

Colchester Institute Corporation

**Minutes of a Virtual Meeting of the Corporation Board
held on 20th October 2021**

Present:

Kevin Prince, *in the Chair*
Alison Andreas
Lisa Blake
Peter Cook
Mark Davies
Irene Kettle

Patrick Giddings
Liz Goodall
Benda Rich
Terry Smyth
Richard Wainwright

In Attendance:

Maeve Borges	Vice Principal: Student Services and Support
Gary Horne	Executive Vice Principal: Finance and Corporate Development
Hazel Paton	Clerk to the Governors
Jill Wognum	Executive Vice Principal: Curriculum, Planning and Quality

Board Briefing – Ofsted Inspection 2021/22

The meeting was preceded with a briefing from the Executive Vice Principal: Curriculum, Planning and Quality. The presentation covered:

- Inspection Timing/Focus
- Inspection Judgement Categories and how they are informed
- The types of provision that will be judged and the other focus of inspection
- Governance

It was reported that:

- Colchester Institute could expect to receive a four-day inspection covering all sites, all provision types and subcontracting, between now and the end of June 2022.
- The Inspection would follow the Education Inspection Framework (EIF) updated in September 2021.
- The College would receive notification of the Inspection on the Thursday or the Friday of the previous week. Most providers receive a call on the Friday with the inspection starting on the following Tuesday.
- Colchester Institute will receive an overall effectiveness grade, with judgements for quality of education; behaviour and attitudes; personal development; and leadership and management. The College is currently graded as Requires Improvement.
- The judgement for quality of education is informed by the curriculum design (Intent), how the curriculum is delivered (Implementation); and attainment and destinations (Impact).
- The judgement for behaviour and attitudes is similar to the previous inspection framework.
- The judgement for personal development covers things such as careers guidance; preparations for next steps and British values. These elements are within the College's Career Readiness, Enrichment and Wellbeing (CREW) programme.
- The judgement for leadership and management is informed by the College's Vision and ethos. There is also a greater emphasis on staff workload and wellbeing than under the previous Inspection framework. Inspectors will ask staff how the workload is managed, and how their wellbeing is supported. Other elements of leadership and management include Governance/oversight and Safeguarding.
- The four provision types, Education Programmes for Young People (16-18 Study Programmes); Adults; Apprentices; and High Needs, will be judged with grades. The quality of provision for learners with

special education needs and/or disabilities (SEND) will be considered during the inspection of the four types of provision.

- There will also be a focus on safeguarding, including sexual harassment and violence and online sexual abuse between learners. There will be an expectation that the College has put in place measures to inform and train staff and governors on safeguarding and that students have an opportunity to discuss and learn about these topics.

The presentation concluded with three positive comments about governors from recent Ofsted reports. Governors were asked to reflect on:

- How would they respond to Inspectors if asked about the priorities of college leaders
- whether they could comment confidently on the quality of education overall and in different parts of the curriculum.
- whether the reports from senior leaders have a focus on the quality of education and equip them with the data and information to ask more relevant questions to help drive improvement.

Governors asked about the availability of recent Inspection reports and were advised that the publication of reports had been delayed by the pandemic but reports for inspections which took place before lockdown were now beginning to be published, as were the reports for monitoring visits. It was agreed that it would be helpful to share with Governors anything in reports from recent inspections that give a feel for the focus of Ofsted questions. **ACTION: Executive Vice Principal: Curriculum, Planning and Quality** to circulate relevant extracts from published Ofsted reports.

In respect of safeguarding, Governors asked how the issues of sexual harassment and anti-racism were being managed through the student experience. It was reported that the College had recently carried out its first survey of students this year. As part of the survey people had been asked if they would be willing to be involved in conversations on this subject as part of a focus group. The first focus group was due to meet the following day. Arising from the discussion it was suggested that having student representatives on the Board was becoming even more important. It was reported that the election of the new student Governors was currently taking place, with the deadline for nominations on 21st October.

