

Kirklees College Corporation

CORPORATION

Minutes of a meeting held at 15.00 on 27 May 2022 at the College's Waterfront Quarter

Present:	Mr G Hetherington Ms M Carabine Ms C Catmull Dr A Conn Mr A Greaves Ms F Hussain-Butt Mr F Parvez Mr C Robinson Mr P Singh Mr M Varyani Mrs J Walters Dr A Williams	Independent Governor (Chair) Independent Governor (by videoconference) Staff Governor (to Item 17) Independent Governor Staff Governor (to Item 17) Independent Governor Independent Governor Principal & Chief Executive Independent Governor Independent Governor Independent Governor
Attendance:	12/14 = 88%	KPI 80% Quorum: 7 (40%)
In attendance:	Ms J Arechiga Mr M Bennington Ms J Green Mr D Harding Mrs R Meara Mrs J Simpson Mr A Singh Ms K Sykes	Vice Principal Curriculum & Innovation Vice Principal Corporate Operations Clerk to the Corporation Observer Executive Finance Director Executive Director of HR (Item 3 only) Observer Higher Education & Skills Manager (Item 5 only)

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Action/ Synopsis Item

PRELIMINARY ITEMS		
0.1	WELCOME AND INTRODUCTIONS	
i	The Chair welcomed everyone, in particular Mr D Harding and Mr A Singh, who were observing. Introductions were made.	
ii	The Clerk had circulated an amended agenda and an additional paper. They were tabled, with agreement that the extra item would be taken at the end of the meeting.	
0.2	NOTICE AND QUORUM	
i	The Clerk confirmed that due notice had been given, the requirement for all persons participating to be able to communicate with one another was satisfied and the meeting was quorate.	
1	APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST	
i	Apologies were received from Independent Governors Mr I Wainwright and Mrs C George. Dr A Williams had advised that he would be arriving slightly late.	
ii	All confirmed that, except as previously disclosed, they had no direct or indirect interest in any way in the business to be transacted at the meeting which should be disclosed.	

2	MINUTES OF THE 25 MARCH CORPORATION MEETING	
i	Governors agreed to approve the minutes subject to the following amendments: (i) The deletion of minute 8(iv); and	
	(ii) The adjustment of the attendance percentage to 100%.	
ii	RESOLVED:	
	(i) Subject to the amendments set out above, to approve the 25 March 2022 minutes as an accurate record.	
2.1	MATTERS ARISING NOT ON THE AGENDA	
i	No matters were raised.	
2.2	UPDATE ON AGREED ACTIONS	
i	To review the Corporation's governance arrangements following the Strategic Away Day and the external governance review: This was on the Agenda.	
ii	Quality Performance & Standards Committee to discuss the external review report and College response in more detail: This was on the Agenda.	
iii	To contact IT manager and the student responsible for reporting the recent data breach and pass on the Corporation's commendations: This had been actioned.	
iv	To approve any necessary changes to the Safeguarding and Child Protection Policy at the beginning of the Autumn term: This was not yet due.	
V	Action (rolled over): To approve any necessary changes to the Safeguarding and Child Protection Policy at the beginning of the Autumn term.	PHa, JG
15.15	Mrs J Simpson joined the meeting.	
3	CONSENT AGENDA APPROVALS	
i	A Governor asked to have Item C2 (Disciplinary Policy and Procedure approval) moved to the main Agenda. Executive Director of HR Mrs J Simpson joined the meeting.	
ii	RESOLVED:	
	(i) To approve the use of the Consent Agenda;	
	(ii) To move the Disciplinary Policy & Procedure approval to the Main Agenda.	
iii	Attention was drawn to the Equality Impact Assessment form (the "EIA") for the draft Disciplinary Policy and Procedure (the "Policy"). The Governor pointed out some items of concern, including that the 'outcome' section was incomplete and some Equality Act 2010 'protected characteristics' were misstated and had been bundled together.	
iv	The Governor referred to a recommended action in the EIA: 'Disciplinary panels to include, where possible, individuals who share any protected characteristic(s) of the subject of the process'. The Governor queried whether this was a necessary and sufficient, or even a practical control for the risk of less favourable treatment or the perception of such. Governors were split on the point and the Clerk suggested that the matter be referred to the Equality, Diversity & Inclusion Strategic Group (the "Group") for detailed scrutiny and be brought back to the Corporation next term. She said there was a standing arrangement that Governors could attend the Group's meeting. This was agreed.	

