

Draft - CONFIDENTIAL

Meeting of the Governing Board – Wednesday 6 December 2023

Present:

David Brown
David Meakin
Jim Sutcliffe
Gillian Bardin
Karen Buchanan
Eshan Bilal
Curtis Wilson
Fiona Lugiano
Richard Robinson
Paul Henderson
David Tomlinson
Guy Thomas

Contributed:

Richard Thorley
Philip Turner
Anita Wright

In attendance:

Stuart Arnfield
Neil Burrows
Sarah Crossley
Charlotte Ashworth
Simone Lomas
Kate Wallace
Nina Parkin

Apologies for Absence:

Benji Crampton
Steve Wilkinson
Annette Weekes

Welcome and Introductions to Student Governors

- 1 Sam Sheard and Abigail Geary, the potential new Student Governors were introduced to the Board. They are both A level students and represent the College's Sixth Form cohort. Following the staff governor recruitment process, David Easton has been recommended to be appointed as Academic Staff Governor. The decision to approve their appointment will be considered at Appendix J.

External Audit Requirement

- 2 To ensure compliance with the Audit Code of Practice the audit findings are required to be presented at the Full Board. Karen Musgrave from RSM joined the meeting remotely.

- 3 Karen summarised the audit findings confirming that the financial statement opinion provides a fair view of the College's position and the College's funding and income is being used for what it is intended for. The audit was conducted professionally by all parties with support from Susan Williams and Stuart Arnfield. Karen confirmed that there had been no significant issues.

There were no questions from Governors.

General Update on Appointment of New Chair of the Corporation

- 4 Simone Lomas confirmed that following the resignation of David Meakin, Chair of the Board and the subsequent recruitment process to appoint a successor, David Brown had been unanimously appointed as Chair of Burnley College's Governing Board.
- 5 David Brown, in his new capacity took the opportunity to accept the new role and on behalf of the Board, SMT and wider college thanked David Meakin for his tireless efforts over the past nine years, he will be a hard act to follow and truly missed. David Meakin was presented with a gift from his friends and colleagues.

Safeguarding Training

- 6 Charlotte Ashworth, Safeguarding and Wellbeing Lead introduced herself, explaining that she was deputising for Tracey Kennedy, Head of Safeguarding and Wellbeing at the College, she explained that one of the cornerstone pieces of legislation for safeguarding is the Keeping Children Safe in Education. Charlotte delivered an update, including the key changes to this legislation along with information in relation to the Prevent Agenda, looking at local referrals and priorities.
- 7 Jim Sutcliffe asked about the training that was being delivered to the wider College staff, he asked how strict the College was with ensuring that all staff undertook the training, including the refectory and security staff. Charlotte confirmed that all staff are trained and that the data to substantiate this is monitored to ensure there is a 100% completion of the training. The delivery team are also able to establish whether their training had been successful and the staff were fully aware and up to date.
- 8 David Brown pointed out that the College continue to attend the East Lancashire Prevent Group, the details covered at the meetings are always shared at the Safeguarding meetings that the Link Governors attend.
- 9 David Tomlinson asked who verifies the Colleges Self-Assessment report in terms of Safeguarding. Karen Buchanan confirmed that Safeguarding is a key measure during an Ofsted inspection. Ofsted will corroborate the Colleges judgement during the inspection process. If actions were found, the appropriate regulatory bodies would be mobilised to ensure actions were being addressed.
- 10 David Brown on behalf of the Governing Board thanked Charlotte for the update and training session.

Filtering and Monitoring Statement

- 11 Matt Nuttall, Cyber Security Lead introduced the Statement explaining that the Keeping Children Safe in Education Legislation, updated in September 2023 introduced a duty for schools and colleges to have an appropriate filtering and monitoring system in place and that it should be regularly reviewed in terms of its effectiveness.
- 12 Matt requested that, in response to the change in legislation, Governors approved the College's new Filtering and Monitoring Statement. The process for complying with the Statement was outlined and going forward the Designated Safeguarding Lead and College's Cyber Security Lead will review the College's systems covering the requirements set out by the Department for Education. The most recent report was included in the papers sent to Governors, along with the required Statement.
- 13 Governors felt assured that the College is undertaking its duties rigorously and that the safety of the staff and students is at the heart of the process. Governors unanimously approved the Filtering and Monitoring Report.
- 14 David Brown introduced Nina Parkin, Assistant Principal University and Adult Education to Governors, this was Nina's first Full Board meeting in her new role on the Senior Management Team.

Declaration of Interest

- 15 Stuart declared an interest in relation to Agenda item K as his wife works at the College.
- 16 The SMT also declared an interest as their pay award is subject to the College pay award being made to all staff.