Governors noted that recent meetings of the Board had had a greater focus on financial matters than the quality of education and asked for this to be addressed. It was reported that the College Self-Assessment Report and Quality Improvement Plan, which was just being finalised, would be received by the Curriculum and Quality Committee at its meeting on 10th November. It was noted that Governors participate in governor panels to review self-assessments reports for curriculum areas, and the link Governor scheme, although the link scheme had been impacted by the Covid-19 pandemic. The Curriculum and Quality Committee would consider the reinstatement of the link scheme at its next meeting.

PART I

1. Apologies for absence

Apologies for absence were received from Pam Donnelly.

2. Declaration of any conflicts of interest

None.

3. Agreement to Starred Agenda Items

Governors were invited to indicate any items which they wished to star for discussion or question. No additional items were starred. Items that had not been starred were noted and/or approved without discussion.

4. **Minutes**

The Minutes of the meeting held on 28th July 2021 (CIC/21/6/1) were received and approved as an accurate record.

The Board received CIC/6/2, Written Resolution, and noted that the following written resolution had been passed by a majority of Governor on 29/07/2021:

There was produced to the meeting a letter of amendment (the Letter of Amendment) from Barclays Bank UK PLC (the Bank) to the Borrower setting out the amendments to a £11,078,102 facility agreement originally dated 9 May 2008 between (1) the Borrower and (2) the Bank, as amended on 23 February 2009, 19 June 2009, 24 March 2010, 9 May 2011, 5 December 2016, 28 February 2017 and amended and restated on 31 August 2017 (the Facility Agreement) pursuant to which the Bank has offered the Borrower, the Facility (as defined in the Facility Agreement).

The amendments set out in the Letter of Amendment include changes to the financial covenants in the Facility Agreement and carve out pension liabilities from the insolvency provisions within the Facility Agreement.

IT WAS RESOLVED

1. That the amendments set out in the Letter of Amendment are in the interests of and for the benefit of the Borrower and are most likely to promote the success of the Borrower and that such terms and conditions of the Letter of Amendment be and are approved and accepted.
2. That RICHARD WAINWRIGHT and ALISON ANDREAS are authorised to sign the Letter of Amendment on behalf of the Borrower to indicate acceptance of the terms and conditions.
3. That the Bank is authorised to act in all matters concerning the Facility as amended by the Letter of Amendment upon instruction from the Borrower, in its capacity as Borrower of the Facility, signed in accordance with the Bank's mandate for any of the accounts of the Borrower held with the Bank current from time to time.

5. **Matters arising from the minutes**

5.1. **Capital Investments**

The Board asked if any progress had been made in identifying other potential sources of capital investment to support skills post Brexit and Covid recovery. The Executive Vice Principal: Finance and Corporate Development reported that he had attended an initial scoping meeting with the Executive Directors at Colchester Borough Council to look at opportunities. A further meeting to explore options was scheduled for early November.

5.2. **FE Professional Development Grant**

In response to a question, it was reported that the Essex colleges group bid for the new FE Professional Development Grant (support for staff who are industry experienced but new to teaching) had been successful. The bid had been put in by Harlow College. A meeting had been held the previous day to discuss the next steps, attended by the Assistant Principal: Quality, and Teaching and Learning Improvement. **ACTION:** It was agreed to provide an update at the next meeting of the Curriculum and Quality Committee.

5.3. **Opportunities to work in partnership with the College's validating partner**

It had been agreed that the College Executive would consider further a suggestion that there may be opportunities to work in partnership with the College's validating partner to provide a foundation for a future career at the University, possibly with access to funding for a postgraduate qualification. There was nothing further to report at this meeting.

6. Chair's Action/Announcements

- 6.1. CIC/21/6/3, Letter from interim chief executive and accounting officer of the Education and Skills Funding Agency to accounting officers in college corporations: 22 September 2021, was received and noted.
- 6.2. It was noted that the seal of the Corporation had been affixed to the Colchester Institute B&D Block Decarbonisation contract between Colchester Institute Corporation (the Employer) and Cadman Construction Limited (the Contractor) 11/10/2021. The application of the seal had been authenticated by the signatures of the Chair and the Principal.
- 6.3. CIC/21/6/4, Vetting Checks and Single Central Register Policy, was received and noted. On the recommendation of the Finance and Resources Committee, and with the support of the Designated Governor for Safeguarding, the Policy had been approved by Chair's action.
- 6.4. The Corporation Chair thanked Richard Wainwright for chairing two of the six graduations ceremonies. The Chair reported that this year's events had been particularly good, and he had thanked the Marketing Team on behalf of the Board for their excellent work in organising this two-day event.
- 6.5. The Chair reported that the Clerk would shortly be contacting those Members who had yet to complete their annual declaration of eligibility and the Governor self-assessment and asked Governors to give this priority.

