

CITY OF WOLVERHAMPTON COLLEGE

**Minutes of a Meeting of the Board of Governors held on
Monday 24 May 2021 at 5pm
Conducted via Microsoft Teams**

PRESENT

Mr Mike Hastings (Vice Chair)	Mr Sam Duru
Mr Clarence Crosdale (Vice Chair)	Mr John Bradford
Ms Emma Bull	Mrs Amanda Tomlinson
Mr John Bradford	Mr Mal Cowgill
Ms Sally Slater (Staff)	Ms Nisha Rai
Mr Ian Gardner	Mrs Hshaana Knight
Mr Yankho Songwe (Student) (From Item 8)	Ms Ioana Axinte

IN ATTENDANCE

Mrs Louise Fall	-Vice Principal Student Engagement
Mr Ian Browne	- Vice Principal Student Success
Mr Peter Merry	- Vice Principal Business Success
Mrs Elizabeth Ball	- Head of Governance

34/21 APOLOGIES AND DECLARATIONS OF INTEREST (ITEM 1)

Apologies were received from Lindsey Flynn, Trevor Dutton and Mark Taylor.

There were no declarations of interest.

35/21 MINUTES AND MATTERS ARISING (ITEM 2)

The minutes of the meetings held on 15 March 2021 and 29 March 2021 were approved as a correct record.

The notes from the Strategy Session held on 26 April 2021 were received.

36/21 REPORT ON OUTSTANDING ITEMS (ITEM 3)

121/19 Subsidiary Company

The Vice Principal Business Success reported that the appointment of additional directors of the subsidiary company had been delayed but that contact would be made with Mr Jon Crockett to progress this as soon as possible.

116/20 Governor review documentation

The Head of Governance reported that the format of Governor review meetings had been discussed with the Chair and the proposed documentation would be circulated to Governors as soon as possible for comment.

116/20 Governor links

The Head of Governance reported that links were being established for new governors and that it was anticipated there would be an opportunity for governor link activity to take place before the end of the academic year.

124/20 FE Commissioner Action Plan

It was noted that an update on the plan would be considered as part of the meeting.

115/20 Key Performance Indicators

The Principal reported that the KPI's would be reported at the next meeting. He advised that as part of the Strategic Development Improvement Plan consideration was being given as to whether the KPI's should be rebased in view of the impact of the COVID 19 pandemic.

127/20 Board of Governors self-assessment

The Head of Governance reported that the intention was to update the Governance Development plan taking into account the outcome of the Independent Board Review and to feed this into the self-evaluation process for 2020/21 as the report had not been available until March 2021.

06/21 Pay award

The Principal advised that this would be discussed as part of the report on People Engagement.

02/21 Property Strategy

The Vice Principal reported that this related to the proposed disposal of the Newhampton site. He advised that discussions were ongoing with the Charitable organisation that is in occupation of the site and he anticipated that he would be able to provide an update in the summer.

37/21 CORRESPONDENCE (ITEM 4)

Letter from Gillian Keegan MP to Stuart Anderson MP

The Principal reported that following the announcement that the tolerance for ESFA adult provision would be set at 90% this year resulted in sector led correspondence being sent by College's to their local MP's.

The concern was that tolerance had been set at a higher level than last year when it was 67% and that this was against a background of fewer learners and less provision.

Governors were advised however that the College believed that the threshold of 90% will be achieved.

Governors noted that the letter referred to funding being devolved in the Mayoral Combined Authorities and asked what the position of the West Midlands Combined Authority was.

The principal advised that the majority of the College's income is via the West Midlands Combined Authority and therefore the threshold and any clawback is within their discretion.

It was noted that so far the Combined Authority have taken a longer term view and not clawed back funding.

Letter from the Secretary of State

The Principal advised that the correspondence was primarily aimed at HE institutions but that the prevention of antisemitism was something that the College needed to be aware of.

