

Full Governing Body Minutes

Meeting	Full Governing Body	Date	Tuesday 26 March 2024
Location	Anne's Restaurant, Folkestone	Time	5.30pm
Membership	Charles Buchanan (Chair), Graham Razey (CEO) (Chief Executive Officer), Ella Brocklebank, Gail Clarke, Miranda Chapman, <i>Natalie Garner</i> , <i>Jason Howard</i> , Peter Troke, John Korzeniewski, Peter Cheney, Joanna Worby, Karen Wilks (Staff Governor), Helen Hammond, John Oliphant, Tammy Mitchell, Carmel Togher, Sam Lawrence-Rose, Luca Fasulo (Student Governor)		
In Attendance	Lucy McLeod (LM) (Deputy Chief Executive Officer) Chris Legg (CFO) (Chief Financial Officer) Paul Sayers (CISO) (Chief Information and Strategy Officer) Jamie Weir (JW) (Invited Observer) Kerry Hickmott (CPO) (Chief People Officer) Neala Whybrow (CSO) (Chief Student Officer) Sharon Hollingsworth (GDG) (Group Director of Governance) Georgia Shelton (Governance Officer)		

Italics denotes absence.

	ITEM	COMMENTS	ACTION
1	Welcome and Apologies for Absence	The Chair welcomed members to the meeting. Apologies were received from Natalie Garner and Jason Howard, with Carmel Togher joining via teams.	
2	Declarations of Interest	There were no additional declarations to the meeting other than those declared as standing.	
3	Minutes of the meeting held 12 December 2023, including any confidential minutes.	The minutes of the Full Governing Body meeting held on 12 December 2023 were reviewed and agreed as an accurate record including confidential minutes. The Chair will sign the minutes following the meeting.	

4	Matters Arising not covered by this agenda:	There were no matters arising	
5	Chair's Report	<p>The Chair gave their report and updated the Board on the following:</p> <ul style="list-style-type: none"> - The Chair thanked and congratulated the Board for their contributions to the AoC Beacon Award for Excellence in Governance. - The external board review was noted, and it was suggested that this was a positive representation of EKC Governance. Despite this positive review, it is important that continued efforts are put into improving governance moving forward. - EKC Group hosted the Just One More Thing conference on the 15th March. This was well attended and received and will enhance the credibility of the Group. - The Chair encouraged members to complete ETF training modules online. These are informative and reconfirming of our positive practises within the Group. - Neala Whybrow, Chief Student Officer, and Kerry Hickmott, Chief People Officer, were welcomed to their first Full Governing Body meetings in their Chief roles. - Karen Wilks, Staff Governor, was thanked for her time and contributions to the Board and was wished the best of luck in the future. <p>NOTED – Chairs Report</p>	
6	CEO's Report	<p>The CEO's Report was summarised and the following additional information was given:</p> <ul style="list-style-type: none"> - The 16-19 funding allocation has been received, as well as the in-year growth funding. The best allocation of this money will be discussed to ensure students get the biggest benefit. - Governors were made aware that the Adult Education Budget has been removed and rebased. There is no appeal process for this and so it is important to optimise our funding going forward. It was suggested that if a devolution opportunity comes up in future and the Group is not delivering against priorities, this money could be redistributed. <p>It was questioned whether there is a strong business need to retain an Adult Education Provision, and whether the Group continues to struggle with its delivery. This budget has underachieved for the last 3 years, making it likely that the need is no longer there. While the Group has not delivered this, the budget is</p>	

