

THE FURTHER EDUCATION CORPORATION OF MIDDLESBROUGH COLLEGE

GOVERNING BODY

Minutes of the Governing Body held on
Monday 5 October 2009 at 6.00 pm in the Board Room

Present	Mrs H Pearson OBE	Chairman	College Governor
	Mr J Autherson		College Governor
	Mrs S Bates		College Governor
	Mr R Brady		College Governor
	Mr A Hanif		College Governor
	Mr J Hogg		Principal / Chief Executive
	Mr R Johns		Staff (Academic)
	Mr M McClintock		College Governor
	Dr M Mehta		College Governor
	Mr G Rogers		Staff (Business Support)
	Ms S Shepherd		College Governor
	Mrs C A Wheatley		College Governor
	Mr D Whitaker		College Governor

Officers	Mr R Atkinson	Assistant Principal - Registry, Estates & Governor Services
	Mrs Z Lewis	Vice Principal - Resources
	Mrs S Wright	Vice Principal - Curriculum & Quality

09/058 **ITEM 1 APOLOGIES**

Mr J Bate	College Governor
Mrs A V Haskins	College Governor
Mr B H Whitfield	College Governor

09/059 **ITEM 2 MINUTES – 13 JULY 2009**

The minutes of the Governing Body meeting of the 13 July 2009 were **approved** as a true record and duly signed by the Chairman of Governors.

09/060 **ITEM 3 MATTERS ARISING**

None.

09/061 **ITEM 4 DECLARATION OF INTERESTS BY THE GOVERNING BODY AND THE SENIOR MANAGEMENT TEAM**

None.

09/062 **ITEM 5 GOVERNANCE**

5.1 Governance Update

The Assistant Principal - Registry, Estates & Governor Services presented an update in relation to Governance issues affecting Middlesbrough College and the FE Sector. The Governing Body welcomed the up-date, which highlighted areas such as:

1. Chairmanship of the National Clerks' Network.
2. Governance Self Assessment 2008 / 2009.
3. Governor Training Events.
4. Governors' Website.
5. Autumn Up-dates.
6. Framework for Excellence.
7. Blackboard.
8. Recruitment of Principal / Chief Executive.
9. Review of Governance.

As part of the Governance up-date, the Assistant Principal - Registry, Estates & Governor Services reported that a meeting of the Staff Disciplinary Appeals Committee has been arranged for Friday 16 October 2009 at 9.30 am following a recent staff dismissal.

Due to the absence of Mrs Haskins, Chairman of the Employment Policy Committee and a member of the Staff Disciplinary Appeals Committee, it was **agreed** that:

- Mrs Ann Wheatley, College Governor and Chairman of the Remuneration Committee and Member of the Employment Policy Committee would join the Staff Disciplinary Appeals Committee for this meeting only.

The report was considered and received.

5.2 Student Services Up-date (including Student Governor)

The Assistant Principal - Registry, Estates & Governor Services and Vice Principal - Curriculum & Quality presented an up-date in relation to activities within the Student Services Department.

The report was received for information, with the Governing Body noting the progress being made with implementing the new Student Union Model, following approval on the 13 July 2009 - this should lead to two Student Governors joining the Governing Body on the 21 December 2009.

The report was considered and received.

5.3 Skills & Experience Template 2009 / 2010

The Assistant Principal - Registry, Estates & Governor Services presented the Skills & Experience Template as of the 12 May 2009 and following discussion and an explanation as to why the Search Committee was unable to recommend this item, due to their meeting of the 16 September 2009 being cancelled, it was **agreed** that:

- the current Skills & Experience Template would be used in the Academic Year 2009 / 2010, as detailed in **Appendix 1** of the minutes.
- all Governors would be required to complete this exercise during the Autumn 2009 / Spring 2010 Term.

