

## CENTRAL SUSSEX CORPORATION

### Minutes of a Corporation Meeting held at 5.00 p.m. on Monday, 19<sup>th</sup> October 2009 in T11 Crawley Campus

**Membership:** Clive Behagg\*, Patrick Berry\*, Michael Easter, Leslie Edwards\*, Mark Froud\*, Paul Harding (Vice-Chair), Annie Henry\*, Tony Hyams-Parish, Peter Mansfield-Clark\*, Gill Marshman\*, Sylvia Meli\*, Adam Passingham\*, John Peel (Chair)\*, Zoë Richardson\*, Ramesh Shingadia\* and Russell Strutt\*.

\* = present

**Also in attendance:** Suri Araniyasundaran, Sue Dare, Adrian Dodwell, Maureen Kilminster, Jenny Poore, and Nick Whitley (Clerk)

#### APOLOGIES FOR ABSENCE

1. Apologies for absence were received from Mike Easter, Paul Harding and Tony Hyams-Parish.
2. John Peel advised the meeting that Annie Henry had been elected as the new Staff Member of the Corporation, succeeding Mark Read whose term of office had recently come to an end. He informed the meeting that he had written to Mark, thanking him for his input to the Corporation which had been much appreciated. John Peel welcomed Annie Henry to her first meeting.
3. John Peel stated that he had to leave the meeting at 6 p.m. as he was due to represent the College at a meeting for Governors of schools and colleges, Vice-Chancellors of Universities and Headteachers and Principals, convened by West Sussex County Council in Horsham. He was hoping that Paul Harding, who had unfortunately been detained at work, would reach the meeting in time for a seamless transfer of the chair. He proposed to give the Chairman's Update before he left for Horsham.

#### DECLARATIONS OF INTEREST

4. It was noted that Clive Behagg had an interest to declare as Deputy Vice Chancellor of the University of Chichester and as a reviewer within the Higher Education Integrated Quality and Enhancement Review (IQER) system.

#### MINUTES OF A MEETING OF 16<sup>TH</sup> JULY 2009

5. The Minutes were signed as a correct record.

#### MATTERS ARISING

6. **Prioritisation of capital developments/26:** The Principal advised that the proposed Crawley development had been ranked fortieth while Haywards Heath Phase 3 had been ranked eightieth against the criteria for prioritising capital projects. It was clear that the College would need to seek alternative

funding if either project were to go ahead; this would be touched on later in the meeting.

7. **Sussex College Chairs' meeting with Geoff Russell/31-32:** The Chair advised that he had chaired a meeting between the Sussex Chairs, some Principals, Learning and Skills Council (LSC) officers and Geoff Russell, the Chief Executive of the LSC. He had found Geoff Russell to be forthright; he had expressed the view that too many promises had been made, by Government Ministers to the LSC and by the LSC to Colleges. He reassured the Chairs that, in general, no blame attached to them or their Corporations. There had been two fundamental problems: the LSC had not applied a method of prioritising the capital projects they were considering funding and the LSC had no method of dealing with the situation when government funds dried up. The major mistake the LSC officers had made was that they had not informed the government ministers of the impending problem when they first became aware of it, some 9 months before it became public. The meeting had proved very interesting; the basic message was that Colleges needed to get on with raising funds themselves.
8. **Sue Dare's departure/40:** The Chair confirmed that he had written to Sue Dare, congratulating her; however he welcomed the opportunity to thank her publicly for all she had done for the College.
9. **Development of shared back office functions/41:** The Principal advised that Geoff Russell had expressed his expectation that Colleges would develop joint approaches to sharing back office functions. He would report further to Corporation as the Principals began to firm-up joint proposals. This should be by the New Year. Geoff Russell had put this into the perspective of planning for a 10% cut in funding. It was suggested that cutting the central bureaucracy imposed on Colleges would be the quickest way to achieving savings of that order of magnitude; John Peel advised that this was a point made by Geoff Russell himself. He clearly did not appreciate the bureaucratic processes within which he was required to work.
10. **University Centre Crawley/50:** The meeting was informed that there had been 23 expressions of interest (essentially bids) to establish a new University Centre. Only 6 of these had been short-listed as meeting the main objectives of the initiative; the Crawley proposal had been 1 of the 6. The Higher Education Funding Council for England (HEFCE) had, however, stated that there was currently insufficient funding to progress any of the projects before the next Spending Review, covering the period 2011 – 2014, and had advised against carrying out any further preparatory work before then. The Chair advised that those involved in preparing the Crawley proposal would be looking at ways of taking the project forward in the absence of capital funding.