	<p>not spent elsewhere. Flexibility in the way this is deployed has recently changed to allow funding for those with a salary of up to £25,000, which has now opened this up to around 80% of those working in the care sector. This may support the Group to deliver on the Adult Education Budget in the future.</p> <p>AGREED: To discuss how LSIF priorities are being met, as well as how best to use the remaining in year growth funding at the July Strategic Event.</p> <ul style="list-style-type: none"> - The FE Handbook has now been published. It was suggested that this is an expansion of the current guide with no new content or policies. This will need to be worked through to ensure the Group is compliant. - The CEO informed governors that the Sheppey Junior College implementation has been delayed for a year due to some unforeseen circumstances. Governors will be kept updated on any changes that take place. <p>It was questioned whether students are disappointed by this delay. The CEO suggested that while students and parents are disappointed by this news, this delay will allow the Group to ensure better opportunities for success, as well as more informed communications regarding the beneficial changes to approach within both the school and college.</p> <ul style="list-style-type: none"> - A meeting took place between EKC Group CEO and the CEO for the Association of Colleges (AoC) to discuss college engagement, as well as the AoC services and benefits to the Group. The lack of support provided during reclassification was discussed and the Group were reassured that we would have a place within the AoC and a role in shaping policy. While the Group is happy to remain within the AoC, it would be beneficial to see a change in perspective and thinking to bring more energy and change. <p>A governor questioned the student transport funding cuts, and whether the students being impacted are across Kent or EKC students. It was explained that it is EKC students who are being impacted by this change and that while this will be combatted through deployment of bursary money for transport, this will put pressure on bursaries.</p> <p>First year employment was noted, and governors queried what acceptable loss would look like. It was suggested that between 5-7% loss would be ideal, however this is currently at 16.2%. Staffing absence had decreased but has started to increase again with the more stubborn cases and underlying post covid short term issues.</p>	CEO/GDG
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7	Group Director of Governance Report	<p>The Group Director of Governance (GDG) updated the Board on key governance matters and recent business of the Governing Body, the following approval was requested:</p> <ul style="list-style-type: none"> - The reappointment of John Korzeniewski, Governor for a further year. - The process of appointment for vice-chair was noted, and the approval of the role description for vice-chair was requested. <p>GDG informed board members that the nomination and election process for the role of vice-chair to the Governing Body will commence during April. The outcome of the process will be communicated to the Search & Governance Committee, as well as being presented to the Full Governing Body in July.</p> <p>It was queried following previous conversation whether there would be vice-chair roles for local boards. It was suggested that this will not be needed at the current time, but that if interest for this increases, this could be re-considered in the future, with a new role description created more fitting for local college boards.</p> <p>APPROVED: The reappointment of John Korzeniewski for a further year. APPROVED: The role description for vice-chair to the Full Governing Body. NOTED: Group Director of Governance Report</p>	
8	Annual Accountability Statement	<p>The Chief Information and Strategy Officer explained to the board as part of the policy response to the new Skills Bill there is a new requirement to produce an annual accountability statement. The following change from the previous year's statement was summarised:</p> <p>There is a requirement for colleges to produce an annual Accountability Agreement with the purpose of showing how the Group contribute to meeting skills priorities. This includes annual aims and objectives, as</p>	

		<p>well as an update on progress from the previous year. The ESFA has also integrated the new Local Needs Duty into the annual Accountability Agreement. This statutory duty requires College's to review how they are meeting skills needs and to set out any relevant actions.</p> <p>As the deadline for submitting the Accountability Agreement is the 30th June, prior to the next Full Governing Body meeting, it was suggested that the Board consider the options for how best to finalise and approve the draft. It was recommended that this be done in one of two ways:</p> <ol style="list-style-type: none"> 1- Consider and approve the draft via Full Governing Body e-resolution. 2- Delegate authority to the Education Committee or a Full Governing Body sub-group. <p>Governors agreed that the chairs of Audit, Business, and Full Governing Body should form a sub-group to review this, with the draft then being sent to Full Governing Body for e-resolution. This should take place before the consultation period.</p> <p>RESOLVED: The Annual Accountability Agreement to be agreed by e-resolution following a review by the Audit, Business and Full Governing Body chairs. This is to take place prior to the consultation period.</p>	GDG
9	Subcontracting	<p>The Chief Information and Strategy Officer presented the subcontracting paper which had previously been presented to the Audit, Business and Education Committees for consideration; the Chairs from their respective Committee were invited to provide feedback:</p> <p>Audit Committee discussed subcontracting through a risk lens and agreed that if there is an educational need for subcontracting, they would be happy to approve on the basis that the correct protocols are followed and risks are assessed.</p> <p>The Business Committee discussed how this would impact on the Group's finances, and the fear around having the Adult Education Budget taken away due to lack of use. It was agreed that if there is a local need for subcontracting, and this would not impact on the Group's finances, subcontracting could be approved.</p> <p>Education Committee agreed that there is little appetite for subcontracting and could not see what change has taken place since subcontracting was last discussed. It was agreed that the approach to the Adult Education Budget needs to be reviewed before the Group turns to subcontracting.</p>	

