

**CHELMSFORD COLLEGE
BOARD OF THE CORPORATION
4 December 2020**

Minutes of a Meeting of the Board of the Corporation held at the Committee Room, Moulsham Street Campus, Chelmsford and via MS Teams on Friday 4 December 2020 at 2.00 pm.

PRESENT: Elaine Oddie (Chair)
Andy Sparks (Principal)
Jenny Beaumont
Trevor Bolton
Susan Hughes
Nedas Laurinavicius
Sarah Noble (Vice Chair)
Christian Norman
Jaya Patten
Barbara Vohmann
Julie Williams
Doug Zeeman

IN ATTENDANCE: Caroline Williams (Deputy Principal)
Debs Hurst (Vice Principal, Finance & Corporate Resources)
Rob Millea (Clerk to the Corporation)
Joanne Harrington (Assistant Clerk)

1437. APOLOGIES FOR ABSENCE AND WELCOME TO NEW GOVERNORS

Apologies for Absence were received from Amanda Montague and Natalie Devaney (Student Governor).

The Chair welcomed the two new governors present – Nedas Laurinavicius and Julie Williams, both staff governors – to their first Board Meeting.

1438. DECLARATIONS OF INTEREST AND NOTIFY ANY CONFIDENTIAL ITEMS

The Clerk to the Corporation renewed his declaration that he acts as Company Secretary of Essex Shared Services Limited.

Barbara Vohmann renewed her declaration as an employee of Anglia Ruskin University and her involvement with links between ARU and Writtle University College.

The Vice Principal, Finance & Corporate Resources renewed her declaration as a Member Representative on the Essex LGPS Advisory Board.

The Principal renewed his declaration as a Director and Acting Chair of ACER (dormant company).

The Chair and the Principal renewed their declarations as Directors of Essex Shared Services Limited.

Christian Norman declared his interest as an employee of Essex County Council – Adult Community Learning.

The following **confidential** items were notified:

- Agenda Item 18 – College Strategic Future
- Agenda Item 19 - Confidential Minutes and Recommendations of the Search Governance & Remuneration Meeting held on 3 November 2020. These minutes were provided only to the independent governors and to the Principal.

1439. URGENT BUSINESS

There were no items of Urgent Business.

1440. MINUTES OF THE MEETING HELD ON 25 SEPTEMBER 2020

The Minutes of the Meeting held on 25 September 2020 were **APPROVED** and **SIGNED** by the Chair, subject to one minor amendment.

1441. MATTERS ARISING

The Clerk tabled a paper tracking actions arising from the last minutes, which was **NOTED**.

The internal audits to be carried out for the College through Essex Shared Services Limited in 2020/21 are Procurement and Preparation of the Annual Report and Accounts incorporating General Ledger end of year reconciliations and will be arranged by the General Manager of ESS.

The VPFCs reported that the new Estates Manager is now in post and it has been decided, for the moment, not to progress contract cleaning arrangements.

All other carry forward matters from the last Minutes are covered in the Principal's Report, Governance Matters and in the Finance Report, which are part of this meeting's Agenda papers.

1442. PRINCIPAL'S REPORT

The Principal presented a written Report for the information of governors.

Overview

He referred to the following issues:

- Good start to the academic year
- Learner attendance 85.7% onsite and 86.9% for remote delivery which is good
- Learner induction survey very positive, with timetabling the only key issue raised
- COVID-19 issues dominate management time but number of cases relatively small although they have increased since the last Report. It is clear that the infections have come from outside the College not within (31 students and 8 staff infections in total)
- Good relationship with Essex Track and Trace which is working well
- Some learner groups for adults being taught 100% on line (DfE guidance) through lockdown 2
- 16-18 withdrawals 1pp lower than last year
- Good Apprenticeship recruitment, slightly ahead of last year
- Challenge of meeting AEB budget if lockdown measures/tier restrictions persist
- Experience Chelmsford new showcase platform launched this week with wide variety of interactive content
- General student behaviour has been very good
- The Government Spending Review provided some funding but it does not close the gap between Colleges and schools

FE Commissioners' Visit 18/11/20

- Virtual visit to check on progress since February diagnostic assessment
- Feedback overwhelmingly positive
- Complementary about leadership, pandemic management, financial control and management information
- Report due by Christmas with final version by mid-January 2021
- Recommendations likely to focus on variability on curriculum performance, revisiting strategic decisions, ongoing budgetary performance
- Follow up visit next November
- Notes of final Meeting with Commissioners provided to all governors

Enrolment

This is covered in Minute **1444**. Essentially, the position is positive but there is a considerable challenge in ensuring the Adult Education Budget can be met. Learner numbers for 2019/20 are marginally higher for 16-18 full time learners than last year but lower numbers on pre-apprenticeship courses means that the overall core student numbers are down by 30. However, the proportion of full-time learners is up slightly which will impact positively on the College's 2022/23 funding allocation.

The Report then outlined the factors relating to other enrolment areas.