Draft Minutes of the Board meeting held on 4 October 2023

- 17 The draft minutes of the Board meeting held on 4 October 2023 were accepted as an accurate record of the meeting, proposed by David Brown and seconded by Curtis Wilson.

Matters arising from the minutes

- 18 Paragraph 9 – Simone Lomas explained that the College is currently building a new In-house version of the Website and that the navigation of the site is a key priority.
- 19 Paragraph 11 – Simone Lomas confirmed that the Safeguarding and Child Protection Policy has been published on the College's website.
- 20 Paragraph 18 – Simone Lomas noted that after speaking with fellow Clerks both from the Northwest region and the Sixth Form Colleges Network that there is no benchmark data collected but that their attendance figure target for Governors was around the 70% mark.

Minutes of the Committees

Safeguarding Minutes – 4 October 2023

- 21 David Brown referred Governors back to the safeguarding presentation in particular the referral themes and high levels.

Draft Academic Board – 11 October 2023

- 22 Karen Buchanan advised of the three items discussed at the Academic Board: Safeguarding Policy and Prevent Action Plan, Staff Survey and Burnley College Charter. All three reports were extremely positively received.

Draft Search and Governance Committee – 11 October 2023

- 23 David Brown advised that many of the items discussed at the meeting would be presented in the report at Appendix F. He did note that Richard Thorley had stepped down from his role as Chair of the Finance Committee and was now Vice Chair and that Guy Thomas had taken up the role of Chair of the Finance Committee. David also advised that there was one vacancy for an independent Governor following the resignation, at the end of his term of office, of Gerald Griggs. David thanked the Governors who have been re-elected for a further term of office.

Draft Human Resources Committee – 11 October 2023

- 24 Philip Turner explained how the situation relating to the Pay Award had been a key agenda item, with the outcome being discussed this evening in Appendix K.
- 25 Philip also noted that the results of the Staff Survey still remain very positive.

Student Council – 3 November 2022

- 26 Sarah Crossley advised that the Student Council meeting was well attended. The agenda included Student Experience and the introduction of the Core Value Award.
- 27 Eshan Bilal mentioned the effectiveness of some of the laptops in the Active Learning Zone's; that the battery life was limited and there was a shortage of leads. Karen Buchanan explained that the College continues to prioritise the purchase of equipment for students in its capital budget. Sarah Crossley confirmed that all of the issues raised as part of the discussion at the meeting were being considered and actioned and that the Student Council would receive updates at each meeting.
- 28 David Tomlinson referred to timetables, he was concerned that attendance may be negatively impacted by them. Sarah explained that timetables had been recognised as an issue previously and had been addressed as part of the annual Curriculum and Planning meetings.

Quality Committee – 7 November 2023

- 29 Kate Wallace informed Governors of the scope of the Committee, that members were representatives of key areas of the College. James Stott, Network Services Manager attended the meeting and introduced the new and updated IT Policies. James outlined the key context and content of the proposed policies and their links to other key policies and procedures.

- 30 Jim Sutcliffe raised an issue with the minutes, he felt that they didn't provide the detail he would expect and requested that future minutes included more in-depth information.

Action: Kate Wallace

Draft Curriculum and Standards Committee – 8 November 2023

- 31 Gillian Bardin deputised for Fiona Lugiano and advised Governors that the Committee had received assurance that the actions discussed at the Governors residential were filtering through to the reports that had been presented. Apprenticeship achievements, although increased were at 70%. Governors and SMT agreed that there is still a lot of work to be done.

Draft Audit Committee – 15 November 2023

- 32 Jim Sutcliffe was pleased to note that the Committee were continually updated on the position in terms of Cyber Security. The internal and external audit reports provided assurance that the College was well managed. Jim referred to the Risk Register; that the Committee had requested Stuart Arnfield to review the register in terms of format, making it easier to navigate and be more of a working document.

Draft Finance Committee – 29 November 2023

- 33 Guy Thomas referred to the excellent results that had been presented at the meeting and that although slightly behind in terms of the Financial Summary, there is a prudent approach being adopted.

