

Kirklees College Corporation

### CORPORATION

### <u>Minutes of a meeting held at 15.00 on 24 January 2020 in Room B.05.008, Huddersfield</u> <u>Centre, Waterfront Quarter, Manchester Road, Huddersfield HD1 3LD</u>

Present:	Mr G Hetherington Mr B Blank Ms M Carabine Dr A Conn Prof S Donnelly Ms C George Ms M Gilluley Ms Hussain-Butt Miss M Jakhrani Mr H Linn Ms L Precious Mr J Royle Mr N Taylor Dr A Williams Mr J Williams	Independent Governor (Chair) Student Governor Independent Governor (from minute 11 - taken out of time) Independent Governor Independent Governor Principal & Chief Executive Independent Governor Student Governor Independent Governor Staff Governor Independent Governor Staff Governor Independent Governor Independent Governor
Attendance:	13/14 = 93%	KPI 80% Quorum: 8 (40%)
In attendance:	Mr M Bennington Ms C Gonzalez-Eslava Ms J Green Mrs B Meara Ms J Simpson Mr David Weeton	Vice Principal Corporate Operations Vice Principal Curriculum, Performance & Innovation Clerk to the Corporation Executive Finance Director Executive Director of HR & Organisational Development Observer

The meeting was proceeded by an interactive Maths and English workshop, aimed at increasing Governors' understanding of the different qualification levels and aspects of the learner experience.

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Action/ Synopsis Item

PRELIMINARY ITEMS		
0	WELCOME AND INTRODUCTIONS	
i	The Chair welcomed everyone, in particular prospective Governor Ms M Carabine, who was recommended by the Search & Governance Committee for appointment, new Independent Governor Ms F Hussain-Butt and Mr D Weeton, who was observing the meeting having expressed an interest in possibly joining the Corporation. Introductions were made.	
ii	Due notice having been given and a quorum being present, the Chair declared the meeting open.	
1	APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST	
i	Independent Governors Ms S Weston and Mr M Varyani had sent apologies.	
ii	The Chair invited disclosures of interests and reminded the meeting of his own prior disclosures regarding the Holmfirth Adult Education Centre. All confirmed that, apart	

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	than this and other matters previously disclosed, they had no direct or indirect interest in any way in the business to be transacted at the meeting which they were required to disclose.	
GOVE	RNANCE	
11	SEARCH & GOVERNANCE COMMITTEE MINUTES AND RECOMMENDATION	
i	It was agreed that this item should be taken out of time.	
ii	The Search & Governance Committee Chair, Mr G Hetherington ("GH") spoke to the minutes of 15 January 2020, advising that the Committee was recommending Ms M Carabine for appointment. He said the Committee was confident that she satisfied the essential criteria for the role, having the skills and experience specified by the Corporation as appropriate for Governors to have.	
iii	Ms Carabine and Mr Waller were asked to leave the meeting while the proposed appointment was discussed.	
1510	Ms M Carabine and Mr D Waller left the meeting.	
iv	Governors had received a copy of Ms Carabine's CV, which set out her career history, skills and experience. It was noted that she worked in the banking sector and had expertise in governance, compliance, risk and control. She also had a background in adult learning, having worked as a training and development consultant. GH reminded Governors that Ms Carabine had attended the December Corporation meeting as an observer and had met with the Principal to discuss the College context. He said the Committee was satisfied that she shared Governors' passion for the transformative power of education.	
V	It was agreed that there did not appear to be any potential conflicts of impact that could not be easily managed. The Clerk had undertaken due diligence checks and had nothing of concern to report. Being satisfied in terms of Ms Carabine's suitability for the role, Governors agreed as follows:	
vi	RESOLVED:	
	(i) Marie Carabine is appointed as an Independent Governor with immediate effect until 31.03.23.	Synopsis Item 1
vii	Action: Clerk to attend to relevant paperwork following the Governor appointment.	JG
viii	It was noted that, with Ms Carabine's appointment, the Corporation's membership was now 17, with three potential vacancies of which the Search & Governance Committee proposed to fill either one or two.	
ix	RESOLVED:	
	(i) For the time being, the Corporation's maximum membership shall be 19.	
1515	l Ms M Carabine and Mr D Waller re-joined the meeting.	
x	The Chair confirmed Ms Carabine's appointment and welcomed her to the team.	
2	APPROVAL OF MINUTES OF THE PREVIOUS MEETING	
i	RESOLVED:	
	(i) To approve the 13 December 2019 minutes as an accurate record.	