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V	The Corporation considered whether the Policy should be approved without first revisiting the EIA. The following were agreed to be relevant factors:	
	 It was College policy to carry out equality impact assessments but they were not mandated by law; 	
	 Some of the proposed changes to the Policy would likely themselves have a positive equality impact; 	
	There was provision in the Policy for decision-maker discretion and for exceptions to be made on a case by case basis;	
	The proposed changes had been agreed with the Unions; and	
	The Group would not be able to look at the EIA issues until October 2022, so there would be a lengthy delay if the Policy approval was deferred and this could itself put employees with protected characteristics at a disadvantage, as some of the proposed changes were intended to address unfairness in the process.	
vi	RESOLVED:	Synopsis
	(i) The Equality Impact Assessment ("EIA") for the Disciplinary Policy and Procedure (the "Policy") shall be revisited as it is deficient in at least one key aspect (the 'outcome' section is incomplete).	Item 1
	(ii) On the balance of risk, taking account of all relevant factors, it is deemed appropriate to approve the Policy now and revisit the EIA later.	
	(iii) To approve the Disciplinary Policy and Procedure as presented.	
vii	Action: The Group shall review the EIA with a view to advising the Corporation on its adequacy and completeness, and recommending any further changes to the Policy and to the equality impact assessment form or process as may be appropriate. Governors wishing to attend the Group's session as observers (i.e. who are not members of the Group) shall notify the Clerk in advance, so that practical arrangements can be made to accommodate everyone.	EDISG
viii	RESOLVED:	
	(i) To approve all Items remaining on the Consent Agenda.	
ix	Items approved/noted via the Consent Agenda:	
	 Proposed changes to the Financial Regulations (as recommended by the Finance Committee); and 	Synopsis Item 2
	Note that the Corporation Seal and the Written Resolution procedure had not been used since the previous meeting.	
PRINC	CIPAL'S REPORT	
4	PRINCIPAL'S REPORT AND AWAY DAY REFLECTIONS	
i	The Principal Mr P Singh ("PS") spoke to his report, highlighting as follows:	
	The College had created more than 7,400 opportunities for 2,900 students to sit a GCSE English or Maths exam - over five days, across six sites, in over 200 rooms and coordinating 380 invigilators. PS said it was the biggest logistical event for a single educational institution in Kirklees and exemplified the whole college approach to 'Creating Opportunities, Changing Lives.'	
	A serious safeguarding incident had been referred to the LADO (Local Authority Designated Officer) and the police; an investigation was in progress and the Safeguarding Link Governor was being kept updated.	
	A Staff Development Day held on Microsoft Teams with the theme 'We are all	

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	educators' and 'The journey to excellence' had over 600 staff in attendance.	
	Following up from the Corporation Strategy Day, PS would bring a draft strategic plan to the Corporation in July to secure Governors' support in principle, so that detailed action plans could be firmed up over the summer.	
	The latest edition of KC Chronicle (providing an update on activities, events and achievements of staff and students) accompanied the report. It included an article on the opening of the College's new training ward for Health & Social Care.	
GOIN	G CONCERN - MATTERS OF FINANCE, REGULATION, LEGAL ISSUES	
9	EXECUTIVE DIRECTOR OF FINANCE REPORT	
i	It was agreed that the Quality and Curriculum Items (5-8) should be taken later in the meeting.	
ii	The Executive Director of Finance Mrs R Meara ("RM") said the Education & Skills Funding Agency ("ESFA") had published a financial dashboard and had set out in a letter the findings of its review of the College's audited financial statements and finance record. RM shared the financial dashboard on screen. She said an interesting graph showed the College's income mix and the extent of its reliance on 16-18 income, supporting the case for growth.	Synopsis Item 3
iii	Further graphs showed the adjusted current ratio moving into 'Outstanding'. The Performance ratio (EBITDA ¹) had gone from zero to 'Outstanding' since 2018. Total borrowing as a percentage of total income ('debt to income') remained at 'Requires Improvement' but was reducing; the College had taken on a sizeable debt to fund its new building in 2008. All other debt had been repaid, so this measure was expected to continue on the downward trajectory.	
	Budget planning progress for 2022-23	
iv	The Executive were completing the final budget planning meetings. RM said the overarching principle had been that management would not propose a budget with an EBITDA less than 7%. She said this had been a significant challenge given the increase in energy costs; they would adversely impact EBITDA by 2-3%.	
V	Referring to the rise in electricity costs, the Vice Principal Corporate Operations Mr M Bennington ("MB") said the NPower contract permitted a price increase annually on 1 April. Throughout the contact term there had been no material price rises, including in October 2021 when the College was protected from the price cap rise. However, with continuing volatility in the energy market, a unit rate increase from 11p to 28p was confirmed; almost a threefold increase. MB said, while there was nothing the College could have done to prevent the increase, management should have been better sighted on the risk. He said when the terms of the gas and electricity contracts ran out in April 2023, the College would be exposed to the prevailing market conditions; in the meantime, the advice from the procurement advisors was to stick with the current providers and reduce consumption.	
vi	A Governor recalled an incident several years ago (under a different senior leadership team) where the College had overlooked an onerous financial liability in a contract. The Governor said perhaps the effectiveness of contract management should be added to the strategic risk register? Another Governor said the risk of rising utility costs might warrant its own entry on the risk register, given the potential impact of a further hike.	