09/063 **ITEM 6 COMMITTEE MINUTES**

6.1 Selection (Senior Posts) (7 September 2009)

Mrs Hazel Pearson OBE, Chairman of Governors, presented the confirmed minutes of the 7 September 2009 and after consideration, the following recommendation was **approved**:

- Mr John Autherson and Mr Robert Brady would join the Selection (Senior Posts) Committee from Monday 5 October 2009.

A revised Committee Structure is attached in **Appendix 2**.

6.2 Audit (15 September 2009)

Ms Sarah Shepherd, Chairman of the Audit Committee presented the unconfirmed minutes of the 15 September 2009 and after consideration, the following recommendations were **approved**:

- the Regularity Audit for 2008 / 2009 is approved.
- the Internal Audit Operational Plan of 52 days (*excluding contingency of three*) for 2009 / 2010 is approved.
- the 2009 / 2010 Internal Audit (RSM Bentley Jennison) annual fee of £21,372 (*excluding contingency*) is approved.
- RSM Bentley Jennison are approved as the Internal Auditor for the Academic Year 2008 / 2009 at the agreed remuneration and audit days.
- Baker Tilly are approved as the Financial Statements / Regularity Auditor for the Academic Year 2009 / 2010 (*2008 / 2009 Financial Statements to be completed*) at the agreed remuneration and audit days.
- the Internal Auditor's (*RSM Bentley Jennison*) Performance Indicators for 2009 / 2010 are approved.
- the Financial Statements & Regularity Auditors' (*Baker Tilly*) Performance Indicators for the Academic Year 2009 / 2010 are approved.
- the Financial Statements / Regularity Audit Service is to undergo a tender process during 2009 / 2010 with view to an appointment on the 1 August 2010.

During discussion, Mr Brady raised an issue with regards to the Asset Management Internal Audit Report, and the delayed implementation date of the 31 August 2009, amended to 30 September 2009.

In response, Ms Sarah Shepherd, Chairman of the Audit Committee advised the Governing Body that an up-date would be discussed at the next Audit Committee meeting on the 8 December 2009 when the Vice Principal - Resources would advise on progress and any issues arising from the delay.

6.2.1 Internal Audit Annual Report 2008 / 2009 (Bentley Jennison)

Ms Sarah Shepherd, Chairman of the Audit Committee presented the Internal Audit Annual Report for 2008 / 2009 following discussion at the Audit Committee on the 15 September 2009.

After discussion on its overall assurance levels, it was **agreed** to:

- approve the 2008 / 2009 Internal Audit Annual Report.

The Internal Annual Audit Report would be discussed again by the Governing Body on the 21 December 2009, as part of the Annual Report of the Audit Committee 2008 / 2009.

6.3 Selection (Senior Posts) (21 September 2009)

Mrs Hazel Pearson OBE, Chairman of Governors, presented the unconfirmed minutes of the 21 September 2009 with the Governing Body noting the progress being made to recruit a new Principal / Chief Executive.

It was noted that the advert appeared in The Times Educational Supplement (FE Focus) on Friday 2 October, along with the Job Description / Person Specification and Notes to Applicants, all of which were attached to the unconfirmed minutes along with other supplementary documentation, agreed by the Chairman of Governors.

It was further noted that short-listing would take place by the Selection (Senior Posts) Committee on Wednesday 11 November 2009 at 3.00 pm with interviews scheduled for Tuesday 1 and Wednesday 2 December 2009.

Governors have been invited to attend a dinner on the night of Tuesday 1 December 2009 at 6.30 pm in the Haven Restaurant to meet the candidates and a Special Governing Body Meeting has been arranged for Wednesday 2 December 2009 at 2.30 pm. The latter has been called to discuss and approve the recommendation of the Selection (Senior Posts) Committee to appoint a new Principal / Chief Executive. Governors have been informed in writing about these dates.

Governors were reminded to inform the Assistant Principal - Registry, Estates & Governor Services of their possible attendance at both of these meetings.

