to the Corporation when an employee of the College

20 ANNUAL REPORT ON SAFEGUARDING FOR 2018/19

The Corporation received the Annual Report on Safeguarding which was presented in three elements:

- the College internal report on Safeguarding
- Section 11 Annual Report to be submitted to the London Borough of Newham
- Additional information requested to be submitted to the Corporation as requested within the Section 11 Annual Report.

The Corporation AGREED following discussion:

- 1 to NOTE the Annual Report on Safeguarding for 2018/19
- 2 to request the Assistant Principal Student Services to raise with the London Borough of Newham the appropriateness of some aspects of the Section 11 Annual Report for a post 16 institution given the school-based nature of the document

21 EMBEDDING BRITISH VALUES AND PREVENT – UPDATE

The Corporation received and noted the update on Embedding British Values and Prevent at NewVlc which addressed:

- how the College will sustain progress in the six key aims which includes students understanding of British values and the role these play in their lives and these are reinforced through the curriculum
- associated training for Corporation Members and staff
- working with external partners
- student engagement activities
- monitoring arrangements.

Following the current and ongoing review of governance related arrangements it was proposed and agreed that updates on British Values and Prevent would in future be presented to the Corporation and not the Audit & Scrutiny Committee.

22 LETTER FROM THE CHIEF EXECUTIVE OF THE ESFA DATED JULY 2019

The Corporation received the letter dated July 2019 from the Chief Executive of the ESFA addressed to the Chairs of Further Education and Sixth Form Colleges.

It was appreciated that the ESFA letter had been prompted by the investigation undertaken at Bournville College following certain concerns that had been raised. The letter went on to highlight such issues as:

- The College Accounts Direction published by the ESFA in February 2019
- Regularity, propriety and compliance including the Self-Assessment Questionnaire which will be presented to the Corporation in December 2019 before sign-off and submission to the ESFA
- Audit and assurance including the Post 16 Audit Code of Practice
- Executive pay – addressed by the NewVlc Corporation on 1 July 2019 with the adoption of the Colleges Senior Staff Remuneration Code and now supported by the establishment of the Remuneration Committee
- Transparency including publication of the Annual Financial Statements on the College website which is standard practice at NewVlc

- Open and collaborative working between Governors (Corporation Members) and the Executive
- Financial benchmarking tool
- The availability of other sources of advice

The Corporation also received and considered the College position in terms of a number of specific factors arising from the investigation undertaken at Bourneville College.

The Corporation AGREED following discussion:

- 1 to receive and note the ESFA letter dated July 2019 which had been prompted by the investigation undertaken at Bourneville College
- 2 to welcome and thank the Director of Finance & Resources and the Clerk for providing the draft position statement on the arrangements in place at NewVlc and the proposed further action
- 3 that Members take away the current working draft of the position statement and let the Director of Finance & Resources and the Clerk have any further thoughts including questions by 1 November 2019 so that the College summary may be finalised and an action plan timeline agreed

23 ANNUAL REPORT ON RISK AND RISK REGISTER

The Corporation received and NOTED the Annual Report on Risk for 2018/19 and the Risk Registers for 2018/19 and 2019/20 as presented to the Audit & Scrutiny Committee on 11 September 2019.

It was appreciated by the Corporation that the Annual Report on Risk would be reflected in the reports and documents presented to the Corporation at the December 2019 meeting when the Financial Statements for 2018/19 and the associated report of the Auditors would be a major theme.

24 CAMPUS/ESTATE- UPDATE

The Corporation received and NOTED the Campus/Estate update.

It was recalled that it had been confirmed earlier in the meeting that the first meeting of the Campus Task & Finish Group would be arranged shortly having regard to the availability of Members.

25 HEALTH & SAFETY - UPDATE

The Corporation received and NOTED the Health & Safety update.

26 AUDIT & SCRUTINY COMMITTEE – 11 SEPTEMBER 2019

The Corporation received and NOTED the unconfirmed Minutes of the meeting of the Audit & Scrutiny Committee held on 11 September 2019.

The particular attention of the Corporation was drawn to two specific recommendations from the Committee:

- The recommendations from the previous Internal Auditors relating to the preparation of a Commercial Strategy be removed from the Internal Audit Monitoring Report on the basis that the rationale previously identified associated with the Estates Strategy was no longer relevant

- A review of purchasing be carried out by the Internal Auditors as part of the Audit Plan for 2019/20 and not the planned review of Corporate Governance which would be moved to 2020/21

Whilst it was proposed that the Commercial Strategy be removed from the Internal Audit Monitoring Report it was recognised that the Budget Strategy Task & Finish Group may wish to consider the development of such a document although this would need to be seen in the context of other emerging priorities.