		<p>The Board suggested that while there is not a current need for subcontracting, it would be a beneficial tool to have in our toolbox. If there is a local need that the Group cannot currently meet, other businesses could fulfil this on our behalf. This would also be useful in conjunction with the LSIP review.</p> <p>While this decision does not need to be approved by the Full Governing Body, the published subcontracting rationale would need to be approved annually by the board to ensure that all governors are happy with the decision.</p> <p>Governors agreed that the approval of subcontracting is reliant on the annual accountability statement, and all agreed that they are happy for this to go ahead on the basis of meeting local needs.</p> <p>APPROVED: That subcontracting should continue to be considered, on the basis that this fulfils a local need which cannot currently be met from within the Group.</p>	
10	Pay Award-Implementation of Minimum National Living Wage	<p>The CEO explained that the National Minimum Living Wage was changed on the 1st April which allows the Group to address shortfalls on salary as well as the lowest salaries (pay point 14-16).</p> <p>It was explained that an addendum to this paper would have been received by members which addresses student minimum wage, and how the Group believes that all student ambassadors including those pre-18 deserve to be paid the full cost per hour.</p> <p>The presented pay award has come as a result of the cost-of-living crisis, and seeing how this has impacted those staff on the lowest salaries. Receiving in-year funding has enabled the Group to bring forward the pay award to positively impact the lowest paid staff and enable the Group to apply for national living wage status. This will affect approximately 557 staff , as well as student ambassadors.</p> <p>This was discussed and recommended for approval by the Business Committee who agreed that this has been accounted for in the Q2 re-forecasted budget and is affordable for the Group. Further communication on this and how it will impact next year's pay award will be sent out following the meeting.</p> <p>APPROVED: Implementation of the pay recommendations for 1 April 2024.</p>	
11	Group Financial Performance update	The Chief Financial Officer updated governors on the Group Financial Performance.	

		<p>It was explained that £2.45million of in-year growth funding has been received, as well as additional funding for bursaries and free meals. This plan has been presented and agreed by the Business Committee.</p> <p>£1.6million of funding has gone into this year's capital programme, which will lead to outstanding financial health at the year-end, with £2million in the bank.</p> <p>It was questioned whether the funding and financial health could have an impact on receiving further funding. The CFO explained that this would not have an impact, but that rule changes around spending and affordability could impact this; it was implied that uncommitted money needs to be committed to avoid any claw back.</p> <p>Governors queried the year-to-year surplus cash without the capital funding. It was suggested that 25-30 days would be the accepted norm, which would be around £5million.</p> <p>The CFO suggested that not all funding has been committed, but that it would be beneficial to discuss this at a future strategy event to ensure this has the biggest impact on students. In addition to this, there is discussion on cash sweeps in the FE sector in the future; this could impact any unspent or uncommitted cash. The EKC Group Property Strategy should eliminate the risk of any potential claw back.</p> <p>Members scrutinised attempts to avoid claw-back and suggested that this results in money being spent in ways that do not benefit teaching. It was questioned whether staff are seen as an investment. The CFO suggested that in a recent review, it was found that the Group spend 72% of funding on staff, while other college groups spend 65% or less. While this is different to others in the sector, the Group are proud to invest in staff.</p> <p>NOTED – Group Financial Performance Update</p>	
12	Annual Gender Pay Gap Report	<p>The Chief People Officer (CPO) presented the Gender Pay Gap report, and informed members that the snapshot for this year would be taken to the Business Committee in June for approval.</p> <p>It was suggested that this data is representative of the Group's position on the 31st March 2023, and shows the work being done to close the gap. While this is evident in the upper and upper middle quartiles, there is still progress to be made in the lower quartiles; a 2-year action plan has been developed to address this.</p>	