Finance

Finance matters highlighted by the Principal are covered in the Vice Principal's Report – see Minute **1444**. Management have modelled a break-even budget for 2020/21 for approval by the Board. The outturn for 2019/20, before pension adjustments, was a surplus of £55K. the final comprehensive income deficit (including pension adjustments) is £3.5million.

It is expected that all bank covenants will be met for 2020/21.

A business case has been submitted to appeal a potential AEB clawback in respect of 2019/20 of around £80K. This has been provided for in the Annual Accounts.

There has been an Adult Reskilling Fund announcement by Government but it is not known the financial benefit for us as yet.

Two White Papers have been in preparation by Government – the FE White Paper has not been released yet. It is believed that this will discuss future College structures. The proposed Local Government White Paper seems to have been shelved pro tem.

Staffing

This is covered in Minute **1443**.

Curriculum Issues and Quality Improvement

- SAR for 2019/20 and associated Action Plans validated and completed – considered by Quality & Learners Committee on 3 November 2020
- FE Commissioner validated our judgement that the College remains as GOOD

- Curriculum Improvement Plan prepared for 2020/21 and reviewed by Q&L Committee – now being actioned
- Five areas of full curriculum intervention for 2020/21 – Engineering, construction, Hospitality and Catering together with Health and Social Care and Child Care brought forward from last year
- Observation system for Teaching Learning & Assessment modified to enable face to face observations to continue, together with development of on line/remote learning observations
- Professional Development Day held to cover refresher training, development of digital skills and planning to ensure service maintained across the College at a high level
- Engagement in the DfE Ed Tech Programme with Harlow College now in place

Curriculum Development

The Principal provided a summary of changes to Curriculum provision, development of T Level in Construction in readiness for introduction in September 2021, resubmission with South Essex College of a bid for Institute of Technology and engagement in the 'Kick Start' Scheme. The Principal also mentioned the greater use of **virtual events** due to lockdown2 and material on the website.

Estates

- A new Head of Estates is in post
- Planning application has been submitted for the new Construction Centre
- Negotiations to partner with JTL to fund development of curriculum in plumbing, heating and ventilation and alternative energy
- £588K has been received from the ESFA for estates refurbishment which will fund enabling works for the new Construction Centre, the boiler replacement at Princes Road and toilet and refectory refurbishment at Moulsham Street
- COVID-19 compliance costs are still a burden - it is hoped there will be some support from the DfE to ameliorate this cost
- The Refectory is only trading at 50% capacity due to less students on site with additional staff being furloughed

Governor questions

Trevor Bolton asked about the position regarding a 'local' Institute of Technology. The Deputy Principal said that a new bid has been submitted with South Essex College as the lead partner. Chelmsford College will focus on Engineering. An outline capital request has been included in the bid. It is an exciting initiative and there are a total of 6 Colleges in the partnership which covers the South East LEP.

Sarah Noble wanted to know about learner satisfaction in the 'new' arrangements of mixed forms of learning delivery. She said that there were a number of complaints about timetabling during the Student Voice meeting recently. The Deputy Principal explained that the learning resource centres are available in College for remote learning in order that students can have a seamless learner experience between on-site learning and remote learning. Timetabling scheduling takes this into account.

The Deputy Principal also explained that shutdown of some programmes has affected timetabling and it was always known this would be a possible issue. There is therefore no reason why students cannot do remote learning whilst remaining in the College. Because of very strict 'bubbles' in English and Maths, there is a need for more remote learning being necessary and there is no doubt this does present a few challenges.

The Principal added that there are some specific issues for certain students ('pinch points') which are addressed on an individual basis. The most disadvantaged learners are Adult Learners as DfE guidance confirmed that they must go on line for four weeks and some dissatisfaction has been voiced by some of that group who are struggling with remote learning.

Jenny Beaumont asked the Principal as to his view about recent Government announcements on examinations for next year. The Principal said that the Education Secretary only spoke about A Levels and GCSE but there have been no announcements yet regarding vocational qualifications.

Formal Ofsted inspections will not restart until Easter 2021 at the earliest although 2-day remote visits may take place in the meantime.

The VPFCs said there was some optimism that the current pension contribution relief will be extended for another year beyond next March and that there may be some specific additional COVID-19 cost funding to meet expenses Colleges have incurred in complying with COVID-19 protocols for educational institutions.

The Principal's Report was **NOTED**.

1443. HUMAN RESOURCES REPORT

The Board **RECEIVED** a Report from the Vice Principal, Finance & Corporate Services on Human Resources matters.