2(i)	MATTERS ARISING NOT ON THE AGENDA	
i	There were no matters arising not on the Agenda.	
2(ii)	UPDATE ON AGREED ACTIONS	
i	<b><u>Approval of ESFA Regularity questionnaire</u></b> : This had been actioned per Corporation instructions.	
ii	Thank you letter to Mr D Keeton: The Chair had written to former Independent Governor Mr Keeton, thanking him for his service to the College.	
iii	<b>Publication of Whistleblowing Policy:</b> The revised Whistleblowing Policy, amended as per Corporation instructions, had been published on the College website. It would be promoted widely and its effectiveness monitored by the Audit Committee.	
iv	<b>Publication of Revised Standing Orders:</b> The Standing Orders, amended as per Corporation instructions, had been published on the College website.	
V	Appointment of Ms F Hussain-Butt: Ms Hussain-Butt was present, having taken up her appointment.	
vi	Appointment of Ms M Jakhrandi: The Clerk had received the necessary details for completion of pre-appointment checks and the appointment had now taken effect.	
vii	<b>Student Voice:</b> Dates for forthcoming Student Voice events, including the Annual Student Conference, were listed in the Governor Development report. Governors who had attended a Student Voice event earlier in the day said it had been dynamic and interesting, with plenty of student participation.	
viii	Office for Students monitoring & intervention and reportable events guidance: This was not yet due.	
viii ix		JG, S&G
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	Bennington ("MB") said the intention was to bring all College systems together in one, with the aim of processing data in a more efficient and effective way going forwards. He said the proposal was at the 'proof of concept' stage, during which risks and compliance issues would be investigated.	
	(i) Performance against Business Critical Performance Indicators ("BCPIs")	
iii	Governors discussed the BCPIs, noting that there had been little change since the previous report was presented just six weeks previously.	
	(ii) Draft Further Education Commissioner ("FEC") Stocktake Report	
iv	Governors commented on the draft FEC stocktake report (the final version had not yet been received), noting the absence of further recommendations and the positive findings in respect of governance and leadership, which reflected their own conclusions in self-assessment. Management was congratulated on progress.	
V	A Governor referred to the FEC comments on the actuarial loss on the local government pension scheme, observing that the College's auditors had described it as being in line with the sector but the FEC considered it "exceptionally high". Following discussion this was attributed to the different purview of the two organisations and there was agreement that Grant Thornton's opinion should be preferred, given their expertise in the area.	
GOING	CONCERN – MATTERS OF FINANCE, REGULATION, LEGAL ISSUES	
4	INTEGRATED FINANCIAL MODEL SUBMISSION	
i	Executive Finance Director Mrs B Meara ("BM") highlighted as follows:	
	The new ESFA reporting tool, the 'Integrated Financial Model' was due for submission by the end of February 2020. The original submission deadline had been extended by the ESFA due to errors in the model template;	
	The January Corporation meeting had been planned to coincide with the initial filing deadline;	
	To avoid the risk of unresolved issues with the Integrated Financial Model impacting the College's understanding of its financial position, BM recommended that the old model be used in parallel with the new one for a period of time, including at this (the January) meeting to approve the 2019-20 financial forecast and commentary - with advance approval being given for the submission of the Integrated Financial Model on the proviso that the numbers for submission reflected those in the old model and, if they did not, that a further meeting would be called (or alternative decision-making used);	
	The full 2019-20 reforecast would be undertaken for reporting to the Corporation in March in line with the usual College reporting timetable.	
ii	A Governor sought assurance that the difficulties with the Integrated Financial Model and BM's proposed approach to approving it would not affect the College's chances of release from intervention. MG and BM said this was very unlikely, as the financial information the ESFA would be basing its decision on had already been submitted to it, and any transitional issues would affect the whole sector, not just the College.	
iii	There was agreement that, notwithstanding the costs of running two models in parallel, the Corporation's priority must be to ensure that the tools it used for financial monitoring reflected reality and did not give a false impression. BM said she did not expect the issues with the Integrated Financial Model to be quickly resolved but the cost of running both models for one or two years was not prohibitive.	