Governors asked if there was a suggestion that College's needed to take action to support or adopt the International Holocaust Remembrance Alliance.

The Vice Principal Student Engagement replied that institutions are being encouraged to adopt the Alliance and that the College will have an HE group meeting with the University after half term and discuss how they are taking the matter forward.

She also advised that the College is being strengthened to emphasise that antisemitism will not be tolerated.

It was agreed that an update would be provided to the Board of Governors at their meeting in July 2021.

38/21 ACTION PLANS (ITEM 5)

FE Commissioner

The Head of Governance reported that the first two recommendations made by the FE Commissioner in relation to the review of composition and membership and the appointment of new Governors had been fully completed.

It was noted that the two remaining recommendations continue to be addressed but are subject to support being provided for the Capital Development and for improvements in cash reserves.

The Principal reported that he had been advised unofficially that the FE Commissioner would make a further visit to the College on 25 June 2021.

Independent Board Review

The Head of Governance reported that six of the 12 recommendations had now been completed with the remainder being rated as green.

An update was provided in relation to the remaining recommendations with all targeted as being fully implemented by the end of the current academic year.

The Head of Governance reported that the Individual Reviews for Governors and the review of the Chair's performance would form part of the self-evaluation process for 2020/21.

Governors commented that there were many new Governors in place who would not be able to complete the usual full evaluation documentation. The Head of Governance advised that this would only be circulated to those Governors who had been in post at least since September 2020.

It was resolved that the action plans be noted.

39/21 CLQ AND COWTECHC UPDATE

The Vice Principal Business Success delivered a presentation to the Board of Governors in relation to:

CLQ and CowTechC Funding update

Post 16 Capacity Fund

Accommodating Electric Vehicle Provision.

CLQ and CowTechC Funding Update

The Vice Principal Business Success reported that that the bid for funding that had been submitted to the West Midlands Combined Authority had been considered by the Investment Board and was now being placed before the Investment Board for consideration on 28 June 2021. If successful this would be a bonus for the College as this funding had not been included in the assumed funding previously.

It was reported that the approval of the Towns Fund bid at a lower rate meant that the amount to be provided to the College was reduced, however if the funding is received from the Combined Authority this will be sufficient to continue with the build at Wellington Road.

The Vice Principal Business Success advised that the bid to the Further Education Campus Transformation Fund formed the largest element of potential funding. The bid for funding was submitted in March 2021 and it was anticipated that the outcome of the stage 1 bids would be published on Friday 21 May 2021. To date however, no announcement has been made.

If the College is successful at stage 1, the full bid will need to be submitted by the end of July 2021.

Post 16 Capacity Fund

Governors were informed that on 18 May 2021 the Government published the guidance and application form for the Post 16 Capacity Fund which is intended to support post 16 providers accommodate demographic increase in 16-19 year-olds.

The deadline for submission of applications is 14 June 2021.

The Vice Principal Business Success outlined the potential developments that could take place at the Wellington Road site which had been identified through the curriculum planning process and growth in numbers.

These were provision of extra workshop space in the Innovation Centre and in the JLR workshop. Additional classrooms could also be provided in the Learning Resources Centre.

It was emphasised that the College would be eligible as there is evidence of demographic growth over the next 6 years and would also address the need for additional capacity in construction.

It was reported however that there is an expectation that Colleges will provide a contribution of at least 15%. If not, points are deducted from the bid, points are also deducted where there are late accounts and a modified audit opinion.

Governors noted the challenges associated with applying for the funding and the need to meet the tight deadlines with an expectation that most of the spend would be before the end of the Government's financial year and that all spend must be before August 2022.

As a result, the Vice Principal Business Success advised that there was a need to move quickly and to carry out design work and costing. He reported that a local firm of architects had been approached to carry out this work and a quote was expected in the near future.

In view of the tight deadlines, the Vice Principal Business Success reported that his proposal would be to use the West Midlands Framework as the procurement route. He reported there had been at least one expression of interest in carrying out the work and requested the Board of Governors to approve the method of procurement.