Education and Skills Funding Agency (ESFA) Annual Strategic Conversation 2022/23

- 34 Karen Buchanan provided context to this item; that following the Ney review and the recent FE White Paper, the ESFA action was to introduce Annual Strategic Conversations with colleges in 2021/22 and that the aim is to look holistically at colleges' strategy and plans and encourage colleges to showcase their achievements and raise any strategic issues or challenges.
- 35 Burnley College met with the ESFA on 7 March 2023. David Meakin and David Brown were in attendance along with the Senior Management Team. The meeting started with a presentation from the ESFA involving strategic conversations regarding Burnley College and culminated with a tour of the new College facilities. The outcome letter regarding the conversation was received on 29 September 2023 and had been sent to Governors prior to this meeting.
- 36 David Tomlinson asked about the opportunities in relation to Lifelong Learning. Nina Parkin explained that the College is planning for the launch of the Lifelong Learning Entitlement and is working with employers, opening up new opportunities with the demand being established through the projects. There are currently manufacturing companies interested in the module approach rather than committing to full advanced level qualifications, this will significantly support the gap found in the Adult Education Budget. Karen Buchanan noted that this approach would be increasingly complex given the onset of devolution in Lancashire. Karen confirmed that the topic would be further discussed at the Governors Strategic Residential Event in January.

Audit Committee Annual Report to the Governing Board 2021/22

- 37 Jim Sutcliffe presented the report confirming that the report in line with the requirements of the Post-16 Audit Code of Practice and confirmed that the data demonstrated a positive position. He reported that the College has positive audit opinions and that the Committee had reviewed their Terms of Reference and agreed that there were no changes necessary. Areas of improvement identified in the Self-Assessment will be implemented.
- 38 The content of the report was summarised with the overall conclusions being that the College continues to offer value for money.
- 39 The Board unanimously accepted and approved the contents of the annual report, proposed by Gillian Bardin and seconded by Curtis Wilson.

Annual Report and Financial Statements for 2022/23

- 40 Karen Buchanan, as Chief Accounting Officer, owns this report but asked Finance Director, Stuart Arnfield to summarise the content. Stuart indicated that the College's financial health was identified as "Outstanding", putting the College in the top 25% of colleges nationally. He concluded that all four of the financial objectives have been met and that the College's financial position remains very strong.
- 41 Stuart reported an operating surplus of £1.3m and a positive picture in terms of Cash balances at £7.9m, given the investment in building works and equipment during the year.
- 42 The Board considered and approved the Annual Report and Financial Statements of the College for 2022/23, proposed by Jim Sutcliffe and seconded by Richard Robinson.
- 43 David Brown thanked SMT for how well they had managed the challenging circumstances and are still able to report a surplus.

Corporate Performance 2022 & 2023

- 44 Karen clarified that the report provided an overview of the strategic management cycle and results and a summary of the goals and the progress towards each one, presented to Governors three times a year and to staff twice a year.
- 45 Karen informed Governors of the current position in relation to each of the goals explaining that the data provides headline achievement against the goals for the last 3 years. Karen referred to the recently increased achievement target of 90% adding a cautionary note to the more challenging Apprentice achievement rates that are at 70%.

- 46 Anita Wright, via email asked about the University FT student numbers; that they are consistently below target, she asked what plans are in place to address this and are there any risks to the 2023/24 financial plan. Nina Parkin explained the actions that were being taken to address the below target student numbers in HE. Nina Parkin confirmed that there will be no impact on the financial plan because caution on recruitment had been built into the budget and Stuart Arnfield confirmed that from a financial perspective the numbers had been met. Karen explained that Nina had been appointed to the new position of Assistant Principal University and Adult Education to provide a more strategic approach to support the issues being discussed.

The content was noted.

Update on Governance Issues for Autumn/Winter term 2023/24

- 47 Simone Lomas presented the report requesting Governors' consideration of the draft redacted minutes attached to the report. Governors unanimously approved them for publication on the Colleges website.

Action: Simone Lomas

- 48 Governors noted that the College Seal had not been used.

- 49 Simone advised Governors that there is one external Business Governor vacancy on the Board based on our Board membership of up to 20 members and as a result of Gerald Griggs not wishing to be considered for a second Term of Office. The Vice Chair of the Human Resources Committee remains vacant. The process to appoint to the position will now take place following the appointment of the new Chair of Governors. As already mentioned Richard Thorley is now Vice Chair of the Finance Committee and Guy Thomas has been appointed to the Chair position.

- 50 Simone updated on the External Review process; that the scoping meeting was due to take place on the 5 February with the External Reviewing Officer, the AoC representative, the Principal, Chair of Governors, Clerk and Deputy Clerk. Further information will be provided once the meeting has taken place.