The key points were:

- **Turnover** to date for this academic year annualised is 15.66% against 16.46% to this date last year and a target for the year of 18%. The AoC benchmark (2017/18) is 17.9%
- The reduced turnover is more than likely reflective of uncertainty amongst staff due to the pandemic and that job security is important
- Spike in turnover of staff in Extended Learning which reflects reduced number of students in this area
- Staff **recruitment** activity continues to be high and staff have been recruited to 13 posts since September through virtual recruitment process. Of particular significance is four recent appointments within Electrical and Construction. There are 13 open vacancies.
- There is likely to be a continuing requirement to use agency workers to fill 'hard to recruit' areas (there are 5 at present) and Morgan Hunt are assisting the College in sourcing agency workers to fill these positions
- Sickness **absence** was higher than target at an average of 6.46 days (7.02 last year to this date), mainly attributable to staff with long-term health problems. The target for the year is 5.2 days per person per annum. The current AoC benchmark is 5.2 days in the Eastern Region
- The College has been very active in **Mental Health and Wellbeing** initiatives and the Report covers the various initiatives put in place, recognising the additional challenge of the pandemic
- Some examples of recent activity include podcasts, aligning with National Campaigns, cycle to work scheme, Staff Wellbeing Newsletter, intranet area for Mental Health and Wellbeing
- Scheduled workshops for staff to engage with the Mental Health Advisor held during September and October

Detailed summary of COVID-19 related issues was included in the Report covering the following

- Number of staff testing positive for COVID (8)
- Second lockdown
- Stay Alert Policy
- Department and Individual Staff Risk Assessments
- Safeguarding of staff and students (anxiety levels)
- Availability of COVID-19 home testing kits (20 requested plus 10 in stock)
- Electronic COVID-19 reporting system
- FAQs on Staff Wellbeing intranet page
- Expectation of staff compliance with safe practices reinforced
- How to book a COVID-19 test
- Principal is lead contact with track and trace and has good relationships with local authorities on this

- All staff briefing by CEG at PDD on 23 October

The Board was also informed of the following Government schemes and their use by the College:

- Job Retention Scheme (furlough)
- Job Support Scheme (which was suspended due to lockdown)
- Job Retention Bonus
- Kickstart Scheme

The Kickstart Scheme includes two partnerships, one with four FEDEC Colleges and the second spearheaded by Essex County Council working with employers.

Employment Relations remain positive. A recent meeting with UCU has been held and relations are good.

There have been no claims made to Employment Tribunal and one grievance raised was dealt with on an informal basis – no formal grievances raised.

The furlough scheme has been extended until March 2021 and is being used, predominantly in respect of Refectory staff, due to the fact that the volume of business in the refectory due to less students being on site regularly. The College is using flexible furlough which allows part-time working.

Twenty members of staff have been identified by the CEG who require incremental progression with a cost of about £25K this financial year paid from 1 January 2021.

A one-off Christmas bonus of £50 will be paid to all staff (about 330 staff) earning below £40K as a thank you for their efforts this year. The College will close on Tuesday 22 December and reopen on Monday 4 January 2021 giving all staff an extra two efficiency days.

This bonus was **APPROVED** by the Board.

The Board were provided with proposed KPIs regarding Human Resources for 2020/21 and these were **APPROVED** under the KPIs item on this Agenda (minute **1449**).

Governor questions

The Clerk asked about face to face and remote observations and noted that the KPIs for observations and achievement of the 5 KEs for each teacher is now split between the two forms of delivery.

The Deputy Principal explained that it is difficult to set targets as this scenario for teaching is completely new and she also made the point that observations of on-site teaching are also different due to COVID risk assessments (e.g. standing in the doorway and viewing documents electronically) She also added that, in respect of observation of remote learning, no protocols have yet been agreed and put into practice. The challenge will remain as to comparably rating the two different types of teaching.

So far, the CEG is satisfied with the mechanisms being put in place but they will be kept under constant review.

In response to the Chair of the Board, the Deputy Principal indicated that the first data relating to teaching observations will be able for review by the Quality & Learners Committee at its 23 February 2021 Meeting.

ACTION: CLERK

Otherwise, the Report was **NOTED**.

1444. FINANCE REPORT

1444.1 Management Accounts for the three months ended 31 October 2020

The Vice Principal, Finance & Corporate Resources presented the Management Accounts for the period ended 31 October 2020 for discussion, comment and approval by the Board. These accounts have been reviewed by the two designated Finance Governors (Elaine Oddie and Amanda Montague).

For the year to date, the College is showing an operating surplus of £110K against an original budgeted surplus for the period of £35K, a favourable variance of £75K.

Total income amounted to £3.826 million and total expenditure amounted to £3.751 million. In addition, a release of £33K arose in the period from the revaluation reserve. Income is £96K below budget mainly due to lower achievement in AEB but the figures to date are phased and should improve. However, the AEB is being closely monitored as it does present a considerable risk.

Meanwhile, expenditure is £171K better than budgeted, mainly due to staff costs savings.

Financial Health remains Requires Improvement (confirmed by ESFA by letter in October 2020) and is expected to remain so for this academic year.

The Accounts were accompanied by a detailed commentary explaining the variances from budget. These management accounts do not take into account any adjustments which will result from including FRS102 pension adjustments.

The Contribution Statement by Cost Centre was provided to members – this is on a direct cost basis only with no allocation of overheads.

The Financial Health table with detailed calculations of the scoring on the ESFA methodology was provided to members.