#### **CHAIRMAN'S ACTION**

11. The Chair advised that he proposed to cover the Chairman's Update under this item.
12. In addition to the circulated Review of Confidential Minutes, he had witnessed the sealing of a Section 106 agreement on behalf of the College. Essentially this was an agreement between all the parties to the proposed sale of Gales Place land at Three Bridges and the Planning Authority, to give an undertaking that certain payments would be made to enhance community

resources as a pre-condition of carrying out the plans submitted for planning consent. The College would only be bound by this commitment if it (and the other vendors) withdrew from the sale and undertook the planned development jointly. Assuming the sale was completed successfully, the full responsibility would pass to the purchaser.

13. **The Chair's Actions were ratified.**

**CHAIRMAN'S UPDATE**

14. The Chair advised that, as reported previously, he had chaired a meeting of the Sussex Chairs; he had attended 1 CADIA meeting, 2 Corporation Committee meetings, 2 briefings with the Principal, Deputy principal, Clerk and Vice-Chair, two meetings about the Training Quality Standard (TQS), 1 Awards evening, 1 meeting of the Local Economic Area Group (LEAG), 1 meeting with Clare Denman, the Crawley Borough Council Cabinet member for Planning and Economic Development and 1 with Henry Smith, the leader of West Sussex County Council (WSCC). The latter had offered to look out for a suitable representative of WSCC to sit on the Corporation, in view of the transfer of responsibility for 16–18 year-old learners due under the Machinery of Government initiative.

**HEALTH & SAFETY REPORT**

15. The Chair commented that this year's Health & Safety Report was a very good one, with a useful summary of the detailed appendices. On the latter point, he wondered whether it may be helpful to have a future discussion about which appendices should continue to be included in the published report.
16. Jenny Poore took the meeting briefly through the Executive Summary.
17. It was noted that there had been no Basic First Aid (Appointed Person) training during the last year. It was explained that it had been decided that it would be a better use of resources to focus on First Aid at Work training, since the appointed person's training did not qualify the individual as a first aider.
18. It was noted that Wellbeing at Work training had replaced stress management for staff; it was confirmed that it was the title used for the roll-out of the stress management training.
19. Concern was expressed at the number of violent incidents; it was confirmed that generally any learners involved in violence would be dealt with through the disciplinary procedure. However, there were instances where this was not appropriate. One of the individual instances was cited as an example; the perpetrator was a wheelchair bound learner with multiple problems. **It was agreed that an explanatory note should be added to the report.**
20. It was commented that learners from difficult backgrounds were attending the College in increasing numbers; the College was still developing the best approaches to manage their behaviour.

21. The two security incidents were reviewed. The Corporation was given reassurance that the second incident had been addressed and appropriately resolved.
22. One point raised with respect to the security incidents was the importance of being able to identify the individuals concerned, be they student, staff or an intruder.
23. The Principal pointed out that there was a balance to be struck. An ID check was carried out each morning; however the overall view of the College's Health & Safety representatives was that we did not need to go to the extremes of a single entry barrier system, particularly given the number of separate access points to the campus and buildings.
24. Instances of non-student intruders were cited; however it was pointed out that there was no way of achieving absolute security. The morning ID checks were primarily a means of raising awareness of the importance of IDs and also part of reinforcing the general ethos and culture of the College. Anecdotally staff felt safer now than they had in the past.
25. It was noted that there was a link between stress and staff absence, which was very difficult to address. However it was important to keep the link in mind when monitoring absence levels.
26. The Chair reminded the Corporation Members that Health & Safety was a matter for which they were jointly and severally responsible; when he signed the report he would be doing so on each and all of their behalfs.
27. The Principal drew attention to the fact that he needed to have a final discussion on the Health & Safety Report with the Unions in a Joint Consultative Health & Safety meeting before it was finalised. The Unions had indicated that they would like to see a paragraph included about consultation over the new buildings in particular about temperature control as this topic had become a national issue.
28. **It was agreed to defer adoption of the report until the next Corporation meeting, after any amendments had been incorporated into a final version.**