		<p>The CPO noted that while the TUPE of cleaners is a positive action, this was not carried out with the intention of addressing the gender pay gap.</p> <p>Governors questioned the regularity of conversations across the Group around the gender pay gap. It was suggested that this is discussed regularly within the recruitment process when thinking about who to approach, and positive action.</p> <p>RESOLVED: The Annual Gender Pay Gap Report to be published.</p>	
13	Students' Union Constitution	<p>It is an annual requirement for the Students Union Constitution to be presented and approved by the Full Governing Body.</p> <p>Following the submission of this paper, further conversations with the Student Governor have taken place, and the Chief Student Officer (CSO) requested that this be resubmitted to the next Full Governing Body meeting once the suggested changes have been made. The following was noted:</p> <ul style="list-style-type: none"> - The Education Development Group met, and the key dates have been agreed for elections, with the aim of a student governor being in place for the 9th July. - The original paper has been altered to show the difference between appointments of student union presidents and vice-presidents, as these elections are not simultaneous, and have a knock-on effect on each other. - As there are 2 places available for NUS conferences, it will be reiterated in the new paper that one student union president will attend, and a process will be put in place for allocation of the second place. - The utilisation of Teams and its recording function will be investigated, in order to reduce pressure on Student Union Presidents when recording minutes. - Training will be provided to Student Union members in regard to budget requirements. <p>AGREED: The Full Governing Body agreed that the Students' Union Constitution should be reviewed at the next meeting, following the above changes being made.</p> <p>NOTED: Students' Union Constitution.</p>	CSO

14	Safeguarding Mid-Year update	<p>The CSO presented the Safeguarding Mid-Year Update, noting that the content of the report had been scrutinised by the Education Committee prior to its submission to the Full Governing Body.</p> <p>The following updates were reported:</p> <ul style="list-style-type: none"> - Safeguarding incidents have increased from 948 to 1205; while the number appears high, this is a better position than the previous year. - There has been a change to the types of incidents, sub-categorising 'child-on-child abuse' in order to gain more insight into these incidents. It was confirmed that since this change took place, 'child-on-child abuse' is no longer in the top 5 incident types and has been replaced with 'teenage sexual violence'. This will allow safeguarding tutorials to be more relevant and give further information on how best to support students. - Governors were updated on the Mental Health Strategy, and pilot with the National Support Network which provides students with online support and gives the Group insight on where students require support. Most recent online searches focus on mental health, abuse, and the cost of living. - The CSO reassured governors following the Gender Questioning Consultation that the guidance provided is not currently mandatory. The Head of Student Experience met with students to discuss the content and agreed that the guidance is not the right thing for learners. This has been challenged, and governors will be updated on any outcomes. <p>Governors expressed how impressive the work around the Memoranda of Understanding's (MoUs) and local communities is. Following an external review of the Mental Health Strategy, it was recommended that the Group work with mental health partners such as Porchlight. The Group thought it beneficial to take this a step further and work with stakeholders and partners and make this support sector specific.</p> <p>The Board inquired into the anonymity of the National Support Network and were reassured that the Group can only see the number of learners, and what topics they are researching. The link to this platform is shared via posters around the colleges which assures students of complete anonymity, and in addition, they are not required to log in or create an account.</p> <p>It was challenged whether the number of safeguarding incidents is reflective of the number of students being affected. The CSO confirmed that multiple incidents could have been reported by one student, and that measures are taking place to ensure that staff members are reopening incident reports, when necessary, rather than opening new reports.</p>	
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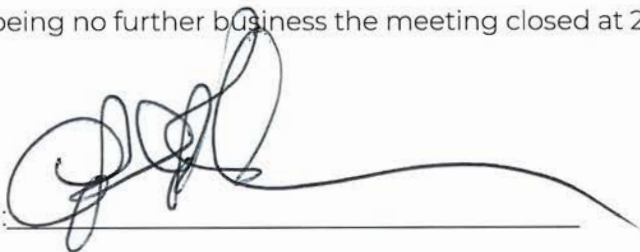
		<p>Governors inquired into the procedure for students reporting incidents. Action taken is dependent on the incident, but students are generally referred to counselling or an agency, and if necessary, reports are made to the police. The Deputy CEO explained that they are happy with the offer and speed of delivery.</p> <p>There were no material concerns and governors were comfortable with the report.</p> <p>NOTED – Safeguarding Mid-Year Update</p>	
15	Minutes of Committee Meeting's:	<p>The draft minutes from the recent committee meetings were presented to the governing body for information.</p> <p>The Chair of Search & Governance Committee summarised the minutes and noted the following:</p> <ul style="list-style-type: none"> - There is a clear focus on succession planning and recruiting to fill vacancies within committees and local college boards. - The EKC Training Local Board has now recruited all members and has an impressive membership - Full Governing Body's new Staff Governor will begin their role on the 1st April, as part of their role they will serve on the Business Committee, their first meeting will be Business Committee on the 20th June. - John Korzeniewski has been reappointed as Chair of the Education Committee for a further year. - The Chair of Search and Governance noted how impressive student governors are across all colleges and sites. They have been invaluable at college events. - Thanks was given to the new Governance Officer for their commitment and impact within their role. <p>The minutes of the Education Committee was summarised, and the following was stated:</p> <ul style="list-style-type: none"> - A paper on subcontracting was presented and created a positive debate among members. - Governors were informed of learner progression and destinations data for young learners in care, as well as 18+ students. This suggested that there is positive progress amongst care leavers, but that there could be better careers guidance for adults. - The Local College Board minutes showed that there are ongoing issues around Wi-Fi on certain campuses. This was a concern to members, but it was agreed that this would be investigated. <p>Audit Committee summarised the minutes and noted the VAT review. It was explained that potentially £150,000 of input tax could be refunded to the Group. In addition to this, there could be further refundable tax on capital projects that are used for taxable activities. These will be investigated further by Finance and the Senior Management Team.</p>	