At 31 October 2020, group net assets stood at £11.9 million, including cash of £2.2 million and revalued fixed assets of £29.5 million.

Cash flow has been positive for the year and it is not anticipated that any overdraft will be required in early 2021 (although one will be set up just in case). There are currently 54 days' cash in hand (target 33) but this is forecast to decline to 21 days by 31 July 2021.

The current ratio stands at 0.50, affected by the fact that the Lloyds loan is currently being classified as a short-term debt, pending confirmation by the bank that the covenant regarding debt service cover will be waived and therefore immediate repayment will not be required. At this point, the debt will revert to long term, save for the normal annual repayment amount.

Pay expenditure as a percentage of income is 68% against target of below 65%, due to the lower income of the College. Borrowing as a percentage of income is 25%, well within ESFA tolerances, but slightly higher than target of 24%, again due to lower income levels.

All bank covenants are currently being met.

Trevor Bolton observed that the cost contribution from English & maths is not very good and the VPFCS stated that this needs to have costs reallocated from other Departments to provide a meaningful dataset. This will be done prior to preparation of the next iteration of the cost allocation data.

The Board **APPROVED** the Management Accounts for the period ended 31 October 2020.

1444.2 Learner Numbers and Funding for 2020/21

The College recruited a slightly reduced number of full-time **16-18 students** this year compared to last year (by 30), but this was still a

strong performance in these difficult times. Although a reduction in total learner numbers, the proportion of full-time learners has increased which will impact positively on the College's 2022/23 16-18 funding allocation.

The Board noted that the Government has introduced two additional funds (Tuition Fund £300K and Employer Support Fund £75K) to help support learners through the duration of the pandemic.

Recruitment of **19+ students** is marginally behind target (AEB) at this stage of the year and remains an ongoing challenge. Efforts are underway by Senior Management to ensure this funding line is maximised, which may include obtaining additional volume early next year. It is acknowledged that this is a risk and is so shown in the Risk Register.

Apprenticeships recruitment/starts is in line with last year (+2), even though it was expected to be impacted by the effects of the pandemic. The position is quite encouraging. It has been helped by the introduction of employer incentive payments by the Government.

Advanced Learner Loans recruitment is strong – up £55K compared to last year due primarily to more healthy numbers in Access Provision.

Taken as a whole, there is reasonable confidence that the budgeted income for the year (see below) can be achieved.

The Report was **NOTED**.

1444.3 Property Update

The Board were provided with a table itemising the capital spend for 2020/21 and the relevant funding sources – ESFA refurbishment grant, SELEP funding for the new Construction Centre and College funding. The intention is ensuring that College internal funding remains below £350K (current estimate £298K) for the year in order to build up the College cash balance for the 2021 year end.

The Board noted that the ESFA fund of £588K on building improvements has to be spent by 31 March 2021. It cannot be spent on the Boiler Replacement or the New Construction Centre but can be used to effect enabling works for both projects.

The VFCS commented about the cost of IT replacement of computers for staff, which is a key risk, and, if they were leased, this would amount to around £60K per annum.

A planning application for the New Construction Centre at Princes Road has been lodged but there is unlikely to be a decision before Christmas. A cost estimate has been received of approx. £1.9 million and it looks favourable as it includes a slightly larger space. Therefore, the amount of the machinery installed can be greater. The Board noted that Construction is a growth area in the local economy and it already looks promising for 2021/22 based on current applications.

The Chair of the Board asked if the College was confident that the College can fully utilise the additional space and facilities of the new Centre. The VPFCS said that there is confidence in this regard as Construction is a growth area (carpentry, plumbing, environmental techniques, module house construction). Expectation of 100 full time learners and 50 apprentices which would produce annual income of around £600K.

The Report was **NOTED**.

1444.5 Budget Approval for 2020/21

The Board were **REMINDED** that they had not approved a full year budget for 2020/21 at the Board Meeting in July 2020, but had only approved a sufficient budget for the period ended 31 December 2020. This was due to the Board's concern that the full year budget presented at that time showed a deficit of around £600K, which they did not think was viable.

The Board decided at their July Meeting to review the budget position at this meeting in order to approve a budget through to the end of the academic year, given that further and better particulars would be available to guide their decision.

The Budget Working Party considered a revised Budget for 2020/21 when it met on 17 November. This Budget showed a break even result for the year and the Board considered this Budget.

The break-even Budget introduced by the VPFCS is at the management accounts level and includes release from the revaluation reserve. Pension adjustments under FRS17 are not included.

The VPFCS highlighted the risks to achievement of this break-even position:

- Income levels affected by the pandemic
- Increased salary costs due to illness and use of agency staff to cover
- Additional cleaning and energy costs caused by COVID-19 requirements

- Increased heating costs due to external ventilation being needed as a COVID-19 prevention

In framing the Budget, the VPFCS informed the Board that the income in the Budget from ESFA is £249K lower than the allocation as the College feels that it is prudent to allow for only 50% of the capacity & delivery Fund allocation and 50% of the Tuition Fund until the College is certain that the funding conditions for both of these funds can be met.