## **EQUALITY & DIVERSITY REPORT**

29. The Principal introduced the report. He drew attention to the fact that OFSTED had determined that Equality & Diversity should become a so-called limiting grade, together with safeguarding. This reflected the priority that needed to be accorded to the College's duty to promote Equality & Diversity (and not merely guard against breaches of it).
30. The College had spent a whole Inset day focussing on Equality & Diversity; this had proved extremely rewarding and staff had found it helpful.
31. The Principal drew attention to the initial results from the staff audit included in the report. It was important to ensure that the approaches and procedures used by the College encouraged both recruitment and promotion from among minority ethnic groups, and that any barriers to recruitment or promotion were removed. It was suggested that, as well as comparing our percentage staff

mix with the local population, we should also place it within the national context, since for many of our posts we were looking to recruit from the national pool of qualified individuals.

32. The position with respect to staff progression was questioned; the Principle stated that progression for female members of staff was good, but Black and Minority Ethnic groups (BME) were not well represented within senior and middle management.
33. Patrick Berry as Chair of Resources stressed that the Resources Committee had considered these points, particularly the issue of promotion into the middle management grades. The Committee had recognised that it would take time to address the imbalance. The focus must be on enabling staff to take advantage of any opportunities for progression. It was also recognised that the next career move for many members of staff may be to another College.
34. **It was agreed that a further report be provided to a future Corporation meeting about Equality & Diversity training and in particular how those training needs of those that miss the general training session are addressed.**
35. **The report was received.**

#### **PRINCIPAL'S UPDATE**

36. The Principal took the meeting through his report. He drew attention to the generally positive position in enrolments; there was just one area of concern for the Corporation to note, namely apprentices. The overall numbers of apprentices masked the fact that 16-18 year old apprentices were below target while the 19+ numbers were over target. Other Colleges in Sussex were experiencing a similar pattern, and according to the Learning & Skills Council (LSC) this was reflected nationally. The issue was the lack of employers willing to offer apprenticeships, rather than any dearth of young school leavers wanting apprenticeships.
37. The Principal advised the Corporation that the Executive had already put actions in place to address the issue. There were a number of constraints within which the College had to work: the targets were fixed by the LSC in advance, but then reviewed at the end of each quarter in discussions between the LSC and the College. There was no possibility of virement between the funding for 16-18 year-olds and that for 19+ apprentices; the only possible virement would be between apprenticeship funding for 16-18 year-olds and that for full-time 16-18 year-old learners.

John Peel left the meeting at 18.00 hours, handing over the Chair to Clive Behagg in the first instance. Leslie Edwards also left the meeting at 18.00 hours.

38. The Principal drew attention to the growth in funding for 16-18 education being provided by the Government for 2010/2011; the net increase after allowing for a demographic downturn of 30,000 places was 24,000 places nationally.
39. The Principal then focussed attention on the financial outturn for 2008/2009. This had proved very disappointing and the deficit was unacceptable. The

figures had worsened since the last Corporation meeting, largely because of a movement of £300k in Train to Gain payments to providers between 2008/2009 and 2009/2010.