iv	Governors noted the current financial position and the movements since the July financial plan. There was discussion about the need to formally approve the cancellation of the Leeds City Region Enterprise Partnership loan facility of £850k, which, as the financial plan had envisaged, was no longer required following the sale of the Wheelwright Centre.	
V	Attention was drawn to the table at page 7 of BM's report, which identified where each of the items required to be included in the commentary to the new model was located in the July 2019 commentary to the financial plan. There was agreement that this, together with that commentary, would satisfy the new requirements.	
vi	Having no further questions, Governors resolved as follows:	
vii	RESOLVED:	
	(i) To note the three-year financial forecast data as an interim position pending full mid-year budget review 2019/20 and full business plan 2020/21.	
	(ii) To authorise the Executive Finance Director to submit the Integrated Financial Model by 29 February 2020, subject to the numbers for submission reflecting those in the papers presented at the January Corporation meeting and, if not, a further meeting being called (or alternative decision-making being used).	Synopsis Item 2
	(iii) To approve the use of the July 2019 commentary to the financial plan, amended as per the table on p7 of the Executive Finance Director's 14 January 2020 report, as the accompanying commentary to the Integrated Financial Model.	
	(iv) To approve the cancellation of the Leeds City Region Enterprise Partnership loan facility of £850k.	
5	STAFF PAY AND CONDITIONS	
	(i) Pay Award Proposal April 2020	
i	Executive Director of HR & Organisational Development Ms J Simpson ("JS") spoke to her paper saying, for the reasons set out within it, management's advice was that the Corporation should approve:	
	<ul> <li>a pay award for all staff (other than senior post holders and the Clerk) of the greater of 1% or £250 on the FTE;</li> <li>the introduction of a minimum pay point for over 25s of £9/hour; and</li> <li>new business support pay scales, as per the appendix to JS's paper, to retain the gap between the pay scales for scale 1 and scale 3.</li> </ul>	
ii	JS said although the cost of approving the recommendations would be more than the Corporation had budgeted for, hence there would be a small impact on the financial plan, management considered that the increases were necessary and would set the College in good stead for the future, sending a positive message and closing the gap between salaries paid for similar roles at Kirklees Council.	
iii	RESOLVED:	
	(i) To approve the recommended staff pay award for 2019/20, the introduction of a minimum pay point for over 25s of £9/hour and new business support scales, as detailed in the Executive Director of HR & Organisational Development's 24 January 2020 report.	Synopsis Item 3