¹ Earnings Before Interest, Tax, Depreciation and Amortisation (EBITDA) is a measure of a business's operating performance which is used by the College in its financial planning and reporting.

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15.50	Dr A Williams joined the meeting.
vii	The meeting explored the College's options for increasing income and further reducing costs. RM said the single biggest thing it could do would be to increase class sizes but a radical review of the breadth of the curriculum would be needed and difficult decisions would need to be taken. This option was not currently on the table but a key focus in the business planning meetings had been the avoidance of small groups, except where there was a strong business case.
viii	PS said the College had joined with other providers to seek a rate increase on the Adult budget. There had been no increase in 10 years and, since an increase had been secured in London, it was hoped that the devolved authority would follow suit.
10	VICE PRINCIPAL CORPORATE OPERATIONS REPORT
i	 Vice Principal Mr M Bennington ("MB") reported as follows: A Grade 2 listed building in Batley had been identified as part of the College estate. The management team was keen to explore options for it, potentially with the Estates Advisory Strategic Group. The Head of Estates, Facilities and Security Mr D Bedford was leaving and Governors wished him well. MB said succession planning was well underway. The Information Commissioner had requested some further information about the February data breach and the College was required to respond by 1 June. With all key systems now behind the firewall and with two factor authentication and other measures in place, there would be no repeat of the incident. A three-year partnership arrangement with Huddersfield Town Football Club would be in place for the new academic year, to include a sponsorship arrangement and the joint promotion of a Sports Level 3 BTEC programme and a Hospitality programme at Levels 2 and 3. The first intake would be September 23.
ii	The meeting received an update on the BCPIs. All were 'Green', except the Adult Education Budget and Apprentices lines which were 'Amber'. MB said there was potential for some erosion but the teams were working hard to deliver the budget. The low availability of end-point assessments was still delaying Apprenticeship achievements nationally but things were starting to move.
iii	A Governor asked if there should have a BCPI for student achievement. While

- agreeing that it was an important measure, Vice Principal Curriculum & Innovation Ms J Arechiga ("JA") said it would not be reportable in year; there would be nothing to track. She said predicted achievement could potentially be monitored at board level. SUBCONTRACTING DELIVERY POLICY It was noted that the College was required to publish a clear educational rationale for its subcontracting position on its website, which must be reviewed annually to inform the strategy for the forthcoming academic year.
- ii Reviewing the draft subcontractor supply chain policy, Governors agreed that it remained aligned to the strategic and operational objectives. The rationale for subcontracting had not changed. RM confirmed that the management fee was 20%.

iii **RESOLVED:**

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(i) Being satisfied that all requirements of the ESFA Funding guidance were met, that the rationale for subcontracting had not changed, and that the