The Principal and VPFCS made the following points:

- Overdraft facility (see **1444.6** below)
- Possible COVID spike in January
- Cash flow forecast submitted (see **1444.6** below)
- Pension contribution support post March 2021 might be forthcoming
- The ESFA capex funding has to be spent by 31 March 2021

The Board considered the summary Budget for the year and gave their **APPROVAL**.

1444.6 Cash Flow

The Board **NOTED** the projected cash flow forecast for the period through to December 2021, which had been considered by the Budget working Party in detail on 17 November and which is used as part of the evidence supporting the Going Concern principle applying to the College.

The VPFCS reminded the Board that the headroom of cash in February/March is tight but, at this stage, the forecast does not assume an overdraft will be necessary. However, for prudence, negotiations are underway with the College's bankers (Lloyds) to arrange an overdraft facility for this anticipated tight cash period, even though it may not be necessary.

The VPFCS provided the Board with a detailed document itemising the assumptions and risks involved in preparation of the cash flow forecast.

Similar risks to the cash flow forecast apply as to achievement of the Budget, itemised in **1444.5** above.

The Board noted that the TPA funding protection ceases on 31 March 2021 and that there are no funds available to invest in IT (staff PCs under pressure). It is possible that the TPA protection might be given beyond 1 April 2021 but that is not certain.

The Board further **NOTED** that this forecast was submitted to the ESFA by the deadline of 26 November 2020.

1444.7 Financial Regulations

The Board **APPROVED** the revised Financial Regulations, noting the minor amendments which were necessary.

The Board also **APPROVED** two Appendices (I and K) to the Financial Regulations – Procurement Policy and Major Projects Protocol.

Susan Hughes asked if the Major Project appraisals policy could be checked to ensure it picks up the IAS recommendations from their review of this area during last year especially regarding validation of projects.

In response to Jenny Beaumont, the VPFCs said that a Major Projects is one with a value in excess of £100K.

Barbara Vohmann questioned the word 'appropriate' in section 6 and this will be reviewed.

1445. ANNUAL REPORT & FINANCIAL STATEMENTS 2019/20

The Vice Principal, Finance & Corporate Services **PRESENTED** the Draft Annual Report and Financial Statements for the year ended 31 July 2020 for the College Group, comprising the College and Dovedale Nursery CIC (the College's wholly owned subsidiary company) and the College's share of the results and the assets and liabilities of Essex Shared Services Limited (joint venture company with South Essex College).

The Accounts of ESS have not yet been formally approved by the ESS Board but this is expected shortly so that a signed copy is available when the College Group statements are signed off on 14 January 2021 at the Special Board Meeting scheduled for that date.

The audit of the College Group Accounts is not yet complete as KPMG have not yet completed their work on the Going Concern assessment. They are concerned at the effect of the breach of the Lloyds Bank debt covenant and the classification on the balance sheet of all of this loan as a current liability.

KPMG believe this constitutes a 'material uncertainty' which is not currently explicitly addressed in the draft Going Concern disclosures by the College.

They are seeking assurance from the Bank, though the College, that this breach is waived and the loan will not need to be repaid other than in accordance with the original agreement. Therefore, the whole loan would not be a current liability.

The VPFCS informed the Board that the Bank have confirmed verbally that they will issue a waiver letter and this is awaited. The risk of the loan being repayable in full on demand will therefore be removed. The VPFCS noted that there was a cost to the College of £1K for legal assistance in respect of this waiver.

Provided it is satisfactory, the loan will then be reclassified back to current/non-current liabilities and KPMG should then accept the Going Concern statement in the College Group accounts.

This issue is discussed in more detail in the minutes of the Audit Committee Meeting held on 17 November 2020, copies of which were provided to the Board.

The Board **NOTED** the position and that final approval of the Accounts and Annual Report will be considered at the Special Board Meeting scheduled for 14 January 2021. This will include finalisation and approval of the Going Concern assessment and KPMG's Audit Report.

In response to the Chair of the Board, the VPFCS said that there would not be any material changes to the figures shown in the draft Accounts, save for some presentational points and the loan reclassification referred to above.

The final Account and Report for approval by the Board on 14 January 2021 will be sent to the Board no later than a week before the meeting and sooner if possible.

The Board **NOTED** that the deadline for submission of the final audited Accounts and Report to the ESFA is 31 January 2021.

The regularity audit is complete and an unqualified report will be issued by KPMG. KPMG did not identify any material audit adjustments during the audit.

The Audit Committee reviewed the draft Accounts and Report together with the KPMG Audit Highlights Memorandum in detail at their meeting on 17 November 2020. The Accounts and Report are unchanged since then.

The Clerk informed the Board that the Annual General Meeting of Dovedale Nursery CIC for 2020 is deemed to take place at this Meeting but with no business to transact other than compliance with the law regarding the holding of AGMs. The approval of the Dovedale accounts for 2019/20 will take place on 14 January 2021 as part of a Directors' Meeting of the Company.