09/064 **ITEM 7 PRINCIPAL / CHIEF EXECUTIVE'S REPORT**

The Principal / Chief Executive verbally reported on a number of issues including the progress with the Endeavour Trust (Acklam School Base) and its progress with appointing a Head Teacher, who has now been named as Mr Michael Hutton. Mr Alastair Thomson from Teesside University has been appointed as the Chairman of Governors. An up-date with regards to the legal process and current issues affecting the institution was received for information.

The Principal / Chief Executive then reported on the progress with enrolment and as part of the discussion tabled the Recruitment & Progress against Target 2009 / 2010, dated 2 October 2010. This report highlighted that the College had over recruited against its 2009 / 2010 Learning & Skills Council target, as predicted by the Principal / Chief Executive on the 13 May and 13 July 2009 respectively. Discussions with the Learning & Skills Council have commenced to potentially increase the College's funding in 2009 / 2010 following a commitment from the Government to increase funding where recruitment exceeded targets by 10% - this was detailed in a letter from the DCSF (Department for Children, Schools & Families), dated the 18 September 2009. Governors would be kept abreast of development and any financial and political implications this may have.

As previously reported, the Revenue Budget for 2009 / 2010 was set on the 13 July 2009 at a £600,000 operating deficit but due to increase class sizes, increased staff utilisation, improved room utilisation along with other efficiencies to be made, it is envisaged that the operating deficit would be significantly less although this has not been quantified. Reasons for this better than forecasted outturn were put forward and accepted. This would be highlighted in the management accounts during 2009 / 2010.

It was then reported that OfSTED are due on Wednesday 7 & Thursday 8 October 2009 to re-inspect Science & Maths and to conduct their annual monitoring visit. Plans are in place for the visit but there are still concerns as to the progress being made in Science & Maths, which has not been as expected, with disappointing results in 2009. Governors would be informed of the outcome once the report has been finalised. This would be shared with the Standards' Committee and Governing Body on the 25 November and 21 December 2009 respectively.

Discussion then centred on progress being made with collaborative talks with a number of partners particularly around the A Level provision within Middlesbrough and the Tees Valley.

Several meetings have taken place with key stakeholders, including the Director of Children's Services and the Regional Director of the Learning & Skills Council with the last meeting taking place on the 28 September 2009. All parties are positive about the concept of federation with all 11 – 18 providers.

After discussion and rationale to progress discussions, which would benefit learners in Middlesbrough and the Tees Valley, it was **agreed** that:

- the Governing Body supports further collaborative discussions with key stakeholders to determine a formal proposal.

The Principal / Chief Executive welcomed the support and would keep Governors informed of progress over the next few meetings, as it is envisaged that progress could now be expedited now that the principles of collaboration have been shared and agreed. It was further noted that the College would consider capital investment in this strategy.

09/065 **ITEM 8 CAPITAL BUILD UP-DATE**

The Vice Principal - Resources presented an up-date, which included news that sale of phase 2 of Marton Campus had been completed and that Laing O'Rourke's progress to complete the snagging work was nearing completion. It was also noted that final account discussions with Laing O'Rourke have now commenced and Governors would be kept abreast of any financial development.

Governors then discussed the sale of Acklam Campus noting the draft Head of Terms attached to the report. Discussions are progressing well with some time-scales set to agree the Head of Term as highlighted below.

Description	Date
Special Governing Body approval of conditional contract.	October / November 2009
Submission of planning by Etrick	Early 2010
All conditions satisfied and completion of contract.	Summer 2010

A detailed report would be shared with the Governing Body at a Special Governing Body, with a date yet to be determined by the Chairman of Governors and Principal / Chief Executive as there are further discussions to be had between the College and Middlesbrough Council before the Head of Terms can be agreed.

The report was considered and received.