40. The key issue for the College was to position itself within the new demand-led funding environment so that the risks were managed for the future. The Executive had addressed underlying staff costs in the business planning and budgeting for 2009/2010 and had built in headroom to deal with the risks inherent in the immediate future environment.
41. The Executive had begun to model further efficiency gains, particularly by looking at new ways of providing back office functions in collaboration with other Colleges.
42. It was commented that the actions described so far did not seem to match the 10% savings being talked about nationally; furthermore any collaboration over back office functions was likely to require some initial investment, driving up costs in the short term.
43. The Principal acknowledged this and stressed that the modelling was at an early stage. The starting point was to identify what was reasonably possible within the existing regime and establish the extent of any gap between forecast income and costs.
44. It was pointed out that the reduction in funding may be much more severe in a worst case scenario. The Principal confirmed that he would ensure the Executive considered the risks and implications of a reduction of 20% in funding within the modelling exercise.
45. It was noted that the scale of the reduction in funding may drive a number of institutions across the sector towards merger; nevertheless it was pointed out that there were significant initial costs associated with any merger.
46. The Principal then drew attention to the award of the Training Quality Standard (TQS). The Assessors' report had been very positive and the Accreditation would enable the College to bid for Government contracts. It also permitted the College to apply for specialist Part B Accreditation.
47. He drew attention to the section of the report entitled "Teaching Learning Development & Quality Improvement: the next two years". On the basis of the 2007/2008 results, the College success rates were approximately 3% below the threshold for Outstanding. However, that 3% improvement would be very difficult to achieve.
48. There were two key developments that he wished to highlight. The first was a change in the basis for benchmarking. Previously the College had compared itself with national averages, expecting to be well above them. Now it was planned to take a more robust approach and compare the College's outcomes with those of the top ten per cent of Colleges in the sector. The second related to the assessment of teaching and learning, which was the core activity of the College. The formal Quality Assurance (QA) scheme was not proving effective in moving the College to Outstanding. There would therefore need to be a major shift in approach towards more developmental and peer developmental schemes. This would need to be achieved at the

same time as QA was also sharpened, to ensure that no aspect of the College's provision slipped backwards.

49. It was confirmed that the Curriculum, Quality & Standards Committee had discussed this at some length. The Committee had been convinced of the value of separating development from QA. Staff need to be prepared for the OFSTED style judgements of the quality of their work; however the feedback from staff confirmed that they needed time to see examples of outstanding teaching and to receive more detailed feedback on the ways in which they could move to excellence. This would include visits to other Colleges, as well as observing excellent teaching within the College.
50. It was noted that QA observations of lessons would be supplemented by feedback from learners. It was important to recognise that it was possible for a teacher to put on an exceptional show of excellence in front of an observer, which was not typical; whereas the learners experienced the teachers' performance throughout the year.
51. The Principal confirmed that the additional resources required to support the developmental scheme would be made available by streamlining the QA system.
52. It was also pointed out by one of the staff members that it was very stressful and miserable if you could not manage to engage the learners you were teaching. Building in improvements with the help of the learners' feedback could reduce stress levels among the staff.
53. The Principal then introduced his proposal that Sue Dare's post be disestablished on her departure. He explained that the majority of Colleges relied on one senior postholder to support the Principal by taking responsibility for the curriculum. When he was first appointed at the time of the merger he had taken the deliberate decision to appoint three members of the senior management team with curriculum responsibilities, because the quality of the curriculum underpinned everything else. The merged College was now a much more mature institution. He had worked through the implications very carefully and thoroughly with the Executive; he would also check the effectiveness of the changes when he carried out appraisals in January/February.
54. He confirmed that he believed the senior team had sufficient capacity to carry out its internal responsibilities. It would not be possible to cope with the ever-expanding external demands without working in collaboration with other Colleges: this was also the case for the other Colleges. Members of all the Colleges' senior teams were having to work across the counties.
55. Other Members of the Executive confirmed that they shared the Principal's perspective.
56. **The Principal's Report was received.**
57. **It was agreed to disestablish Sue Dare's senior post.**
58. **It was agreed to re-align the Senior Team responsibilities as described within the Principal's paper ("Proposal to reduce the Number of Senior**

**Post Holders and Re-Align Senior Team Roles”) and as shown on the chart attached thereto.**

59. **It was agreed that the Risk Assurance Group should review the inherent risks and consider what contingency planning may be required to mitigate the risk that the senior staff in other Colleges may not address the external requirements to the standard expected by this Corporation and College.**