1445.1 Teacher's Pension Agency Return

The certificated return of contributions to the Teachers' Pension Agency for 2019-20, audited by KMPG, external auditors of the College, was **NOTED**. It confirmed that all pension contributions have been paid in accordance with the TPA regulations. Assurance on this matter had also been provided through a review by the internal auditors, Scrutton Bland.

1446. EQUALITY & DIVERSITY ANNUAL REPORT

The Annual Report on Equality & Diversity for 2019/20 was **PRESENTED** by the Deputy Principal.

This is a regular Annual Report so that the Board can review learner outcomes from this perspective and provide transparency to Ofsted and other outside agencies.

The Deputy Principal reported that the College continued to make significant progress towards reducing or eliminating key performance gaps between different groups of learners during 2019/20. This is a key focus of Ofsted. Progress continues to be made in reducing performance gaps between different groups of learners and there are continuing positive trends. However, there are still some concerns in certain categories and a continuing need to develop E&D in the classroom and other learning environments.

The COVID pandemic has impacted College life across the board and this has had implications for equality and diversity issues.

Key performance highlights:

- Gender performance gap minimal at 1.0% (females higher) virtually the same as last year for 16-18 learners but a slightly increased gap at 19+ (2.7% - males higher) compared to last year (2.5%)
- Negligible gap between British and other ethnic groups in 16-18 learners (0.2%) but the 19+ group had a larger gap of 4.6% (last year 1.3%) with ethnic groups lower (last year higher). It is noted that the learner numbers in ethnic groups are small
- The success rate gap between learners with declared LDD and those not was 1.8% – LDD performed better
- Looked After Children at the College in 2019/20 had a pass rate 7% higher than the College rate for 'non-LAC' learners – a considerable success
- Gap between Apprenticeships by gender – females outperforming males by 18.0% (last year 14.3%)
- No significant gap in attendance rates by gender – has been consistently virtually identical for the last three academic years

Overall, it is the judgement of the College that there is no significant variation in achievement between learners in either age grouping from ethnic heritage backgrounds and the total College population.

Questions from governors

The Principal commented that the lower achievement in respect of White and Black Caribbean ethnic group was mainly related to retention. It is to be a KPI issue for this year and will be reviewed at the Quality & Learners Committee in February 2021.

ACTION:CLERK

Jenny Beaumont observed that Looked After Children had a lower retention compared to non-LAC, although achievement rate is good for those who complete, and asked where do they go? The Deputy Principal said that, for a variety of reasons, e.g. change in foster care and/or accommodation, they may leave but the College has the records and they are tracked. Documentation is sent to carers and other interested parties.

Barbara Vohmann noted the decline in female achievement in the 19+ group compared to last year as noted above. The Deputy Principal said that retention is part of the reason but other factors are likely. The issue is reviewed at Performance Review Boards throughout the year.

The Principal said it has happened before and females often have other pressures in their lives: there is a need to keep track of this. The Deputy Principal said it is across more than one curriculum area and made the point that there a considerably less learners than last year.

It will be explored further at Q&L Committee in February to identify trends.

ACTION:CLERK

The Deputy Principal pointed out the increasing trend of the age of staff was an issue for the College and, in response to the Chair of the Board, succession planning is being considered.

The Board **APPROVED** the Annual Report.

1447. ANNUAL HEALTH & SAFETY REPORT 2019/20

The Principal **PRESENTED** the Annual Health & Safety Report 2019/20 (prepared by Steve Hope - Head of H&S) for consideration by the Board.

The Report covers the shared service arrangements for Health & Safety between the College and South Essex College. It follows the same format as last year and covers the following areas:

- Management systems in place
- Systems and software
- Risk Management
- Feedback on routine Health and Safety inspections
- Staff training
- External audit
- Analysis of accident/illness statistics/RIDDOR reporting
- Educational visits and work experience
- Food safety
- Regular Meetings of Health & Safety Committee

The Board **NOTED** the following key points arising from last year:

- Moulsham Street campus has had a satisfactory fire safety audit
- Both campuses subject to formal Health & Safety audits on a regular basis
- Increased reporting of minor accidents due to better education with students and more staff being involved in reporting
- One RIDDOR reported in the year at Moulsham Street
- Sufficiency of trained first aiders
- Checks of employers' workplaces as this area of work grows
- Both refectory sites at each Campus were inspected by the food Standards Agency and retained their 5-star food hygiene ratings

The Report explains in detail how the COVID-19 pandemic has affected and dominated Health & Safety processes in the College. It comments on issues such as ongoing inspections, review of risk assessments, safe working environments, training for staff and COVID safety at employer premises.

The Report outlines a number of recommendations to further enhance the Health & Safety features and controls.

Governor questions and comments

Members liked the Report and how the initiatives and actions have shown real benefits and are making a difference. They were satisfied with the approach taken to mitigate as far as possible the COVID-19 risks and challenges to ensure the college is a safe environment and staff and students can feel secure.

This comment will be reported back to Steve Hope.

