

## Further Education Corporation

---

### Approved Minutes

Minutes of a Meeting of the Further Education Corporation held at the Stephenson Road Campus, Leigh-on-Sea, Essex on Monday 15 October 2018 at 6.00 pm.

Present: Mrs G Williams (Vice Chair, in the chair)  
Ms O Buck  
Dr R Gray  
Ms A-L Harding  
Mr T Knight  
Mr R Launder  
Ms J McGee  
Dr G Ocen (from 6.10pm)  
Mr R Patterson  
Ms A O'Donoghue CBE  
Ms E Rodriguez Ponce  
Ms M West

In Attendance: Mr A McGarel (Deputy Principal & Chief Executive)  
Mr S Smith (Vice Principal, Corporate Resources)  
Mrs K Mulvey (Vice Principal, Student Services and Adult Programmes)  
Ms D Garroway (Assistant Principal, Teaching & Learning)  
Mr M Twitchett (Assistant Principal, Learning & Standards)  
Mr C Bladen-Kopacz (Dean of Higher Education – item 7 only)  
Mr P Moore (Director of Finance)  
Mr R I Millea FCA (Clerk to the Corporation)

### 1. The Meeting was preceded by a Tour of the recently opened Campus at Stephenson Road.

*In the absence of the Chair, the Meeting was chaired by the Vice Chair.*

### 2. Appointment of HE Student Member (Paper FEC.18.16)

The Board **APPROVED** the appointment of Estrella Rodriguez Ponce as an HE Student Governor of the College, commencing immediately, for the period ending 31 July 2019, subject to her remaining a student of the College. Induction and appointment formalities are being completed.

Estrella then joined the Meeting.

### 3. Apologies for Absence and Declarations of Interest

Apologies for absence were received from David O'Halloran, Paul Griffiths and Hiba Khoury.

The Clerk declared his interest as Clerk to Chelmsford College and Company Secretary of Essex Shared Services Limited and that his wife's cousin is the Clerk to Writtle University College.

Richard Launder and Anthony McGarel declared their interests as Directors of Essex Shared Services Limited.

### 4. Urgent Business

In response to a request from the Chair of the Corporation for personal reasons, it was **AGREED** that Richard Launder assume the position of Chair of the Corporation for a temporary three month basis from 1 January 2019 until 31 March 2019.

There were no other items of Urgent Business.

### 5. Minutes of the Meeting held on Monday 9 July 2018

The Minutes of the Meeting held on Monday 9 July 2018 were **APPROVED** and **SIGNED** by the Vice Chair.

### 6. Matters Arising from the Minutes

There were no Matters Arising from the Minutes which are not otherwise dealt with in the Agenda.

### 7. HE Update (*Paper FEC.18.17*)

#### *i. OfS Update*

The Dean of HE **PRESENTED** a Report summarising regulatory developments from OfS, noting that failure to comply with OfS requirements would place the College's HE provision at risk.

He stressed the need for the College to

- Complete the activities proposed in the self-assessments submitted to OfS as part of registration
- Invest in updating the existing student record system
- Increase transparency of HE funding to meet value for money tests
- Be aware of likely future regulatory tightening
- Submit an application for TEF (Teaching Excellence Framework)
- Obtain student protection plan insurance cover
- Tighten its Governor vetting procedures
- VFM forecast being devised in line with the OfS submission demonstrating receipt of HE monies and their allocation and distribution

These objectives are in the process of being completed.

The Dean reported that it had been necessary to rewrite the College's Access and Participation Plan accompanied with a Resource Plan to make it data led.

The DPCE reported that it is difficult to get insurance for student protection as insurers do not consider this to be a substantive insurable risk. The possible liability could be from £2m to £5m. This will be pursued further with insurance companies.

Terry Knight asked about the governor issue referred to in the Report. This applies to the OfS governance requirements concerning whether governors are 'fit and proper' persons to serve on the Board.

The Clerk advised that an additional question will have to be added to our Declaration of Eligibility Form, which is signed by governors on appointment and then renewed annually. The Assistant Clerk will send out a follow up question on this matter shortly. The Clerk noted the retrospective nature of the OfS requirement in that it applies to the last two years.

The PCE indicated that the OfS will want the College to carry out a regular search of Companies House records to satisfy the College that disclosures by governors are accurate.

In response to a question from Anne Lise Harding Governors were informed that all Colleges will have to submit an application for TEF, if they have not already submitted, by February 2019. The grade is likely to be bronze based on our data. However, this will depend on the quality of our submission.