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	(ii) Local Government Pension Scheme updated Discretionary Pension Statements	
iv	It was noted that amending the College's written policy in line with the management recommendations would change the Corporation's policy position on the exercise of five discretions available to it under the LGPS Regulations 2013 and the LGPS Transitional Regulations 2013.	
v	JS said the original policy wording suggested the College might grant discretionary waivers or make additional payments but in practice it did so rarely, if ever. She said rather than giving false hope and creating an administrative burden, the policy should be upfront. This was agreed.	
vi	RESOLVED:	
	(i) To adopt the proposed changes to the College's LGPS Scheme Employer Discretions Policy (set out in the Appendix to the Item 5 report) but with the deletion of the words "but may consider its use in exceptional circumstances and where Kirklees College can meet the cost of granting such a request" in relation to both early payment of deferred pensions for members who left before 1st April 2014 and early payment of deferred pensions for members who left before 1st April 2014 and have ceased to be entitled to a tier 3 ill benefit.	Synopsis Item 4
6	FINANCIAL APPROVAL: NEW SUPPLIER	
i	BM's report highlighted the risk of breaching procurement regulations and recommended the appointment of a 'Master Vendor' through which future contracting for agency staff would be undertaken. A further report from the procurement team outlined the tender process undertaken, noting that, as the proposed contract value would exceed the management thresholds stipulated at Appendix J of the Financial Regulations, Corporation approval of the proposed expenditure was required.	
ii	RESOLVED:	
	(i) To approve the proposed expenditure and appointment, as per the Executive Finance Director's 24 January 2020 Item 6 report.	Synopsis Item 5
1640 /	A comfort break was taken. When the meeting resumed, all re-joined the meeting.	
7	HEALTH & SAFETY POLICY – APPROVAL OF MINOR CHANGES	
i	Minor changes to the Health & Safety Policy were presented and approved.	
ii	RESOLVED:	
	(i) To approve the recommended amendments to the Health & Safety Policy and to adopt the revised policy with immediate effect.	Synopsis Item 6
	TY & DIVERSITY	
8	EQUALITY, DIVERSITY & INCLUSION ANNUAL REPORT	
i	It was agreed that the Equality, Diversity & Inclusion monitoring report (the "Report") gave an excellent account of the year's performance, with no surprises. Governors praised the strength of management's commitment to equality, diversity and inclusion and emphasised the need to include in the Report's introductory and concluding paragraphs some positive remarks on what had been achieved.	
ii	It was noted that the Report would be incorporated into the College's annual	

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	Financial Statements by reference and, in this regard, it was agreed that the following mandatory reporting requirements were met:	
	The Report detailed the work undertaken and the progress made in 2018/19 towards achieving the measurable objectives set out in the 2017-20 Single Equality Scheme Action Plan, approved by the Corporation and monitored by the Equality, Diversity & Inclusion Strategic Group at its termly meetings;	
	The Equality Act 2011 requirement to publish, at least annually, information to demonstrate compliance with the general equality duty was satisfied; and	
	A description of the College's Equality, Diversity & Inclusion policy was included.	
	Learner Equality Monitoring Data (Part 3 of the Report)	
iii	Governors welcomed the news that outcomes for disadvantaged groups had improved and most gaps had narrowed in line with ambitions. They noted as follows:	
	A 6% achievement gap for 16-18 years olds in vulnerable groups (reported in 2016/17) had closed;	
	<ul> <li>Access to Learning and Personal Support students' achievement rates were outstanding at 90%;</li> </ul>	
	Retention for those who had self-declared a disability or learning difficulty was similar to that of those who had not;	
	A 4% retention gap between BAME (Black and minority ethnic) and White 16-18 students reported in 2017-18 had closed;	
	The gap between Male 16-18 students' pass rates and those of their Female counterparts had narrowed from 5% (in 2017/18) to 3%;	
	Despite a very slight dip compared to the previous year, outcomes for High Needs students were outstanding: above whole College for achievement, retention and pass rate and above national rate for achievement and pass rates.	
	Students with an Education Health Care Plan (EHCP) were out-performing their peers both in College and nationally.	
iv	Not all gaps had narrowed, for example retention for students of mixed ethnicity was still lower than that of their peers and the gap had widened. Governors encouraged management to continue to pursue the approach it had taken to closing achievement gaps and acknowledged the positive impact that bringing equality, diversity and inclusion considerations into decision-making had had.	
	Staff Equality Monitoring Data (Part 4 of the Report)	
v	Governors were pleased to hear that good progress had been made on bringing the workforce in line with the local demographic - including in teaching roles. It was ahead of both the FE sector and the overall Kirklees workforce in terms of BAME representation and its staff age and sex profiles were consistent with the sector. Management was asked to continue its efforts to diversify the workforce.	
	Gender Pay Gap Report 2018/19 (Appendix 1 to the Report)	
vi	It was agreed that the Gender Pay Gap Report satisfied the mandatory requirement to publish and report specific figures about the College's gender pay gap <sup>1</sup> . JS said	