## **REPORT OF THE AUDIT COMMITTEE MEETING HELD ON 28<sup>TH</sup> SEPTEMBER 2009**

60. Mark Froud introduced the report, highlighting the two key issues from the Committee's perspective. The first one was that the Learning & Skills Council (LSC) had finally acknowledged that they did not have the funds to support the Colleges' capital programme. This was a point that had been identified by the Committee a year ago; the Committee had watched the situation unfold thereafter.
61. The second point was that it may be necessary to provide for the cost of the Arun House lease in Horsham as an "onerous" lease.
62. The Chair of the Resources Committee responded by stating that he considered it unlikely that Arun House should be treated as an onerous lease because the Resources Committee and Task & Finish Group (Masterplan) had been actively considering options for the future development of Arun House.
63. Mark Froud then drew attention to the Financial Management and Control Evaluation (FMCE) annual return for Further Education Colleges. He advised the Corporation that the Audit Committee had reviewed it in detail. There were some questions that related specifically to governance and it was therefore the Committee's view that these should also be considered by the Governance & Search Committee.
64. He drew attention to the fact that the Risk Assurance Group had not met for a year; this was largely because it was considered that the major risk for the College lay with the capital developments and it not had been possible to assess the level of risk this posed. A meeting of the Group was now being arranged for late November/early December.
65. **The report was received.**
66. **The Annual Internal Audit Report was accepted.**
67. **The Annual Report of Complaints was noted.**
68. **It was agreed to refer the draft FMCE to the Governance & Search Committee and to give that Committee delegated authority to approve the final document for submission to the Learning & Skills Council by the deadline of 30<sup>th</sup> November 2009.**

Clive Behagg passed the Chair to Mark Froud.

## REPORT OF THE CURRICULUM, QUALITY & STANDARDS COMMITTEE

69. Clive Behagg introduced the report. He reiterated the significance of the College having been accredited with the Training Quality Standard (TQS); the Committee had discussed the Assessors Report in some detail. It was not only a valuable kitemark; it provided a good basis for further improvement for the College.
70. Work on the Self Assessment Report (SAR) was progressing in line with the timetable; next year the report would need to be re-aligned in accordance with the new OFSTED framework. This would be considered further at a future Committee meeting.
71. There had been a high quality discussion of the Teaching Observation Scheme. The Committee had been convinced that the modification of the approach would lead to further improvements in teaching and learning.
72. The Committee had discussed a proposal for managing waiting lists in the event that the College was oversubscribed by applicants for places at the Sixth Form Haywards Heath.
73. **The Protocol was agreed (as attached to these minutes).**
74. **The revisions to the Terms of Reference for the Committee, proposed by the Committee to ensure the currency of its remit, were approved.**
75. The Committee had also considered a proposal to develop post 16 provision in collaboration with Oakmeeds Community College in Burgess Hill. It was recommended that the proposal be approved in principle to enable further work to be carried out to develop the proposals in more detail. The Committee had also considered that the Governance & Search Committee should be asked to consider governance oversight of this collaborative venture.
76. **The strategic rationale for the development was endorsed and it was agreed to approve the proposal in principle. It was also agreed that the Governance & Search Committee should review the governance of the project.**

## REPORT OF THE RESOURCES COMMITTEE

77. Patrick Berry introduced the report. The Committee had considered the Human Resources (HR) report in some detail, in particular the Executive's progress in absence management. It had been suspected that there was a correlation between age and sickness absence, and additional analysis of the data had been provided to test the hypothesis. In the event this had demonstrated that sickness absence was not related to age.
78. The Committee had received an annual report on formal disciplinary and grievances; the total number was low and there had been no appeal hearings over the last twelve months.
79. The Committee had reviewed the forecast outturn. The deficit was unacceptable, as had been acknowledged by the Principal. The Committee had recognised that there had been a £300k deterioration since it had last

reported, which was due to timing (see Item 39 of these Minutes); it was therefore proposed that the Corporation revise the current year's budget to reflect the forecast additional surplus of £300k in the current year.