09/066 **ITEM 9 STRATEGIC PLANNING**

9.1 Strategic Plan 2009 / 2010 to 2010 / 2011

The Principal / Chief Executive presented the update to the Strategic Plan, which highlighted a number of key objectives to be achieved by 2011, including:

1. Being in the top quartile of General Further Education colleges for success rates.
2. Effective learning at all levels and across all programmes.
3. Being recognised as a significant provider of excellent training for employers.
4. Employing a staffing resource which is highly qualified and committed to professional development.
5. Growing our business and delivering an annual turnover in excess of £30 million.

After discussion and one minor change related to information on page 9, it was **agreed** that:

- the Strategic Plan for Strategic Plan 2008 / 2011 (Revised Autumn 2009) is approved.

9.2 College Delivery Plan 2009 / 2010

The Principal / Chief Executive presented the annual Delivery Plan for 2009 / 2010, which outlines the Key Performance Indicators (KPIs) against which the College will measure itself during 2009 / 2010.

It was reported that these KPIs will be delivered through the individual Delivery Plans devised by the Assistant Principals and Directors of Programmes throughout 2009 / 2010, with regular monitoring to be received under termly Strategic Planning agenda items.

After discussion, it was **agreed** that:

- the Delivery Plan for 2009 / 2010 is approved.

09/067 **ITEM 10 FINANCE MATTERS**

10.1 Management Accounts *(July 2009)*

The Vice Principal - Resources presented the July 2009 management accounts which forecast a year end operating deficit of £79,250 excluding on off and exceptional items (including sale of assets, move costs and costs of retaining Acklam Campus).

This operating deficit was against a budgeted surplus of £54,291 with the variances from the last set of management accounts, dated May 2009, being highlighted.

It was further reported that the position may improve to an operating surplus depending on discussions with the Learning & Skills Council as additional funding and a release of provision made against a shortfall of PCDL delivery may change between now and the approval of the Financial Statements on the 21 December 2009.

The July 2009 management accounts were considered and received.

10.2 Treasury Management Annual Report 2008 / 2009

The Treasury Management Annual Report for 2008 / 2009 was received for information and the Governing Body noted the up-dates in relation to cash surpluses and borrowings, compliance with current loan covenants and an update of the current banking arrangements.

The report was considered and received.

10.3 Recruitment & Progress Against Target 2008 / 2009

The Recruitment & Progress against Target 2008 / 2009 Report was considered and received for information with the College exceeding its target for its 16 - 18 learners and was broadly on target for its 19+ learners.

The report was considered and received.

10.4 Contracts Up-date (Insurance)

The Vice Principal - Resources presented the report requesting that the award of the contract for the provision of insurance and brokerage services be made for a three year contract. A detailed tender exercise had been undertaken prior to a decision being recommended for approval.

Following discussion and the rationale for a three year contract to be awarded, it was **agreed** that:

- Marsh / Royal & Sun Alliance are awarded the insurance and brokerage contract for a three year period commencing 1 August 2009 with a total contract value of £266,000.

09/068 ITEM 11 QUALITY

11.1 Student Achievement & Examination Interim Results 2008 / 2009

The Vice Principal - Curriculum & Quality presented the Interim Student Achievement & Examination Results for 2008 / 2009, with the following areas being discussed:

- GCE A2 and AS courses.
- BTEC National Diploma/Certificate/Award programmes, and
- GCSE courses.

A summary of achievement, as at the 24 September 2009 was noted and further discussion would take place at the Standards' Committee and Governing Body on the 25 November 2009 and 21 December 2009 respectively when more detail would be available.

Results were encouraging following a difficult first year in the building with the overall Success Rate expected to improve on the overall Success Rate of 79% in 2007 / 2008 but this is still dependent on some achievement being added over the next few months.

The report was considered and received.

11.2 Self Assessment Report Up-date 2008 / 2009

The Vice Principal - Curriculum Development presented an up-date in relation to the Self Assessment Report, which is being discussed at Directorate / Service Area level in stages 1 and 2.