 $<sup>^1</sup>$  The gender pay gap is the difference between the average earnings of men and women, expressed relative to men's earnings.

ho	nagement was now looking at the pay gap in terms of ethnicity and disability and bed to report to the next Equality, Diversity & Inclusion Strategic Group meeting.	
to t	e College's mean gender pay gap was 4.59% and the median was 15%, compared whole economy' gaps of 17.1% and 17.9% respectively (in each case according Office for National Statistics data). It was noted that the College had outperformed umber of local colleges.	
wo flex sor rep	commented that the College figures reflected the primarily female makeup of its rkforce and the preponderance of women in the lower salary quartile. She said kible and part time roles tended to attract female candidates and this was not mething the College could materially influence. It was agreed that female presentation in senior and management roles was good and not a pressing area of velopment for the College.	
ix <u>RE</u>	SOLVED:	
(i)	With the recommendation that positive remarks be added to the introductory and concluding paragraphs to highlight how pleased and proud the College is of its achievements, to approve the Annual Equality, Diversity & Inclusion report for publication and wider circulation.	Synopsis Item 7
(ii	) To note the management advice on the Gender Pay Gap report and to approve the report for publication on the College website and submission via the gender pay gap reporting service.	Synopsis Item 8
9 SIN	IGLE EDI STRATEGY AND ACTION PLAN 2019-2022	
20 <sup>°</sup> me Eq we and	explained that the College (as a public body for the purposes of the Equality Act 11) was required to prepare and publish, at least every four years, specific and asurable equality objectives aimed at furthering the aims of the Public Sector uality Duty. She drew attention to the proposed objectives for 2019-2022, which re set out at Appendix 1 to the Single Equality, Diversity & Inclusiveness Strategy d Action Plan. They were grouped into six key target areas to reflect the Strategic jectives.	
obj obj	e Equality, Diversity & Inclusion Strategic Group had reviewed the proposed ectives at its 3 December meeting and had raised no concerns. Some of the ectives merely aimed at compliance with internal policy, statutory/regulatory juirements or improving communication and those were discounted in discussion.	
Div pro Tha boa the ask	ere was agreement that a key objective should be to ensure that Equality, versity & Inclusion ("EDI") was fully embedded across the business and to omote an environment where staff felt safe, supported and able to raise concerns. at culture, Governors agreed, should be evident in policies and procedures, and minutes and reports, and business plans. As envisaged by the Action Plan, a Corporation would support this objective by undertaking relevant training and king the Search & Governance Committee to make recommendations around the porting of EDI matters.	
div clo	vas noted that several of the proposed equality objectives were concerned with ersifying the workforce to mirror the learner demographic, including by seeking to se any ethnicity pay gap, and by increasing the number of women in traditionally le-dominated curriculum areas and vice versa. These were approved.	
	objective around improving communication around EDI policy initiatives and ions was strongly endorsed.	