In response to a question from Terry Knight, Colin Bladen-Kopacz stated that the College's existing data systems will require investment in order to meet the OfS data analysis condition.

The Board **NOTED** the Report.

*ii. Progress against HEFCE APR Action Plan*

The Board **RECEIVED** a Report from the Dean of HE on the above issue. The Action Plan dates from 2016-17 and focused on improving student retention in the full time provision. It is expected that the OfS will review progress later this year.

The Board **NOTED** that 2016-17 retention for the College was 88% which is the same as the HEFCE benchmark and represented considerable improvement over past years, which had given rise to HEFCE concern over retention. Retention for 2017-18 looks even better at over 95% and this is pleasing.

Notwithstanding the improvements, the HE Department is monitoring student drop-outs closely and keeping in touch with any intermitting students to ensure they return to study in a timely manner.

In response to Terry Knight, it was confirmed that student retention is not affected even if a student leaves the College as long as they move into HE in another institution although there is a financial loss. Terry felt this was bizarre since it means the ability of the College to make clear strategic judgements is flawed as the student retention data is not a true reflection of retention within the College.

*iii. .HE Enrolments 2018/19*

The Board **RECEIVED** a Report from the Dean of HE on student enrolments for 2018-19, based on a dataset of 1 October 2018. Confirmed numbers of year 1 entrants this year are **270** against a target of **255**, which reverses the previous downward trend. Plans are in place to grow overall HE numbers to 1402 by 2023. The present total cohort is 724 on degree programmes and a further 90 students on HNCs and PGCE.

This growth target is very challenging as it represents over 10% per annum. To this end, the Dean and Programme Leaders are undertaking student centred and programme specific marketing.

Forecast HE fees for this year stand at £5.1 million against a target of £5.2 million but based on updated data it is now expected that the College will achieve the budget for HE income for 2018-19.

However, there are still year 2 and year 3 students who have not returned this year. Efforts continue to engage with those students who have not returned so far to persuade them to resume.

The Board **NOTED** the Report.

*iv. HE NSS Results*

The Board **RECEIVED** a Report on NSS Survey Outcomes 2018, accompanied by detailed analysis.

The Board noted that the overall NSS Score of 75% has declined relative to the OfS benchmark (82%) and last year's score (78%) but the detailed position is more nuanced across programme levels. This warrants further investigation and, where necessary interventions. A lot of courses are performing well against their individual benchmarks compared with similar courses across the country.

The detailed analysis contains a number of proposed actions to be taken and these were **ENDORSED** by the Board. These covered:

- Review investment in learning resources
- Strengthening the Student Voice
- Proportionate interventions
- Explore communities of learning
- Communicate survey results with Programme Managers and explain findings

The Dean of HE said that the drop in the satisfaction rate is apparently not considered significant from the standpoint of the regulator but governors did express their concern.

One complaint from students concerns availability of resources and the Dean indicated that there is a long lead time for resource issues to be addressed. He also commented that some students don't know where to look for the information they require. Another issue related to feedback to students – generally, it was considered to be good but it could be more timely, and this is being addressed through the new management structure in HE.

Terry Knight asked how many students completed the NSS survey and the Dean believed it was in the region of about 85% so this is felt to be quite a good response rate.

## **8. Strategic Developments in South Essex (Paper FEC.18.18)**

*This was deemed to be a Confidential Item under the Instrument & Articles and a separate minute has been prepared in connection with this item and is attached to these minutes.*

## **9. Curriculum & Quality Matters (Paper FEC.18.19)**

### *i. Preliminary Report on Learner Performance 2017-18*

The Board **RECEIVED** a Report from the VP, C&Q on Learner Performance for 2017-18 against College targets, noting that there are still some outcomes to be finalised and some final achievement figure may increase.

Overall Achievement is 82%, up 4pp over last year and 2.0pp above the College target. This overall rate is below National Rate of 84.4% mainly due to low achievement on Access Programmes, A Levels and basic skills English and Maths. Nevertheless, these areas have improved from last year apart from Access Programmes which was disappointing lower (89% down to 73%).

English and maths has improved on last year despite the change in the grading system this year as has Functional Skills for 16-18 year olds but has slightly declined for Adults and overall these areas are much closer to National Rates.

Details of achievement rates against targets were tabulated and provided to the Board for comment.

The Board were informed that, where provision has been significantly lower than National Rates, a rapid intervention and improvement process led by a member of the SMT will be established alongside a full review of the provision.