The Corporation AGREED:

- 1 to adopt the recommendations of the Audit & Scrutiny Committee that (1) the proposed Commercial Strategy be removed from the Internal Audit Monitoring Report and (2) a review of Purchasing be carried out in 2019/20 and not Corporate Governance
- 2 when progressing the review of Corporate Governance due regard be given to the level of expertise of the Auditors and other advisers so that the Corporation benefits from any recommendations and added value from the process

27 GOVERNANCE & SEARCH COMMITTEE – 1 JULY 2019

The Corporation received and NOTED the Minutes of the meeting of the Governance & Search Committee held on 1 July 2019.

It was recognised that issues requiring the attention of the Corporation had been addressed.

28 GOVERNANCE & SEARCH COMMITTEE – 9 OCTOBER 2019

The Corporation was advised that those issues requiring early attention as a result of the meeting of the Governance & Search Committee held earlier in the day had been addressed. This included the review of the Instrument & Articles of Government and the establishment of the Remuneration Committee.

The Minutes of the latest meeting of the Governance & Search Committee would be presented to the Corporation in December 2019.

29 GOVERNANCE & SEARCH COMMITTEE – TERMS OF REFERENCE – REVIEW

The Corporation AGREED TO ADOPT the recommendation of the Governance & Search Committee that, as a result of the establishment of the Remuneration Committee, the Terms of Reference of the Governance & Search Committee be amended by the deletion of the existing paragraph 3.8 with immediate effect:

“To review the pay and performance of the College’s senior post holders and to make recommendations to the Corporation in line with the procedure agreed by the Corporation”

30 BUDGET STRATEGY TASK & FINISH GROUP – 24 SEPTEMBER 2019

The Corporation received and NOTED the unconfirmed Minutes of the meeting of the Budget Strategy Task & Finish Group held on 24 September 2019.

This was the first meeting of the Group since its establishment by the Corporation on 1 July 2019. A second meeting was scheduled for 28 October 2019 and the outcomes would be reported to the Corporation in December 2019.

The key issues addressed on 24 September 2019 included:

- the Terms of Reference of the Group which would be the subject of further review at the next meeting prior to presentation of any recommendations to the Corporation
- Budget overview
- Monitoring of income and expenditure position at a corporate level

31 WRITTEN RESOLUTIONS

The Corporation NOTED that since the meeting held on 1 July 2019 two Written Resolutions had been considered and approved:

- Principal & Chief Executive – successful completion of the probationary period (Independent Members and Parent Member only)
- Contracted work – progressing the successful CIF bid for work to the Student Hub roof (all Members)

32 CALENDAR OF MEETINGS – 2019/20

The Corporation NOTED the Calendar of Meetings for 2019/20 and in doing so AGREED that, to seek to maximise the attendance of Members, the December meeting be moved from 4 to 11 December:

- 11 December 2019
- 12 February 2020
- 25 March 2020
- 20 May 2020
- 1 July 2020

All meetings are scheduled to commence at 6.30pm unless otherwise agreed.

33 CORPORATION DEVELOPMENT & PLANNING DAY – 2 NOVEMBER 2019

The Corporation received and APPROVED the outline programme for the Development & Planning Day scheduled for 2 November 2019.

34 CORPORATION DECISION TRACKER

In reply to a question from a Member the Chair and Clerk confirmed that the Decision Tracker would be updated and included on the Agendas for future meetings of the Corporation.

35 THREE-YEAR STRATEGIC PLAN

The Corporation received and NOTED the printed version of the College Three-Year Strategic Plan.

36 LETTER TO COLLEGE PRINCIPALS AND CHAIRS OF GOVERNORS

The Corporation received and NOTED the letter dated 4 October 2019 received after the Agenda had been published from Lord Agnew, Parliamentary Under-Secretary of State for the School System, and Richard Atkins, FE Commissioner.

The letter started by explaining that Lord Agnew was now the Minister with responsibility for further education provider market, including quality and improvement.

37 CONFIDENTIAL ITEM OF BUSINESS

The Staff and Student Members as well as the members of the SLT other than the Principal & Chief Executive withdrew from the meeting given the nature of the item to be considered.

The Minute covering this item will be regarded as being confidential until agreed otherwise by the Corporation and will only be available to the Independent Members and the Parent Member.

Chair: _____ Date: _____