This will then be validated on the 8 & 9 December 2009 by a panel which will also include the Chairman of Governors, Mr Robert Brady and Ms Sarah Shepherd.

The final version of the Self Assessment Report is to be discussed and approved on Monday 21 December 2009 prior to it being sent to the Learning & Skills Council.

The report was considered and received.

09/069 ITEM 12 INFORMATION ITEMS

The following items relating to the 2008 / 2009 and 2009 / 2010 Academic Years were for information only and the Chairman of Governors requested that the Governing Body notes these items.

12.1 Outward Collaborative Provision Outturn 2008 / 2009

During discussion on this item, the Governing Body **agreed** that:

- the contract template for Train 2 Gain Subcontracting would be amended to a 70% / 30% split due to recent negotiations taking place and that for future contracts, these would be amended as appropriate.

12.2 Work Based Learning Outturn 2008 / 2009

Received for information.

12.3 Equality & Diversity Up-date

Received for information.

12.4 Complaints Summary 2008 / 2009

The Governing Body noted the increase in complaints during the Academic Year 2008 / 2009 with many of these being related to the practicalities of the late hand over of the building ie car parking, facilities etc. The Assistant Principal - Registry, Estates & Governor Services reported that the number of complaints for the beginning of 2009 / 2010 is as expected and much lower than 2008 / 2009. Termly up-dates are shared with the Senior Management Team.

12.5 Public Interest Disclosure Procedure (*Whistleblowing*) Summary 2008 / 2009

No requests have been made in 2008 / 2009.

12.6 Freedom of Information Act Summary 2008 / 2009

Three Freedom of Information requests have been received during the Academic Year 2008 / 2009, with all three being refused due to a range of reasons.

12.7 Risk Management Up-date 2009 / 2010

Received for information.

09/070 ITEM 13 DATE OF NEXT MEETING

The Governing Body will meet as follows in 2009 / 2010.

- Wednesday 2 December 2009 at 2.30 pm (*).
- Monday 21 December 2009 at 6.00 pm.
- Monday 25 January 2010 at 6.00 pm.
- Monday 29 March 2010 at 6.00 pm.
- Wednesday 12 May 2010 at 10.00 am (**).
- Monday 12 July 2010 at 6.00 pm.

(*). Special Governing Body Meeting.

(**) Governing Body Training Morning.

09/071 **ITEM 14 ANY OTHER URGENT BUSINESS**

None.

09/072 **ITEM 15 MATTERS FOR PUBLICATION**

All agenda papers will be made available in the normal way and circulated to the Learning & Resources Centre with the exception of

- Agenda item 8 Capital Build Up-date.
- Agenda item 12.1 OCP Outturn 2008 / 2009.

Unconfirmed minutes of the meeting, along with the agenda and any appendices, will be posted on the Governors' Website once approved by the Chairman of Governors unless any comments are received by the Assistant Principal - Registry, Estates & Governor Services from Governors within five working days of them receiving the unconfirmed minutes.

09/073 **ITEM 16 RESERVED MATTERS**

None.

The meeting closed at 7.40 p.m.

.....

Committee Circulation

Mrs H Pearson OBE	College Governor
Mr J Autherson	College Governor
Mr J Bate	College Governor
Mrs S Bates	College Governor
Mr R Brady	College Governor
Mr A Hanif	College Governor
Mrs A V Haskins	College Governor
Mr J Hogg	Principal & Chief Executive
Mr R Johns	Staff (Academic)
Mr M McClintock	College Governor
Dr M Mehta	College Governor
Mr G Rogers	Staff (Business Support)
Ms S Shepherd	College Governor
Mrs C A Wheatley	College Governor
Mr D Whitaker	College Governor
Mr B H Whitfield	College Governor
Vacancy	Student Governor
Vacancy	Student Governor
Mrs Z Lewis	Vice Principal - Resources
Mrs S Wright	Vice Principal - Curriculum & Quality