This action is planned to complete within 6 weeks and will be assessed then by the VP, C&Q. It may be necessary to consider the future of that provision given that poor outcomes may damage the College's reputation and finances.

A Levels are still an area of concern with the value added score being within the bottom 25% of the country – most of the College's 'A' Level provision is less than satisfactory. Given this, a separate paper on how we will change 'A' Level delivery in 2019/2020 will be prepared by SMT and reported to the Board.

Overall and timely Apprenticeship achievement for the College is currently below the National Rate, due to the poor performance of some partners. College apprenticeships are above NR for both categories.

### Governor questions

The PCE commented that the decline in apprenticeship achievement was caused by the run off SLIC students due to the College taking over their provision following that provider going into administration.

The PCE also stated that the College is committed to reducing sub contracting with outside providers. This is happening and the College is growing its own provision to meet the needs of students previously serviced through sub contracting externally.

The DPCE commented that subcontracting externally is now much more tightly regulated.

Terry Knight asked about Value added and the VP, C&Q stated that is very good being in the top 30% of the country.

Anne-Lise Harding asked if University conditional offers nationally were impacting our A Level results but was advised that this is not the reason for the poor performance in that area.

Terry Knight was pleased to see that the College's overall achievement rate for last year is up but it was disappointing that Level 1 and 2 are a bit down (exams now set for these levels) although Level 3 results have risen.

The VP, C&Q commented that exams are now set for Levels 1 and 2 which has certainly impacted results compared to last year and it was further the College's view that the next iteration of the National Rates for Level 1 and Level 2 will drop this year.

Bob Patterson observed that the College has a Notice of Concern for A Levels from ESFA and the PCE stated that we still be under a Notice of Concern for the time being. It will be reassessed by the ESFA next March.

Meanwhile, the Board was informed that the College will continue with robust interventions and other actions to improve the results. There is a possibility that the College could lose funding for 'A' Level provision and be prevented from offering them. However, this is fairly rare if progress is being made.

The VP, C&Q said that not only were the results very disappointing in A Levels but also the Value Added is poor and, in her view, that is more of an issue.

#### *ii. Quality Strategy 2018/19*

The Committee **RECEIVED** a Paper from the Vice Principal, Curriculum & quality updating the College Quality Strategy for 2018-19 and seeking Board approval.

Only relatively minor changes are considered necessary to the existing Strategy which had worked well through 2017-18, mainly concerning removal of duplication between this Strategy and the College Strategic Plan and the Teaching Learning & Assessment strategy.

The Strategy is designed to ensure common understanding amongst academic staff regarding College expectations and harmony with the TL&A Strategy (see next item) leading to continuing improvement in College quality and assurance.

The Board **APPROVED** the College Quality Strategy for 2018-19 for FE.

#### *iii. Teaching Learning & Assessment Strategy 2018/19*

The Committee **RECEIVED** a Paper from the Vice Principal, Curriculum & Quality updating the Teaching Learning & Assessment Strategy for 2018-19 and seeking Board approval.

The Paper outlined changes proposed to the existing Strategy, all of which were of a minor nature. The TL&A Strategy is used together with the Quality Strategy to inform a variety of quality monitoring approaches which have a positive impact of outcomes for learners.

The Board **APPROVED** the Teaching Learning & Assessment Strategy for 2018-19 for FE.

Bob Patterson asked about the role of Wellbeing within our processes and strategies. The VP, C&Q said that provision is made for this in a variety of ways with students, starting with induction. It is also assessed as part of the Ofsted inspection area – Personal Development, Behaviour & Welfare.

*iv. Institute of Technology*

The Principal & Chief Executive gave a verbal update to the Board on the College's 1<sup>st</sup> stage successful bid for an Institute of Technology in Transport and Logistics.

This is an exciting project for the College and will encourage a radical change in technical skills needed in the future, if we are successful in Stage 2 due in by 21<sup>st</sup> November.

Richard Launder said that the College bid was a good bid and therefore there is a good chance of it proceeding. The final IoT bid submission will be made in November 2018, presented to Government in February 2019, and, if successful, an IoT licence will be awarded in April 2019. It is envisaged that a small number of programmes will commence in September 2019.

It was noted that there is a substantial capital investment required in a Hub building (2500m<sup>2</sup>), which is proposed to be built on land at the DP World Logistics Park in Thurrock, amounting to around £11 million. Capital funding will be forthcoming from Government for this investment. Government will not fund revenue expenditure.