The Vice Principal Business Success also highlighted that clarification was being requested about the expectations in relation to BREEAM there will also be a need to make small changes to the Property Strategy.

It was noted that there is a need for the Board of Governors to sign off the bid.

Governors asked whether the growth in students and profitability will be considered as part of the bid? The Vice Principal Business Success reported that the College's market share would be added to the growth and as a result he considered the College could make a compelling case.

Governors questioned whether the architects had been asked to undertake a feasibility study. Whilst some options had been identified they asked whether there was a view about what the bid would look like. It was commented that there may be a need to rely on architects cost estimates rather than contractor quotes.

The Vice Principal Business Success reported that he was working closely with the architects and that the first question was whether they could complete the designs within the necessary time frame. There was a 7% contingency allowed within the funding but any further additional costs would have to be funded by the College.

He advised that whilst each of the options would be scoped the addition of a further mezzanine in the Innovation Centre would provide the best value as the stairwells are already in place as are the necessary services. Funding for the JLR would also be beneficial. He indicated however that whilst extending the LRC is desirable it is not as essential as the two other proposals.

Governors were fully in support of a bid being submitted for funding and the Principal advised that whether the College would be able to make a contribution depended on the costings.

They asked however about delivery of the projects and whether we can meet the timescales in terms of the bid and the spend.

They were advised that the developments that were being proposed had been envisaged when the buildings were designed and involve putting a floor into mezzanine areas. As a result, should be achievable within the timeframe.

It was proposed that the Campus Transformation Oversight Group should be asked to review the bid before it was submitted and that final approval of the bid be delegated to the Chair in consultation with the Group.

It was resolved that:

- **the Campus Transformation Oversight Group review the bid before it is submitted and that approval of the final bid be delegated to the Chair in consultation with the Group.**
- **the Vice Principal Business Success be authorised to work with the architects in developing the designs and that the West Midlands Framework be used as the procurement route.**

Elective Vehicle (Confidential)

40/21 STRATEGIC DEVELOPMENT IMPLEMENTATION PLAN (ITEM 7)

The Principal presented the draft Strategic Development Implementation Plan and advised that an update would be provided in June with the final plan being presented for approval at the Board of Governors meeting in July.

Governors reported that they were content with the process of developing the plan

It was resolved that the report be noted.

41/21 COLLEGE REPORT (ITEM 8)

The Vice Principal Student Engagement provided an update in relation to the College opening and reported that whilst from 17 May the Government had advised that masks could be removed in the classrooms, this practice has been maintained at the College

It was noted that the number of positive COVID19 cases at the College remain low and had not increased with the re-opening.

The Board of Governors noted the ongoing College response to the pandemic and steps out of lockdown to support a safe environment for all.

1. Student Engagement

Applications

The Board of Governors noted the report on the level of applications for full and part time provision and for HE and those areas which were seeing significant growth or a reduction in numbers.

Governors asked what provision is accessed by adult learners and were advised that these are mainly within the College's part time provision. This provision has been affected by the COVID 19 restrictions and applications may increase as adults become more confidence in accessing the College post lockdown.

Governors questioned whether the increases could be a reflection of students having contingencies in place and whether the position will change as students make their final choice.

The Vice Principal Student Engagement confirmed that some students will be applying to several institutions and that some may apply and stay at school. As a result the position continues to be monitored.

The Vice Principal Student Engagement also confirmed that withdrawals are being monitored and there is confidence in the numbers.

Student Survey

The Vice Principal Student Engagement presented the report which detailed the outcome of the On Programme student survey of students on full time or substantial programmes.

It was noted that despite the COVID 19 restrictions, levels of student satisfaction remain high although the return rate was affected.

Governors were pleased to note the increase in overall satisfaction 'I would recommend the College to a friend' to 95% and that 96% of students indicated that they were proud to be a City of Wolverhampton College Students.