Appendix 1

Skills & Experience Template 2009 / 2010

The Further Education Corporation of Middlesbrough College

Template for Members' Skills & Experience

Skills	Name Of Governor
High Public Profile	
Business Development / Board Skills / Chairmanship Skills / Strategic Management / Business Planning	
Facility Management / Property / Surveying / Architecture	
Commerce and/or Industry Management / Training / Upskilling	
Personnel	
Finance	
Legal	
Public Relations / Merchandising / Commercial Focus	
Small Business	
Higher Education	

The Further Education Corporation of Middlesbrough College

Template for Members' Skills & Experience

Skills	Name Of Governor
Equal Opportunities / Ethnic Minorities / Widening Participation / Inclusiveness	
Trade Union Liaison	
Secondary Education	
Public Sector	
Quality/Audit	
Information Technology	
Engineering Training	



Appendix 2

Committee Membership (as of the 5 October 2009)



Governing Body Committee Structure and Membership

Accommodation (6)	Employment Policy (7)	Remuneration (5)	Standards (12)
Mr A Hanif Mr J Hogg Mr M McClintock Mrs H Pearson OBE Mr G Rogers Mr B H Whitfield	Mrs S Bates Mrs A V Haskins Mr J Hogg Dr M Mehta Mrs H Pearson OBE Mrs C A Wheatley Mr B H Whitfield	Mrs S Bates Mrs A V Haskins Mrs H Pearson OBE Mrs C A Wheatley Mr B H Whitfield	Mr J Bate Mr R Brady Mrs A V Haskins Mr J Hogg Mr R Johns Mr M McClintock Mrs V Mcfarquhar (<i>External Member</i>) Dr M Mehta Mrs H Pearson OBE Ms S Shepherd Mr D Whitaker Mr B H Whitfield
Audit (8)	Finance, Assets & General Purposes (9)	Search (6)	
Mr J Autherson Mr J Bate Mrs S Bates Mr F Hayes (<i>External Member</i>) Mr M McClintock Ms S Shepherd Mrs A Tonge (<i>External Member</i>) Mr D Whitaker	Mr R Brady Mr A Hanif Mrs A V Haskins Mr J Hogg Mrs A McLaren (<i>External Member</i>) Dr M Mehta Mrs H Pearson OBE Mr G Rogers Mr B H Whitfield	Mr J Bate Mr F Hayes (<i>External Member</i>) Mr J Hogg Mrs H Pearson OBE Ms S Shepherd Mr B H Whitfield	

<p>Selection (Senior Posts) (6)</p> <p>Chairman of Governors Vice Chairman of Governors Principal / Chief Executive Chairmen of Committees Mr J Autherson Mr R Brady</p> <p><i>(For this Committee, the Chairman of Governors is empowered to select a substitute when a Chairman of Committee cannot be available)</i></p> <p><i>(The Principal / Chief Executive is excluded from any recruitment for the post of Principal / Chief Executive and hence the membership profile will reduce to 7)</i></p> <p>Settlement (3)</p> <p>Chairman of Governors Vice Chairman of Governors Chairman of Remuneration Committee</p>	<p>Special (3)</p> <p>Mr J Autherson Mrs A V Haskins Ms S Shepherd Mrs A Wheatley</p> <p><i>(Membership is three from any four Governors and the Assistant Principal - Registry, Estates & Governor Services is charged with ensuring that there is sufficient availability from among the five members.)</i></p> <p>Staff Disciplinary Appeals (3)</p> <p>Chairman of Employment Policy Committee Chairman of Finance, Assets & General Purposes Committee Dr M Mehta</p>	<p>Appeals Committee (Senior Postholders) (3)</p> <p>Mr J Bate Mr M McClintock Dr M Mehta</p>
--	---	--

Correct as of 5 October 2009.