Jenny Beaumont asked if there any health-related issues with staff working at home in their own workstations. The Deputy Principal said it was not an issue and, in any event, relatively few staff work from home. The VPFCS said a home working risk assessment will be done.

ACTION: VPFCS

The Principal stated that accidents and incidents dropped in the last few months of the year as the College was closed. Refresher training is being provided to staff and staff are being asked to keep risk assessments up to date.

It was **AGREED** to invite Steve Hope to attend the next Board Meeting on 26 March 2021 to give a Report on H&S and Estates matters.

ACTION: CLERK

The Board **APPROVED** the Report for 2019/20.

1448. ITEMS FOR APPROVAL

The Board **RECEIVED** a number of Reports for consideration and approval. All of these papers had been considered in detail by either the Board or a Committee and were recommended for formal approval by the Board.

The documents had been all uploaded on the Governors' Portal to enable visibility by all Governors.

The Board then formally **APPROVED** the following documents and Reports:

From the Quality and Learners Committee (3 November 2020)

Self-Assessment Report 2019/20
College Improvement Plan 2020/21
Annual Safeguarding Report 2019/20
Academic KPIs for 2020/21 (see **1449** below)

The SAR and the CIP have been uploaded to the Governors' portal.

The SAR for 2019/20 will now be loaded on the Ofsted portal.

The Deputy Principal commented that the FE Commissioner thought our SAR Report was very good and concurred with the College's view that the College remained GOOD.

From the Audit Committee (17 November 2020)

Annual Report of the Audit Committee 2019/20 (which was then signed by the Chair of the Committee)
Annual Data Protection Report 2019/20
Risk Management Policy

From all Committees

Terms of Reference (following annual review in each case)

1449. KEY PERFORMANCE INDICATORS

The Board **RECEIVED** a detailed paper itemising KPIs for the College and current progress and performance, with commentary.

The Board **APPROVED** the KPIs itemised in the Paper for both Finance/HR and Academic areas for 2020/21.

The Board had agreed Finance KPIs at July 2020 Board Meeting and Academic areas KPIs were recommended for approval by Q&L Committee on 3 November 2020. The HR KPIs were discussed in detail at this meeting.

The Board **APPROVED** all KPIs (HR/Academic/Finance) for 2020/21 as itemised in the KPI Paper.

The items RAG rated as RED (behind target) are part time 16-18 head count, the current ratio, Nursery trading surplus, students making progress on or above their TAG and attendance at Maths & English.

The Principal said the TAG rate is growing and at this stage of the year is actually higher than last year when it was 26%. Nevertheless, will be kept under close review to hopefully meet the 61% achievement last year and strive for 70% target.

Online learning teaching staff 80% are tasked to achieve five key expectations. This is a voyage of discovery and protocols still to be formally established and agreed.

Sarah Noble asked if there was an issue with staff getting to know students when teaching on line and whether they are possibly on the wrong course or are at the wrong level. The Deputy Principal said that lost learning at school is the issue and may have set the students back. The change of exams may contribute also to students not being ready to engage.

The Principal said some students may have had an inflated grade from last academic year due to COVID and the College had to take that into account in placing them on the course which they are studying.

Jaya Patten expressed the view that different students move at a different speed when studying remotely. The Deputy Principal said that there is no easy explanation for student progress and engagement and it very much depends on the individual student. Nevertheless, she said that the blended learning concept is quite popular.

The Report was **RECEIVED**.

1450. COLLEGE IMPROVEMENT PLAN 2020/21

The Deputy Principal **PRESENTED** an update on progress against the Plan for the current year, which had been approved at the previous Board Meeting.

The CIP had been presented to the FE Commissioners at their recent virtual meeting with the College and they were impressed with the Plan.

The CIP will be monitored regularly at Quality & Learners Committee during the rest of the year.

ACTION: CLERK

1451. RISK REGISTER AND DASHBOARD

The Vice Principal, Finance & Corporate Services provided the updated Risk Register and Dashboard as at 24 November 2020 and Members were directed to the Minutes of the Audit Committee held on 17 November 2020 where a detailed Risk Management Report was received and discussed.

The VP, Finance & Corporate Services pointed out that the current risk status on the Register is that there are 24 key risks noted, made up of 5 RED risks (AEB Funding and HSC intervention) and 19 AMBER risks.

The five RED risks – COVID-19 staff protection processes, IT infrastructure for staff to deliver online teaching, bank covenant, learner capacity on campus and the dispute with EAL.

The VPFCS said that the bank covenant can now be moved out to AMBER at 30/11/20 following confirmation (to be put in writing) from Lloyds to waive the covenant at 31 July 2020 which had been breached.

It is likely that the EAL dispute may well move to AMBER as progress is being made.

Further information on the risks can be found in the Audit Committee Minutes.

It is recognised that the 2020/21 proposed break even budget is a challenging target.

The Register continues to show internal and external sources of assurance addressing the particular items in the Risk Register.

The Board **NOTED** the Report.