Governors also noted however where there were areas of concern and the effect of the move to online resources which it not the preferred learning style for all students and the lack of work experience and placement opportunities.

The Vice Principal Student Engagement highlighted that in relation to the College's HE provision there was a similar pattern of high levels of student satisfaction and that the comment relating to the Complaints Policy and procedure would be addressed as part of the induction process.

The Student Governor joined the meeting.

The Vice Principal Student Engagement reported that after the survey is completed there are a number of focus groups held with students to discuss any issues raise and any recurring themes.

Governors noted the comment in relation to the College Complaints procedure and asked whether there is a risk that students are not aware of other policies and procedures and in particular whether the College is confident that the message and support in relation to safeguarding and pastoral care is strong enough.

The Vice Principal Student Engagement reported that safeguarding forms part of the student indication and that videos and presentations are made to individual groups of students. She advised that during lockdown monitoring had been enhanced and all students with safeguarding needs were provided with support.

The Vice Principal Student Engagement said that the College had seen an increase in safeguarding referrals and an increase of demand for the Counselling services so students are aware of where to go and seek help.

Governors commented that given the challenges faced this year, it was a major achievement to retain such high levels of student achievement.

The Safeguarding Governor also commented that from the information and feedback he has received, the College has a very good relationship and collaborates well with other agencies and has been pro-active in relation to safeguarding for some time.

Whilst a full safeguarding report is provided at the end of each academic year, the Vice Principal Student Engagement provides figures relating to levels of reporting in the meeting chat.

Governors said that the response from students to the survey evidences that they feel valued. It was noted that a major fact in student satisfaction is the staff at the College and the Vice Principal Student Engagement reported that to date nearly 600 nominations have been received from students for the staff 'star awards'.

The Board of Governors noted:

- **the increased level of applications for full time provision in comparison to the same point last year, whilst recognising that part time application activity is lower.**
- **the positive student feedback obtained through in-year survey activity, despite the challenge of operating in a pandemic year.**

2. Student Success

Destinations report

The Vice Principal Student Success presented the report which provided Governors with headlines of student progression and destinations for 2019/20.

Analysis of the available data was included in the report and it was noted that the criteria for positive destinations has recently changed. In order to be a positive destination a student must progress to a destination relevant to their career or learning aim. As a result, the questioning and capture of data will need to be more intense.

student progresses to a destination relevant to their career or learning aim meaning that the questioning and capture of data will need to be more intense.

Whilst benchmarks were not currently available it was anticipated that that data from the West Midlands Group of Colleges will be available in June/July when a further report can be provided for consideration by the Board.

Governors were advised that in view of the changes the process for capturing data on destinations is being reviewed.

Governors noted the improvements in positive destinations for the 2019/20 year and the effect that the COVID19 pandemic may have had on the number of students finding employment.

Governors asked why volunteering was classed as a negative destination code.

The Vice Principal Student Success responded that this is not regarded as a positive destination as it is not considered to be linked to the learning aim.

The Board of Governors noted:

- that overall the College believes that it is continuing to be successful in enabling high levels of students to have aspirations and achieve a positive destination.

- that due to the increased importance placed on positive destinations the College needs to review its processes in capturing even more prevalent data.

3. Business Success

Management Accounts

The Vice Principal Business Success presented the period 8 Management accounts to 31 March 2021.

Governors noted the operating surplus compared to the budgeted year to date position and the improved position. They also considered the overall variances in relation to income and in pay and non-pay savings.

In relation to the funding of adult provision the current forecast indicates that the College will reach the tolerance level of 90% and whilst for funding from the Combined Authority the forecast may be slightly less the have not previously clawed back funding, having taken a much broader view.

The Vice Principal Business Success reported that there was a risk to funding if the policy of the Combined Authority changed, but that the College had recently had its second provider review and the relationship with the authority was strong.

As a result there is a view that the financial outturn for the College will be positive in the context of the challenges that of the COVID 19 pandemic.