		<p>Governors questioned whether there is a time restriction on reclaiming this tax. Azets originally explained to the Audit Committee that the previous 5 years could be claimed for.</p> <p>A governor challenged whether mixed use of facilities were discussed with Azets, as it could prevent the Group from claiming on taxable activities if the site is also used for 16-18 learners. It was suggested that while this was not discussed in detail with Azets, it is important to consider this internally to investigate the potential of claiming.</p> <p>The Chair of Business Committee summarised the most recent minutes and noted the following:</p> <ul style="list-style-type: none"> - After an 18-month delay, Margate Digital is now progressing, with a new tender being researched due to the current one being outdated. - Ashford District Council are required to spend their levelling up fund by 2025, and so we are working with B&M to find options for expansion. - The Sheppey College development's planning permission has been submitted and the Group are speaking to potential contractors. - The Chief Financial Officer put forward suggestions for the best use of the £1.6million additional in-year funding. These projects have been approved. <p>Governors questioned the change in Sheppey Junior College location. It was suggested that the Sheppey College will continue to be on the College site, however an additional door will need to be installed to ensure Junior College students are kept separate from students over 18, as a safeguarding measure.</p> <p>Disappointment was expressed over Ashford District Council's failure to appear with a production company. It was suggested that this is frustrating for the Group and has created a capacity problem due to the inability to relocate certain provisions to this site. Governors were reassured that while this is disappointing, the Group as well as Ashford District Council, are investigating other strategies.</p> <p>The draft minutes were taken as read, and no concerns raised.</p> <p>NOTED: Draft minutes of committee meetings</p>	
16	Confidential Paper	This item was considered confidential and will form Confidential Minutes PART A.	

17	Any Other Business	Ella Brocklebank informed the Full Governing Body that both Spring Lane and Ashford College Phases 2a & 2b are shortlisted in the 'Public Sector' category of the RICS UK Regional Awards 2024. The winners will be announced at the awards ceremony in London on 17th June.	
18	Matters Considered Confidential	Item 6 – Confidential Paper	
19	Date and time of next meeting	The date of the next meeting will be Tuesday 9th July. The FGB Strategic Event will commence at 2pm, followed by the FGB meeting at 5:30pm.	

There being no further business the meeting closed at 20:33pm.

Signed: _____



Print: Charles Buchanan

Date: 9 July 2024