Synopsis

Item 4

Synopsis Item 5

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Item 6

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	2022-23 Subcontractor Supply Chain Policy was aligned to the strategic and operational objectives, to approve and adopt it for the 2022-23 academic year.	
12	AUDIT COMMITTEE REPORT	
i	The Audit Committee Chair Mrs J Walters ("JW") presented the minutes of the Committee's 4 April 2022 meeting and the items of report were noted.	
13	STRATEGIC RISK REPORT	Synopsis
i	RM presented the Strategic Risk Register, reminding Governors of how risk was identified, assessed, monitored and reported at the strategic level. In her cover paper, she had identified key risk movements and the status of the particularly high risks.	Item 7
ii	The meeting discussed risk decomposition. A Governor gave examples of risks that might be split into two or more risks to provide clearer line of sight of the risk causes and the impact of risk controls. While RM acknowledged that, from time to time, a judgement must be made as to whether any aspects of the strategic risks had become so significant as to warrant recognising them as separate risks, she said trying to maintain and review information on too many individual risks could soon become unsustainable, hence the Risk Management Group had rationalised the number of risks by grouping child risks into parents.	
iii	A Governor referred to Risk #3 'Failure to align students with a programme of study that meets their needs', which was increasing. The Governor asked what mitigations were in place to reduce the impact of the risk for affected students. JA said there were assessments during the first few weeks post-enrolment, to detect issues at an early stage. The Tuition Fund was also being used strategically and in a number of ways. She said there was a lot of complexity underpinning the risk score; the ongoing impact of Covid, grade inflation, and the planned level 2 reforms, had made it harder than ever to match students to the right courses.	
16.45	A 15 min comfort break was taken. When the meeting resumed, all re-joined the meeting.	
QUAL	ITY AND CURRICULUM	
7	VERBAL UPDATE FROM HIGHER EDUCATION COMMITTEE	Synopsis
i	It was agreed that Items 5-7 would be taken in a different order to the Agenda.	Item 8
ii	The HE Committee had met on 23 May and, as the minutes were not yet available, Higher Education & Skills Manager Ms K Sykes gave a verbal account of the Committee's discussions and conclusions. She also updated Governors on the Department for Education 's ("DfE's") planned Higher Education ("HE") reforms, saying these were expected to include minimum eligibility criteria for student finance, caps on numbers for courses with poor outcomes, and a Lifelong Loan entitlement. There would be a shift towards Level 4 and 5 qualifications and, as the College already offered these, it was in a good position to re-grow its HE and re-position itself to become known as a college for higher technical skills, including for students from non-traditional backgrounds. The new HE & Skills Strategy (to be showcased at the June Quality, Performance & Standards Committee meeting) had an employer-based focus and was aligned to apprenticeship reforms nationwide.	
17.00	K Sykes left the meeting.	
6	VICE PRINCIPAL CURRICULUM REPORT	
i	JA said the Further Education ("FE") landscape was also changing and with many reforms on the way, the College was taking a fresh look at its curriculum. Its new T	Synopsis Item 9

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Level offer would launch in September in seven curriculum areas: Engineering, Construction, Health & Social Care, Early Years, Business and Digital (plans to offer Science had been discontinued). It would also launch transition programmes (Level 2	
programmes designed to prepare learners to progress onto T levels at Level 3). Governors were pleased to hear that good progress had been made on planning and preparation, including in collaboration with other colleges.	
ii JA said with the Department for Education ("DfE") actively promoting Levels 4 and 5, there was an opportunity for the College to position itself as an expert provider of higher technical skills. To facilitate this, the Level 3 offer must support progression.	
iii A Governor asked what existing competition there was for the customers the College would look to recruit onto its higher technical programmes. JA said for 16-18 learners it would compete with A-Level providers; for post-18 learners the main competitors would be HE providers and employers.	
Iv Another Governor asked what employer feedback the College had had so far. JA said employers had input into the development of the programme (as was required) so they had been involved from an early stage. The employer feedback so far had been positive and the College had made good progress in identifying partners for the work placement elements of most programmes. The exception was Digital, where it was proving more difficult to find suitable partners.	
V PS said the DfE seemed intent on advancing its technical and vocational education agenda by defunding a range of existing qualifications at Level 3. Assuming this did go ahead, it would create a risk of gaps in curriculum coverage and progression pathways. 70% of College learners were enrolled on Level 1 and 2 programmes and historically the bulk of progression had been to Level 3 BTECS. It seemed doubtful that learners would progress onto the more challenging Level 3 T-Levels, certainly without effective transition programmes.	
Student Performance	Synopsis
vi JA said the College had nearly completed the full cycle of performance management reviews; current predictions were in the paper. She said there were no significant indicators of concern; the key risk to student achievement was students' readiness for and attendance at exams. Despite learners sitting 'mocks, there was higher than usual anxiety, as well as some discomfort due to being unused to sitting still for so long.	Item 10
vii JA said the quality of the provision was still self-assessed as 'Good' although there were areas that needed some attention. Governors noted the management concerns and discussed the work in progress to improve the position. A Governor asked for specific assurance that the issues in Electrical would be resolved for 2022-23 and JA said management had resisted the opportunity to grow the area, choosing to keep numbers to a more manageable level. There would also be additional resource in the budget to support the new manager. The Quality team would keep a close eye on things through regular performance reviews.	
viii A Governor commented that it was disappointing to see a curriculum area on a downward trajectory; even if it was moving from a solid 'Outstanding' to closer to 'Good', this was a corporate failure as it negatively impacted learners. The Governor said, in the spirit of #WeAreAllEducators' could the Corporation could have some assurance that this was also how College management and staff viewed it? PS said it was and he agreed completely; the College could not fail students.	
5 QUALITY, PERFORMANCE & STANDARDS ("QPS") COMMITTEE REPORT	
i The minutes of the 5 May Committee meeting were received and the items of report	

