



Full Governing Body Minutes

Meeting	Full Governing Body	Date	Tuesday 30 March 2021
Location	Virtual Meeting via Microsoft Teams	Time	5.30pm
Membership	Charles Buchanan (Chair), Graham Razey (CEO) (Chief Executive Officer), <i>Allan Baillie</i> , Ella Brocklebank, Gail Clarke, <i>Miranda Chapman</i> , <i>Jonathan Clarke</i> , Natalie Garner, Jason Howard, Tim Kent, Peter Troke, Peter Wood, John Korzeniewski, Peter Cheney, <i>Richard Brooks</i> , <i>Joanna Worby</i> , Gregg Skinsley-Stephens (Staff Governor)		
In Attendance	Anne Leese (AL) (Deputy Chief Executive Officer) Chris Legg (CL) (Chief Financial Officer) Paul Sayers (PS) (Chief Strategy Officer) Victoria Copp-Crawley (Chief Standards Officer) Simon Smith (Chief People Officer) Jamie Weir (JW) (Invited Observer) Sharon Hollingsworth (SH) (Director of Governance) Kerry Hickmott (Minute Clerk) Guests: Item 8 - Kate Young (Independent Safeguarding Chair)		

(Italics denotes absence)

	ITEM	COMMENTS	ACTION
1	Welcome and Apologies	<p>The Chair welcomed members to the meeting with a special welcome to the newly appointed Chief People Officer, Simon Smith.</p> <p>The following governors were absent with apologies received following the meeting: Miranda Chapman; Jo Worby; Richard Brooks; Allan Baillie, Jonathan Clarke.</p>	

		Due to the measures associated with the Coronavirus, the meeting took place virtually through 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 on 15 December 2020	<p>The minutes and confidential minutes of the Full Governing Body meeting held on 15th December 2020 were reviewed and approved as an accurate record.</p> <p>The remote e-signing of the minutes will be undertaken by the Chair following the meeting.</p>	
4	Matters Arising	<p>There were no matters arising.</p> <p>It was queried whether the snagging items associated with the construction of Ashford College had been resolved by BAM Construction. It was confirmed that all of the snagging items have now been completed.</p>	
5	Chair's Report to include: <ul style="list-style-type: none"> • FE White Paper – implications around Governance 	<p>The Chair commenced his update by expressing his appreciation to the Senior Leadership Team and the entire staff body for maintaining the best possible experience for all our students throughout the pandemic. The Group is in an excellent position to face future adverse situations.</p> <p>The Chair acknowledged the resignation of Peter Wood and on behalf of the Governing Body thanked him for his contribution and wished him well with his new venture.</p> <p>It was noted that Owen Tompkins has secured an apprenticeship position outside of the Group and can therefore no longer serve as a student governor. Owen was thanked for his contribution. The Chair referred to a change to the student union constitution that is being proposed later in the meeting which would, if requested by the Chair, allow students to remain on the Board for up to two years.</p> <p>The Chair acknowledged that governors had been asked to agree two written e-resolutions since the last meeting: the approval to give authority to the Business Committee to approve EKC Group</p>	

		<p>Strategy and projects proposals and the approval of recruitment plans following the resignation of Anne Leese, Deputy Chief Executive Officer. The Chair explained that delegated power from the Board is requested to give authority to the final interview panel to enable them to make an appointment to the new position of Chief Further and Higher Education Officer following the interviews on 1st April 2021, if deemed appropriate. Governors were comfortable with the proposal.</p> <p>The Chair took the opportunity to thank Anne for her immense service to the College over the years.</p> <p>The Chair reflected on the experience of the pandemic over the last year and recent AoC research on the benefits of on-line meetings as opposed to face to face meetings. It was acknowledged that on-line meetings work well for smaller groups, but it is more difficult for larger meetings. Chairs of Committees and Local College Boards will have the option to decide whether to hold on-line or face to face meetings going forwards, however a hybrid model is not encouraged.</p> <p>The Chair noted the publication of the White paper for FE which focuses on the development of training modules and enhanced governance with a three yearly cycle of external assessment of effective governance. A suite of governance development programmes will be secured with the ETF for governors. SH will circulate a list to governors and the Chair encouraged governor participation.</p> <p>The Chair reported that he had attended a number of AoC meetings and the Chairs network, in addition to signing up for the second module of the Chairs Leadership Programme with the ETF and Oxford Saïd Business School.</p> <p style="text-align: center;">RESOLVED: The Board agreed to give authority to the final interview panel to enable the panel to make an appointment to the post of Chief Further and Higher Education Officer (Assistant Chief Executive) if a suitable candidate is found.</p>	SH
--	--	---	----

		NOTED: The Chair's report.	
6	CEO's Report	<p>The report was taken as read however the CEO noted the following updates since the report had been circulated to governors.</p> <p>The CEO welcomed the new Chief People Officer, Simon Smith to the Executive team.</p> <p>The Group have conducted over 7000 lateral flow tests. There have been 0 positive results to date. Staff and students have now moved to home testing. Eight positive cases have been reported since students have returned on 8 March 2021, however these were not a result of on-site lateral flow tests.</p> <p>Attendance rates are good and are higher than the pre-Covid position. Work is now taking place to ensure students pass their assessments.</p> <p>GCSE teacher assessed grades are only for maths and English. There have been some modifications for BTEC qualifications but on the whole students need to pass their exams in the same way they always have. The Small Tuition fund is being fully utilised to help students to catch up.</p> <p>Government is clearly concerned about educational recovery and have appointed a new Education Recovery Commissioner, Sir Kevan Collins. A new small tuition fund is being consulted upon and it is anticipated that additional funded hours (100 hours per programmed) will be allocated for next year.</p> <p>The CEO advised that the letters of appeal from the Chair of the Governing Body to the ESFA regarding the retention factor for next year's allocation have been successful. The ESFA has granted a one-off use of the 2018/19 factor which has added just under £150k to the 16-19 funding allocation.</p> <p>In addition, the allocation for growth for 16-19 years was 34 places. Further to a letter of appeal to</p>	