7. Principal's Report

CIC/21/6/5, Principal's Report October 2021, was received and noted. The Principal reported that it was too early in the year to provide meaningful data on a number of the key performance indicators appended to the report. The data would be updated once the first ILR (Individualised Learner Records) return had been made at the end of October.

The Principal and Corporation Chair had met with Will Quince MP on 15th October. It was reported that the MP had been well-briefed on a number of the issues discussed and had promised to raise matters with relevant colleagues in Westminster. There might be an opportunity for a follow up discussion when Mr Quince attends the opening of the new health and care facility in November.

8. 2020-21 and 2021-22

CIC/21/6/6, Final Targets 2021-22, was received and presented by the Principal. The paper had been updated following the July meeting of the Corporation Board to include the finance and student numbers which had been approved as part of the approval of the Corporate Budget for 2021-22. It also provided a more recent update on the achievement of 2020-21 targets.

It was reported that the benchmark data in the report was not necessarily from the previous year. This was partly because in some cases the final figures were still not available. Also, 2018-19 was considered a more appropriate comparator year in terms of setting targets and measuring performance because it was not impacted by the pandemic and was the last year in which normal assessments (examinations and practical assessments) had taken place.

The Principal updated the Board on Further Education and Apprenticeships performance in 2020-21:

- Although students had not been on campus for a whole term, the College maintained high levels of student attendance (89.2% - all FE learners) and retention was good (92.6% - all FE learners).
- Attendance was not as good for adult learners because of the significant disruption to learning following the cyber-attack which caused the extended closure of the Learning Shops.
- The Achievement rate (all ages) was likely to be 87.7% against a target of 87%.
- It was another good year for 16-19 achievement (89.6%).
- The achievement rate for adult learners fell to 82.9% for the reasons mentioned above.
- The overall apprenticeship achievement rate had improved slightly since the paper had been written and was now over 68%.

Governors noted the HE National Student Survey (NSS) result for 2020/21 and asked if the College had a breakdown of the areas where the students were less satisfied last year, and if action was being taken to address these areas. It was reported that this analysis was available and would be discussed at the November meeting of the Curriculum and Quality Committee. It was reported that the NSS is only completed by final year students. The number of learners completing the survey last year was quite small, which can skew the results. Governors questioned if the national benchmark (75%) related to 2020-21 and were advised that the national figure for last year had not been published. It was also reported that in some universities the student had refused to complete the survey.

9. Reports from Committee

9.1. Finance and Resources Committee

9.1.1. Report from Committee Chair

The Chair of the Finance and Resources Committee presented his written report (CIC/21/6/7). It was reported that:

- The College had had some success in filling some of the staff vacancies, including hard to fill roles.
- The financial results for the year ending 31/07/21 were very strong. The cash position was the strongest it had been for many years (although inflated by the receipt of capital grant funding).
- FE student enrolments is a concern and under the lagged learner number methodology could result in £1m less funding next year. Governors noted that there was also the possibility that the ESFA could seek to claw back funding in year and asked the latest date that it could do so. It was reported that there would be an assessment of the December ILR return, and the College would know by the end of the calendar year if any action was to be taken. The College would resist any attempt to claw back funding in year.
- As discussed at the planning day, the College was not able to recruit as it would have liked in areas such as groundworks because of a lack of space and teaching staff.
- The College had received formal approval to extend completion of the Salix decarbonisation project to March 2022.
- The College had received a grant towards the cost of developing an application for round 3 or 4 of the Public Sector Decarbonisation Scheme.