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	were noted. The QPS Committee Chair Dr A Williams ("AW") said it had been an interesting meeting, with substantial discussion about predicted outcomes and the methodology management had used to arrive at them. The forecast was in line with 2020-21 with some improvement but there were concerns about English and maths, as well as some vocational qualifications. The Committee was satisfied that the management team had a developed understanding of the issues, which was a positive step towards resolving them.	
8	There was no Item 8.	
SEA	RCH AND GOVERNANCE	
14	SEARCH & GOVERNANCE COMMITTEE REPORT	
	Minutes of 25 April 2022	
i	The minutes of the 25 April Committee meeting were received and the items of report were noted. The Committee Chair Mr G Hetherington ("GH") drew attention to a recommendation from the Committee that the Corporation trial a new Committee, combining the functions of the Search & Governance and Executive Employment Committees, as well as the committees normally established by Articles 9.2 and 10 of the Articles of Government. Draft Terms of Reference and a draft Schedule of Business had been provided, although one of the new Committee's first jobs would be to review these and recommend changes. Following discussion, it was agreed that the proposal should be trialled.	
ii	 RESOLVED: (i) To establish a new Committee, provisionally to be known as the 'People, Culture and Governance Committee', having the Terms of Reference and Schedule of Business presented to the meeting. From September onwards, the new Committee shall undertake the work of the Executive Employment and Search & Governance Committees, as well as any Article 9.2 or Article 20 Committees then in existence; they shall be temporarily stood down. 	Synopsis Item 11
	Governance Review Proposals and Action Plan	
iii	GH said the Clerk had drawn up, in draft, a Governance Action Plan in response to the External Review of Governance. He said the intention was that it would be firmed up if Governors felt the aims and content were right. In discussion, Governors offered some comments and suggestions before agreeing that a fuller plan should be drawn up.	
iv	Action: To write up the draft Governance Action Plan in detail, incorporating Governors' comments in time for the next Search & Governance Committee meeting.	Synopsis Item 12
	Proposed Meeting Dates for 2022-23	
v	Indicative dates were shared.	
15	GOVERNOR TRAINING AND ACTIVITIES	
i	Dr A Williams had completed an external Safeguarding refresher course on 19 May.	
ii	The Clerk said the Association of Colleges was re-running its Financial Masterclass webinars for College Governors. She invited Governors to contact her to sign up.	
16	PUBLICATION OF AGENDA PAPERS	
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 18 SUCCES APPOIN Minutes i The Concurrent Endance plans, for substitution Facilities The Concurrent Endance ii The Concurrent Endance iii While the Vice well as in iii While the to better general structure iv RESOLV 	suant to clause 13.5(b) of the Instrument of Governance, Staff /ernors should be required to leave the meeting for Items 18 and 19.	
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 neither o and this expertise the Vice well as ir iii While the to better general s they wer iv <u>RESOLV</u> 	nmittee Chair Mrs F Hussain-Butt said, in anticipation of the departure of the Executive Finance Director, the Committee had discussed possible succession ocusing on two options: making a like for like replacement (option 1); and ing a strategic leadership role with a broader remit to include Estates and (option 2). For the reasons set out in the minutes, option 2 was preferred. Inmittee had also looked at a draft job description (in the meeting pack) and ommended a salary point to be used in the job advert.	
to better general s they wer	nmittee's recommendations were discussed. A Governor emphasised that option 1 nor option 2 should entail any reduction in the size of the senior team was agreed. Another Governor sought assurance that there was adequate e and capacity among those reporting to the Executive Finance Director and Principal Corporate Operations. PS said he was comfortable in this regard, as in terms of the individuals' capacity for development.	
	ere was agreement that the Corporation should see proposed structure charts understand the planned split of responsibility at senior level, there was support for the Committee's recommendations and Governors agreed that re happy for PS to press the button on option 2.	
(i) An	<u>/ED:</u>	
the	ew senior post is created: Vice Principal Finance & Resources, having responsibilities and personal characteristics and qualifications set out he draft person specification and job description.	Synopsis Item 13
(ii) To a	approve the proposed salary point to be included in the job advert.	
	e Executive Finance Director role shall be removed from the College nagement structure at the end of the incumbent's notice period.	