Geoffrey Ocen asked if there were competitors in the IoT areas of Transport and Logistics and the PCE said there is a College in Leicestershire who are potentially a competitor but it is our intention to work cooperatively with them and contact has been initiated.

In response to a question from Geoffrey Ocen, the PCE reported that our university partner, UEA, are on board and very keen to participate in the project. The same applies to the other partners in the project.

The Board **APPROVED** the College proceeding with this development.

## **10. Finance Matters** (*Paper FEC.18.20*)

*Items 10 (a) to (c) on the Agenda are deemed to be Confidential Items under the Instrument & Articles and separate minutes have been prepared in connection with these items and are attached to these minutes.*

### **10 (d) Insurance Policies Review**

The Board was provided with a detailed Insurance Policy schedule relating to the College for review. This shows an increase of £51,000 from last year and the Director of Finance is working with insurers to identify in year savings. It is affected by the addition of Stephenson Road to the College estate. The Board was assured that the College has in place sufficient cover for all known risks.

The Board **NOTED** the position.

## **11. Matters for Approval by the Corporation**

The Clerk presented a verbal Report outlining matters for approval by the Corporation arising from items already considered in detail by Committee and are recommended for approval by the Board.

The Board **APPROVED** the following documents:

### From the Policy & Resources Committee

- KPIs 2018/19 (HR) and outturn 2017/18
- Committee Terms of Reference

### From the Audit & Risk Committee

- Internal Audit Plan 2018-19
- Internal Audit Annual Report 2017-18
- Committee Terms of Reference
- ACOP – Regularity Self-Assessment Questionnaire 2017-18

### From the Search & Governance Committee

- Committee Terms of Reference

## **12. Items for Information Only**

The Board **RECEIVED** the following Committee Meeting Minutes (unapproved):

- |                                 |                          |
|---------------------------------|--------------------------|
| • Remuneration Committee        | 15 October 2018 (verbal) |
| • Search & Governance Committee | 24 September 2018        |
| • Policy & Resources Committee  | 24 September 2018        |
| • Audit & Risk Committee        | 12 September 2018        |

The Board **RECEIVED** the following documents which had been considered by the Policy & Resources Committee and the Audit & Risk Committee:

- Risk Management Report (including Risk Register, Dartboard and Assurance mapping)
- Minutes of ESFA Monitoring Meetings

Bob Patterson recommended that all Governors should ensure they read the Risk Management Report as it provides useful insight into College risks and their management.

## **13. Governance Matters (Paper FEC.18.21)**

### Board Recruitment

The Clerk reported that efforts continue to recruit a FE Student Governor and this is hoped to be finalised shortly.

There remains 2 vacancies on the Board for independent governors.

There appears there might be one candidate to be considered as a governor from the existing PROCAT governors and the Clerk is following this up.



The Clerk is also reported that the revised Management Structure for the merged College has been discussed and approved by the Remuneration Committee, which met immediately before this Meeting. This Structure was also approved by the Merger Transition Board.

It was agreed that the management structure papers be sent to all Board Members for information.

Annual Review of Confidential Minutes

The Clerk **PRESENTED** a Paper documenting his Annual Review of Confidential Papers. After discussion, the Board did not **APPROVE** the action proposed by the Clerk to declassify papers and minutes in connection with the construction of the Thurrock Campus and the sale of Woodview (the previous College Campus in Thurrock) and to review that situation in the future.

It was further **AGREED** that all other matters currently designated Confidential should remain as such.

Compliance with English Colleges' Code of Good Governance

The Clerk **PRESENTED** a paper documenting the College's compliance during 2018-18 with the English Colleges' Code of Good Governance and this was **NOTED**. The paper gives assurance to the Statements made in the College's Statement of Corporate Governance and internal Control included in the Annual Members' Report.

The Clerk was instructed to examine the OfS regulation regarding governance which particularly relates to governors being 'fit and proper' and advise the Board as to any further actions the Board needs to take to meet the OfS regulations.

The Clerk noted that, at a minimum, the College needs to seek further disclosures and confirmations from Board Members regarding this issue and this will be put in hand without delay.

**14. Forthcoming Events** (*Paper FEC.18.22*)

The Board **NOTED** the contents of the paper, prepared by the Clerk.

**15. Date of Next Meeting**

Monday 3 December 2018 at the Basildon Campus.

There being no further business, the Meeting terminated at 8.10 pm.

Signed.....Dated.....