1452. MINUTES OF COMMITTEE MEETINGS

The Board **RECEIVED** a copy of the unapproved Minutes of the following Committee Meetings which have taken place since the last Board Meeting on 25 September 2020, as follows:

- Audit Committee – 17 November 2020
- Search Governance & Remuneration Committee (except for confidential items re remuneration) – 3 November 2020
- Quality & Learners Committee – 3 November 2020

The Board also **RECEIVED** a Report on the Budget Working Party held on 17 November 2020.

1453. GOVERNANCE MATTERS

The Clerk **REPORTED** on current Governance Matters for consideration by the Board.

Governor Appointments, Resignation and Recruitment

The Clerk reported that three new governors have been appointed by email resolution since the September Meeting – two staff governors (Nedas Laurinavicius and Julie Williams) and a student governor (Natalie Devaney). Ned has joined the Quality & Learners Committee and Julie has joined the Audit Committee.

Induction has been provided to all three new governors.

Due to work commitments, Seena Shah has had to resign as a governor of the College (23 November 2020).

The Board now has two vacancies for independent governors and the Q&L Committee has two vacancies and the Audit Committee has one.

The Search, Governance & Remuneration discussed recruitment at their Meeting held on 3 November 2020, bearing in mind that Elaine Oddie has indicated that she will not seek re-appointment when her term of office as a governor expires on 31 July 2021.

The Clerk informed the Board of some possible new Governors he has identified but they would not be available until next Spring. He is also pursuing the possibility of recruiting a retired senior police officer.

The Clerk asked Governors to enquire of their own networks of potential candidates and ask the Clerk to pursue such contacts. Trevor Bolton undertook to provide some general network contacts of which he was aware for the Clerk to pursue.

Committee and Board Quora

The Board **APPROVED** the quorum of the Quality & Learners Committee be increased from 3 to 4 and the Audit Committee from 2 to 3. It was **NOTED** that the quora for the Board itself and the SGR Committee do not need to be changed (currently 6 and 3 respectively). This resolution arose from a recommendation from the SGR Committee.

Chair Succession Planning

On the recommendation of the SGR Committee, the Board **APPROVED** the process to appoint a Chair Designate.

The Clerk formally **INFORMED** the Board that there are two candidates for the position of Chair Designate and this notification constitutes four weeks' notice of an election for the position in accordance with the process. The election will be held remotely through the Clerk and he will report the outcome at the Special Board Meeting on 14 January 2021.

Clerking Services 2021/22

The Board **APPROVED** the appointment of the Clerk for the 2021/22 academic year, subject to contract, on the recommendation of the SGR Committee.

Appointment of Vice Chair

On the recommendation of the SGR Committee, Sarah Noble was **APPOINTED** Vice Chair for 2020/21. This should have been dealt with at the July 2020 Board Meeting but was omitted by oversight.

The Board **NOTED** that an election for Vice-Chair will take place at the July 2021 Board Meeting, along with an election for Chair.

Committee Memberships

The Board **RECEIVED** a schedule of Committee Memberships, to apply from 1 January 2021.

The Board **APPROVED** the appointments of Sarah Noble as Chair of the Quality & Learners Committee (from July 2020) and Jenny Beaumont as Chair of the Audit Committee (from January 2021) following elections having been held at the recent Committee Meetings of each of these Committees.

Governors' Development Day 5/2/21

The Principal indicated some suggested content for the Day including review and discussion of the FE Commissioners' Report, which should be available by then, Government funding announcements, T Levels preparation and progress on the Institute of Technology bid.

The duration of the 'Day' is still to be decided as is the means of involving the Board (remote or in person or a combination) depending on the COVID workload and restrictions in place in early February.

ACTION: PRINCIPAL

Reports on Governor Visits

Visits (all virtual) undertaken since the last Board Meeting, as notified to the Assistant Clerk:

Showcase Event 12/10/20 – J Patten, B Vohmann, A Sparks

Experience Chelmsford (Showcase Event) 23 to 26/11/20 – J Beaumont, S Hughes, S Noble, N Laurinavicius, A Sparks

Barbara Vohmann and Sarah Noble were very impressed with the on-line showcase events, in particular, the ability of those tuning in to ask questions immediately and get an instant response.

Learner Voice Meeting 27/11/20 – J Beaumont, S Hughes, N Laurinavicius, S Noble, C Norman, B Vohmann, J Williams, A Sparks

Meeting with FE Commissioners 18/11/20 – E Oddie, C Norman, S Hughes, S Noble, A Montague, R Millea (Clerk), A Sparks

The Clerk mentioned that he continues to liaise with the Regional Clerks' Network virtually.

1454. ANY OTHER BUSINESS

There were no items of AOB.

1455. DATES OF NEXT MEETINGS

Thursday 14 January 2021 at 2.00 pm (Special Meeting)
Friday 5 February 2021 (Governors’ Development Day) – time, content and format to be decided
Friday 26 March 2021 at 2.00pm
Thursday 8 July 2021 at 2.00 pm

There being no further business, the Meeting terminated at 4.45 pm.

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