		nopsis item
	(iv) The Executive Employment Committee shall have authority to appoint an Article 10 Selection Panel (the "Panel") to interview applicants for the new Vice Principal Finance & Resources post.	
v	Action: To share a structure chart showing the proposed new senior management structure, with lines of delegated responsibility and direct reports.	PS
19	2021-22 STAFF PAY AWARD	
i	The proposal presented and discussed at the previous meeting was revisited and the Corporation resolved as follows:	
ii	RESOLVED:	Synopsis
	(i) To reject the management proposal and substitute the following:	Item 14
	 National Minimum wage to be applied to cleaner and other manual roles an increase from £9.13 to £9.50; 	
	 Flat increase of £1,100 applied to Scale 3 (SCP 6) salaries, increasing them from £9.30 to £9.90 per hour (living wage*) and bringing them into line with local Local Authority roles; 	
	3. Deletion of SCP 7;	
	4. Flat increase of £650 to be applied to Scale 3 (SCP 8);	
	5. £250 to be applied to salaries between £19,620 and £24,999; and	
	6. 1% to be applied to posts £25,000 and above.	
THAI	NKS AND CLOSE	
20	THANKS AND CLOSE	
i	There being no further business, the Chair declared the meeting closed.	

SYN	IOPSIS	
#	Details	Min
1.	The Corporation approved a new Disciplinary Policy and Procedure.	3vi(iii)
2.	Some changes to the Financial Regulations were approved.	3ix
3.	A report was provided on the College's financial position and the progress in developing the 2022-23 budget. The threat of rising inflation and increasing energy costs in particular was discussed in some detail.	9ii
4.	An update was provided on the February data breach.	10i
5.	The College's Business Critical Performance Indicators were monitored.	10ii-iii
6.	The 2022-23 Subcontractor Supply Chain Policy was approved.	11iii
7.	The Corporation reviewed the strategic risk register and discussed the status of the primary risks.	13
8.	The Corporation received a report from the Higher Education Committee.	7
9.	The Corporation discussed Further Education curriculum reforms and the threats and opportunities they may create for the College.	6
10.	A report was provided on student performance and the outcomes of recent performance management reviews; current predictions were shared and risks were noted.	6
11.	Governors voted to establish a new Committee, provisionally to be known as the 'People, Culture and Governance Committee', which would undertake the work of the Executive Employment and Search & Governance Committees, as well as any Article 9.2 or Article 20 Committees. This would operate on a trial basis initially.	14ii
12.	The Clerk presented a draft governance improvement plan, which responded to the external review of governance recommendations. This will be written up in detail, incorporating Governors' comments in time for the next Search & Governance Committee meeting.	14iv
13.	It was agreed that a new senior post should be established: Vice Principal Finance & Resources and that the Executive Finance Director role should be removed from the College management structure at the end of the incumbent's notice period. The Executive Employment Committee was authorised to appoint a Selection Panel to interview applicants for the new post.	18iv
14.	The 2021-22 Staff pay award was approved.	19ii