The Committee Chair reported that his next monthly meeting with the Executive Vice Principal: Finance and Corporate Development was scheduled for the following day. These meetings were designed to pick up issues at an early stage and report to the Board between scheduled meetings.

9.1.2. Minutes

The minutes of meeting of the Finance and Resources Committee held on 29th September 2021 (CIC/21/6/8) were received and noted.

9.1.3. Management Report and Accounts

The Board received and noted CIC/21/6/9, Management Report and Accounts July 2021 [Period 12].

9.1.4. Student Enrolments 2021

It was reported that:

- the College had overrecruited HE full time students but was below target for HE part time students.
- Apprenticeship numbers were close to the target for October.
- The College would have more accurate information on 16-19 numbers after the first ILR report was run at the end of October.

- The area of most concern was adult learners. There were fewer adults infilling on full time programmes than in the previous year. The Assistant Principal, Braintree Campus and STEM had advised the Principal earlier that day that the College was close to the number target for the month, but what this means in term of funding would not be known until the ILR was run. Most adults are recruited through the Learning Shops and may be on small qualifications which earn less funding.

It was reported that open events for 2022-23 were taking place that week. The events at Colchester had been busy, well attended and vibrant. The Braintree campus open event was taking place that evening.

The Principal left the meeting to address the open event.

9.1.5. **UCC Fees 2022-23**

The Board received, considered and **APPROVED** CIC/21/6/10, UCC Fee Proposals 2022/23.

9.1.6. **Property Matters**

The Executive Vice Principal: Finance and Corporate Development updated the Board on property matters. It was reported that the Salix project was on target financially and on programme. Three of the five floors in Block B had been handed over and it was expected that Block B would be handed over by Christmas, leaving three months to complete the smaller D Block. The College hoped it would meet the project timeframe, but this was dependent on the supply of windows. The air source heat pumps, which were coming from Eastern Europe, had been delayed. As a result, the College would have to resort to temporary boilers (at no financial burden to the College).

9.2. **Remuneration and Search Committee**

The Chair of the Remuneration and Search Committee presented his written report (CIC/21/6/11). It was reported that:

- The Corporation Chair was currently holding one-to-one meetings with Governors. During these meetings Governors would be asked about their aspiration in terms of becoming Corporation Chair or Chair of a Committee.
- The Remuneration and Search Committee were currently looking for a new Governor with an education (and preferably Further Education) background. Suggestions/recommendations from Governor would be welcomed.
- For effective Governance, attendance of at least 70% at Board/Committee meetings was important. Members finding it difficult to attend scheduled meetings was asked to speak to the Corporation Chair in the first instance.

The Board received and noted:

- CIC/21/6/12, Minutes of the meeting of the Remuneration and Search Committee held on 23rd September 2021.
- CIC/21/6/13, Board attendance report 2020-21.

10. **Summary of Changes to the Register of Corporation Member's Interests**

CIC/21/6/14, Summary of Changes to the Register of Corporation Member's Interests, was received and noted.

11. **Review of Meeting**

The Chair led a discussion on the effectiveness of the meeting. Reflecting on the Ofsted briefing at the start of the meeting, Members felt that there could have been a greater focus on performance and targets.

12. Future Meetings

- 12.1. The next meeting of the Corporation Board is on Wednesday, 15th December 2021, 4.00pm, at the Sheepen Road campus. The meeting will be preceded with a Board briefing at 4.00pm.
- 12.2. The Chair's briefing to College Management is scheduled for 10.00am on Thursday, 16th December 2021. Board members are invited to attend the meeting

13. Any Other Urgent Business

13.1. Strategic overview of Careers Education and Guidance

The Corporation Chair reported that it was good practice for a member of the governing body to take a strategic interest in careers education and guidance. Anyone interested in taking on this role was asked to contact the Chair.

13.2. Opening of Health and Care Facility

The Board asked for more information on the official opening of the extension to South Wing. It was reported that the opening would take place on the afternoon of 5th November. Because the College was still operating at reduced capacity because of the pandemic numbers would be limited to about 20 people. Those attending included representatives from SELEP, Essex County Council, and colleagues from ESNEFT (East Suffolk and North Essex NHS Foundation Trust). Will Quince MP would also be present.