80. The Committee had confirmed that no decision on the payment of a cost of living pay award should be taken until January 2010 at the earliest when the College's financial health could be better assessed in the light of the current year's forecast outturn.
81. The Committee had considered a proposal by the LSC Provider Financial Assurance (PFA) team that every Corporation Member should receive a copy of the Management Accounts every month. While the Committee would not wish to discourage anyone who wanted that additional information from receiving it, it had been resolved that the Chair of the Resources Committee should review the Management Accounts every month on behalf of the Corporation. The Chair of the Corporation had asked that he and the Vice-Chair be copied into this correspondence.
82. **It was agreed that any other Members of the Corporation who wished to receive a copy of the Management Accounts should inform the Clerk.**
83. The Committee had also considered a proposal to borrow £2.5m over ten years to fund the cost of the write-off of the fees for the projects that had not been supported by the LSC. The terms had been reviewed and they were all standard and reasonable including the required covenants. Copies of the facility letter were made available at the meeting.
84. **The report was received.**
85. **It was agreed that the 2009/2010 budget be revised to show a reduction in Non Pay Expenditure: Teaching Core for the year of £300k and that the Operating Surplus be revised upwards from £600k to £900k.**
86. **It was agreed that Management Accounts be provided on a monthly basis to the Chair of Resources Committee with copies to the Chair and Vice-Chair of Corporation; any points of significant concern would then be communicated to all Corporation Members.**
87. **It was resolved in the form sent out by the Bank that the borrowing by the College of up to £2.5m on the terms and conditions set out in the Facility Letter was in the interests of and for the benefit of the College as Borrower and was most likely to promote the success of the College and that such terms and conditions be and were approved and accepted.**
88. **It was agreed that the Principal (Dr R Strutt) and the College Secretary (Mr N Whitley) be authorised to sign the Facility Letter on behalf of the College to indicate acceptance of the terms and conditions.**
89. **It was agreed that Barclays Bank be authorised to act in all matters concerning the Facility upon instruction from the Borrower (Central Sussex College) signed in accordance with the Bank's Mandate for any of the accounts of the College held by Barclays Bank and current from time to time.**

## **REPORT OF THE TASK & FINISH GROUP (MASTERPLAN)**

90. Patrick Berry introduced the report. He drew attention to the fact that Paul Harding, the Chair of the Group, considered that addressing the strategic issues in relation to capital developments for the future went beyond the Terms of Reference for a Task & Finish Group. He and the other members of the Group would therefore like to refer this to the Governance & Search Committee with a view to establishing a Capital Committee.
91. It was confirmed that it was not proposed to incur any additional costs with respect to the Crawley campus tendering exercise.
92. **The report was received.**
93. **It was agreed to ask the Governance & Search Committee to consider the establishment of a Capital Committee.**

## **BURGESS HILL & HAYWARDS HEATH LCB REPORT**

94. The Principal introduced the report. He drew attention to the valuable work carried out by LCB Members through the Link Scheme, whereby they visited curriculum areas and reported back their findings. This helped the Curriculum Committee and Corporation considerably in respect of monitoring the quality of provision.
95. The Board had also considered the Oakmeeds proposal and had provided constructive comments to help shape the requirements.
96. The third important piece of work had been to set up a Task & Finish Group to draft the Protocol for managing waiting lists discussed earlier in the meeting, this had been reviewed and revised at the Board Meeting and referred to the Curriculum, Quality & Standards Committee.
97. **The report was received.**

## **ANY OTHER BUSINESS**

98. Sue Dare asked that she be permitted to place on record her appreciation of the time she had spent working with the Corporation and its Committees. She thanked the Corporation Members for their support and stated that, thanks to her time at Central Sussex College she knew what good governance looked like.
99. Mark Froud stated that he felt it was a tribute to Russell Strutt and his team that Sue Dare had now progressed to this appointment as Principal of Northbrook College. While the Corporation was sad to see Sue go, they were also happy for her and pleased that she would be a close neighbour to the College. It was due in no small measure to Sue Dare that the College was progressing on its journey towards excellence.

The meeting ended at 7.00 p.m.