The Board of Governors noted the March 2021 management accounts and cashflow.

2021/22 Budget

The Vice Principal Business Success highlighted key points from his report on the 2021/22 budget and that a further update would be provided at the meeting of the Board in June, with the final budget and financial plan being presented for approval at the meeting in July.

It was noted that over a 5 year period since 2017, there has been an upward trend in student numbers but there is a significant way to go to recover the losses between 2010 and 2017.

The Vice Principal Business Success advised that with the improving demographics the college can work towards recovering its position, but that the plans for the new build only assume that the College will return to approximately half the previous numbers. There will however be many opportunities to attract additional growth.

It was noted that currently no pay award has been factored into the budget for a pay increase but that the intention is to review this depending on affordability.

Governors were advised that in the coming months the position about the College's capital aspirations will become clearer and at that time there will be a need to discuss with the ESFA and the bank the unintended consequences of the Transaction Unit agreement the repayments for which commence in 2021/22 when it was anticipated that the CLQ development would have been completed.

The Board of Governors noted the status of the 2021/22 budget

People Engagement (Confidential)

42/21 REPORT FROM THE AUDIT COMMITTEE (ITEM 9)

The Chair of the Audit Committee presented the report which identified those matters which were considered by the Committee that require Board of Governors approval or attention.

Internal Audit Reports

It was noted that Management had not accepted one recommendation made by the Internal Auditors in relation to the review of Financial Planning. As a result the Committee would be considering a further report at their next meeting.

The Vice Principal Business Success confirmed that he had discussed the matter with the Audit Manager and would be providing further information that may be sufficient to evidence that an independent validation had already taken place.

Office for Student ILR Audit and Action Plan

The Board of Governors noted the outcome of the audit of the HE Student ILR.

Risk Management Update

The Board of Governors reviewed the updated risk register and noted that it was envisaged that some of the COVID specific risks may change over the coming weeks.

Fraud Processes and Procedures

The Board of Governors consider the updated Anti Fraud Policy, Fraud Response Plan, Anti Bribery Policy and the proposed amendments to the Financial Regulations.

It was resolved that the updated policies and procedures be approved.

Post 16 Audit Code of Practice

The Chair highlighted the change to the Post 16 Audit Code of Practice removing the assurances by the ESFA in relation to the Individual Learning Record.

As the External Auditors had indicated that they did not have the capacity to carry out the additional work that would be necessary to provide these assurances, it had been agreed that the Vice Principal Business Success would speak to other audit firms on the West Midlands Framework.

The Vice Principal Business Success reported that having spoken to the other audit providers, one had indicated that they would be interested in carrying out the work, but that they would need to engage an appropriate specialist.

As a result Governors were advised that the current External Auditors would be asked to put in a reasonable tender to carry out this work.

It was noted that the intention is to go out to tender for the External Audit Service in 2021/22.

The Board of Governors noted the report from the Audit Committee and resolved that the updated Anti Fraud Policy, Fraud Response Plan, Anti Bribery Policy and the proposed amendments to the Financial Regulations be approved.

43/21 DRAFT SCHEDULE OF MEETINGS (ITEM 10)

It was resolved that the Schedule of meetings for 2021/22 be approved.

44/21 ANY OTHER BUSINESS (ITEM 11)

The Vice Principal Business Success reported that as a result of Brexit, the reference to OJEU in the Financial Regulations need to be updated to reflect the latest UK requirements in relation to public sector procurements.

It was resolved that the Financial Regulations be updated to reflect the latest UK requirements.

45/21 CONFIDENTIALITY (ITEM 12)

It was resolved that the following items remain confidential:

- The confidential minutes of the meeting held on 15 March 2021(Item 2).
- The presentation and minutes on the Electric Vehicle developments (Item 6)
- The report on People Engagement (Item 8)

46/21 DATE AND TIME OF NEXT MEETING (ITEM 13)

28 June 2021 at 5pm