Health and Safety Report 2022/23 and in year update for 2023/24

- 51 Neil reminded Governors that the Health and Safety policy had been reviewed and updated at the Governors full board meeting in June 2023. Health and Safety Consultant David Shorrocks has visited the College three times throughout 2022/23 focusing on audit, compliance and general Health and Safety procedures, and had advised governors of their responsibilities at the October 2023 full board meeting. The Search and Governance Committee continue to prioritise the appointment of a Link Governor for Health and Safety.
- 52 Neil advised that there had been three additional external defibrillators and one internal defibrillator installed at the College. They are all registered with the ambulance service and can be accessed by members of the public. Health and Safety training for 2023/24 continues to be delivered to staff to ensure the safety of learners and staff.
- 53 David Brown asked whether there was any impact from the action taken as a result of the near misses. Neil advised that staff are encouraged to record near misses as they are crucial to learn lessons. Neil provided examples of near misses that had taken place over the year and the actions that had been undertaken to mitigate them going forward.

The report was noted.

Governors Strategic Planning Overview Document

- 54 Karen Buchanan introduced the paper and invited Governors to raise questions and comment on the set paragraphs which had been highlighted with the relevant senior managers' name.
- 55 Richard Thorley via email referred to paragraph 3.26 and noted that the College needs to ensure that it remains active and close to Lancashire County Council as the devolution process evolves, to ensure the best knowledge of the future direction and to be in a position to maximise future funding. Karen advised that the topic would be discussed further at the Governors Strategic Residential.

Action: Karen Buchanan

- 56 David Tomlinson asked whether there was a tipping point in terms of capacity where efficiencies become a consideration. He asked whether we are near and whether it would present risks. Stuart confirmed that we are nearer than we have ever been but that we are finding ways to make the space work and continue to stick to our policy of not turning anyone away. From next year the new buildings will provide the space needed.

The College Self-Assessment Report (SAR) 2022/23

- 57 Kate Wallace advised that the SAR is a formal document that is placed on the Ofsted hub. Whilst this is no longer a legal requirement, it is recognised as good practice to do so. The SAR summarises where we expect to be against the Education Inspection Framework (EIF). The SAR is externally validated through consultants, and internally validated through divisional and support area reviews comparing performance against national averages and College targets. Kate explained that the College was Self Assessing at grade one, with results remaining at outstanding, although there are still some actions that continue to be worked on.
- 58 Jim Sutcliffe referred to the terminology in the report in relation to the judgement as 'Strong'. Kate advised that it is the terminology used by Ofsted.
- 59 David Brown asked Governors whether the paper reflects the College they know. Governors were keen to note that the report provided assurance and that the reports presented in all of the Committees and Full Board very much represent the detail in the Self-Assessment Report.
- 60 David Tomlinson asked whether the Quality Improvement Plans were ever presented to the Board. Kate confirmed that they would be presented at the Curriculum and Standards Committee in June 2024 once both Deep Dive processes have concluded.

Action: Kate Wallace

- 61 Karen highlighted the changes that had been implemented by Ofsted in terms of their inspections ; that the complaints process post inspection was more transparent and helpful and that from February 2024 there will be a dashboard that will include colleges data profiles, providing benchmarking data for comparison.

Staff and Student Governor Appointments

- 62 After a rigorous interview process, a recommendation to approve the appointment of the Student Governors, Sam Sheard and Abigail Geary and Academic Staff Governor, David Easton to the College's Board was made. The recommendation to approve the Student and Staff Governors was unanimously approved, proposed by Gillian Bardin and seconded by Paul Henderson.

Confidential Items (excluding staff and student governors)

Pay Award 2023/24

- 63 The Governors' Human Resources Committee considered the possibility of a pay award in 2023/24 at their meeting in October 2023 and recommended that a pay award is made, subject to the Finance Committee agreeing on affordability and scale, and subject to full Governing Board approval.
- 64 The Finance Committee reviewed the affordability of a pay award at its meeting in November 2023 and, despite financial challenges that the College will face this year, the Committee recommended that the pay award proposal is presented to the Governing Board for approval.

- 65 The pay claim 2023/24 from the Joint Trade Unions of the National Joint Council has been submitted to the Association of Colleges (AoC) and asks for:
- A 10% increase of RPI (13.4%) + 2% on all pay points. 15.45 (January RPI + 2%)
 - All colleges to become accredited Foundation Living wage employers.
 - Significant movement towards meaningful national agreements to address workload in colleges.
 - A sector wide agreement on a new national bargaining framework for FE that builds on reclassification of the sector with an agreement on a new National Contract FE staff.
 - A national Green New Deal Agreement on a Just Transition for the sector which will include a Just Transition Commission in FE. The scope of which could include sustainability, new skills, climate justice and a road map to achieving a carbon neutral sector by 2030.
- 66 Following a lengthy discussion governors unanimously approved for a consolidated pay award of 6% for all staff, proposed by Jim Sutcliffe and seconded by Richard Robinson

Approved by Chair, David Brown

Signed: David Brown

Date: 20 March 2024

NOTE: Final approval of the minutes will be at the following sub committee meeting.