## Item

vi	RESOLVED:	
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	(i) To approve the Single Equality, Diversity, Inclusiveness and Belonging Scheme and Action Plan 2019-2022 for publication.	Synopsis Item 9
	(ii) To approve the proposed 2019-2022 equality objectives.	
vii	Action: By December 2020, Search & Governance Committee to advise on the formal reporting of EDI matters to the Corporation.	JG, S&G
GOVER	NANCE	
10	AGREEMENT TO CONVENE A MEETING OF THE TRUSTEE OF THE HOLMFIRTH ADULT EDUCATION CENTRE	
i	The following documents were produced to the meeting:	
	1. A notice convening a meeting of the trustee of the Holmfirth Adult Education Centre, to consider a proposed sale of the Centre and to approve a response to Charity Commission emails regarding the wording of a draft scheme;	
	2. An agenda for the meeting and a copy of the draft minutes of 25 October 2019;	
	3. A pack of documents, including skeleton minutes for the meeting and a copy of Charity Commission guidance document CC27; and	
	4. A report outlining the current position.	
ii	The meeting was adjourned at 16.50 to allow the meeting of the trustee to be held. When it reconvened, it was reported that the minutes of the 25 October 2019 meeting had been approved, as had the sale of the Centre.	
11A	GOVERNOR DEVELOPMENT REPORT	
i	The Clerk presented the Governor Development Report, sharing information from the previous day's Association of Colleges Governance Professionals Conference and highlighting upcoming training opportunities.	
ii	The date of the Strategic Planning Event was confirmed: Wednesday 22 April 2020.	
11B	PUBLICATION OF AGENDA PAPERS	
i	RESOLVED:	
	(i) The items marked with an asterisk on the Agenda, together with the confidential minutes of the previous meeting, shall be deemed confidential and shall be excluded from publication in accordance with clause 18.2 of the Instrument of Government.	
CHAIRS	' REPORTS	
12	CHAIR AND VICE CHAIR'S REPORTS	
i	The Chair and Vice Chair reported that they had attended the ESFA Case Conference.	
EXECUT		
13	EXECUTIVE EMPLOYMENT MATTERS	
i	The items were deferred to allow for discussion about governance and process.	

PAPERS FOR ASSURANCE/INFORMATION PURPOSES ONLY		
14	QUALITY, PERFORMANCE & STANDARDS MINUTES OF 9 DECEMBER 2019	
i	The minutes of the Quality, Performance and Standards Committee's 9 December 2019 meeting were received. The meeting outcomes had already been discussed at the Corporation's 13 December 2019 meeting.	
15	Estates Strategy Advisory Group minutes 18 Dec 19	
i	The minutes were received and the contents noted.	
15A	SEARCH & GOVERNANCE COMMITTEE MINUTES 23 OCT 19 AND 3 DEC 19	
i	The minutes were received and the contents noted.	
16	USE OF CORPORATION SEAL	
i	The report was received and the contents noted.	
ii	RESOLVED:	
	(i) To ratify the use of the seal.	
17	USE OF THE WRITTEN RESOLUTION PROCEDURE	
i	The report was received and the contents noted.	
18	DATE OF NEXT MEETING	
i	Friday 27 March 2020 at 3pm.	

# Synopsis

#	Details	Minute
1.	Marie Carabine was appointed as an Independent Governor.	11(vi)
2.	The Executive Finance Director was authorised to submit the Integrated Financial Model by 29 February 2020, subject to the numbers for submission reflecting those in the papers presented at the January Corporation meeting. Also to use the July 2019 commentary to the financial plan, amended as per the table on p7 of the Executive Finance Director's 14 January 2020 report, as the accompanying commentary to the Integrated Financial Model.	4(vii)
3.	The following were approved:	5(iii)
	<ul> <li>a pay award for all staff (other than senior post holders and the Clerk) of the greater of 1% or £250 on the FTE;</li> </ul>	
	the introduction of a minimum pay point for over 25s of £9/hour; and	
	new business support pay scales, as per the appendix to JS's paper, to retain the gap between the pay scales for scale 1 and scale 3.	
4.	Changes to the College's LGPS Scheme Employer Discretions Policy were approved.	5(vi)
5.	Approval was given for the appointment of a 'Master Vendor' through which future contracting for agency staff would be undertaken. The proposed contract value exceeded the management thresholds stipulated at Appendix J of the Financial Regulations, hence Corporation approval of the proposed expenditure was required.	6(ii)
6.	Minor amendments to the Health & Safety Policy were approved.	7(ii)
7.	The Annual Equality, Diversity & Inclusion report was approved for publication and wider circulation.	8(ix)
8.	The Gender Pay Gap report was approved for publication on the College website and submission via the gender pay gap reporting service.	8(ix)
9.	The Single Equality, Diversity, Inclusiveness and Belonging Scheme and Action Plan 2019-2022 was approved for publication and the proposed 2019-2022 equality objectives were approved.	9(vi)