		<p>the ESFA, an additional 23 places have been added which equates approximately to an additional £100k . This funding should be received shortly.</p> <p>The AEB threshold has now been confirmed at 90%. This is higher than expected and will result in the return of approximately £1.5 million of funding as only around 70% has been delivered to date. A number of colleges have lobbied against this decision, so it hopeful this will be re-viewed again by the ESFA.</p> <p>Discussions continue to take place with Dover District Council regarding the proposed master plan of works at Dover Technical College, including the plans for Engineering and the acquisition of the car park to increase the footprint at Dover Technical College. It is hoped a resolution will be reached, but this has been a slow process.. The Cabinet Member, MJ Holloway, is supportive of the plans and will help to chase it through.</p> <p>Following the successful planning appeal by Quinn Estates on the Redrow development at Hersden, the Group’s plan to enable works for the provision of Civil Engineering close to the Redrow development have recommenced. It is hoped that the Civil Engineering provision will be in place in the autumn period.</p> <p>MPs have questioned the Secretary of State on our behalf as to why we were not allowed to grow our footprint. The Minister for Skills has stated that the reason for the decision is that we are not an outstanding college, despite taking on poorer provision. This reason behind the decision will continue to be pursued.</p> <p>Full Ofsted inspections will re-commence from September 2021. It was anticipated that the Group would be due an inspection 9 months into the cycle which would be either summer 2022 or the following autumn.</p> <p>It was noted that a T Levels newsletter had been sent to staff. It was requested that this is sent to Governors.</p>	SH
--	--	---	----

		<p>The Margate Digital Development will be discussed under agenda item 10.</p> <p>NOTED: The Group CEO report.</p>																
7	Director of Governance Report	<p>The Director of Governance reported on recent governance matters undertaken outside of the Full Governing Body meeting.</p> <p>[18:12 EB joined the meeting]</p> <p>Written Special Resolutions of the Governing Body Governors noted the following agreed electronic written special resolutions of the Governing Body that are being presented for formal minute:</p> <ul style="list-style-type: none"> - Special Resolution dated 11th February 2021 to give authority to the Business Committee to approve EKC Group Strategy and projects proposals to enable their submission to the Education and Skills Funding Agency in support of the Group’s application for two Capital funds - Special Resolution dated 9th March 2021 to agree the Search and Governance Committee’s recommendation to approve the Executive Team Structure proposals <p>Search and Governance Committee and Remuneration Committee In the absence of the Committee Chair, the Group Chair presented the key headlines from the last committee meetings and the below recommendation’s for Board approval:</p> <p><u>Governor re-appointments:</u></p> <table border="1" data-bbox="654 1246 1861 1430"> <thead> <tr> <th>Name</th> <th>Term of Office</th> <th>End Date</th> </tr> </thead> <tbody> <tr> <td>Charles Buchanan</td> <td>4 years</td> <td>31 August 2025</td> </tr> <tr> <td>Tim Kent</td> <td>1 year</td> <td>31 August 2022</td> </tr> <tr> <td>Miranda Chapman</td> <td>4 years</td> <td>31 August 2025</td> </tr> <tr> <td>Allan Baillie</td> <td>2 years</td> <td>31 August 2023</td> </tr> </tbody> </table>	Name	Term of Office	End Date	Charles Buchanan	4 years	31 August 2025	Tim Kent	1 year	31 August 2022	Miranda Chapman	4 years	31 August 2025	Allan Baillie	2 years	31 August 2023	
Name	Term of Office	End Date																
Charles Buchanan	4 years	31 August 2025																
Tim Kent	1 year	31 August 2022																
Miranda Chapman	4 years	31 August 2025																
Allan Baillie	2 years	31 August 2023																

Ella Brocklebank	4 years	31 August 2025
Jason Howard	4 years	31 August 2025
Natalie Garner	1 year	31 August 2022

Senior Post Holders (SPH) Policies and Procedures

Governors noted that all changes to the below SPH policies and procedures were minor, apart from the Redundancy Policy which was a new policy and procedure. Governors were comfortable with the presented documents:

- Disciplinary Policy for Senior Postholders
- Capability Procedure for Senior Postholders
- Grievance Procedure for Senior Postholders
- Redundancy Policy and Procedure for Senior Postholders

Annual Remuneration Statement 2019-2020

The Governing Body adopted the Association of College’s Senior Staff Remuneration Code in July 2019 and, in accordance with the Code, the Board must publish an annual statement on the remuneration of its senior post holders. Governors referred to the draft minutes from the committee meeting and were assured that the Statement was suitable for publication.

Business Committee

The Committee Chair presented the key headlines from the last committee meeting and drew attention to the Business Committee Report which focused on the Property Strategy, Capital Funding Bids, and Restructuring Facility Repayment that had been circulated to Governors prior to the meeting. The Chair noted that the Committee had approved the following under delegated authority from the Governing Body:

- Property Strategy
- Four ESFA Capital funding bids to the ESFA

Restructuring Facility Payment – *this item was considered confidential and will form Part A confidential minutes*

		<p>Audit Committee <u>Cyber Liability and Data Protection Insurance</u> - <i>this item was considered confidential and will form Part A confidential minutes</i></p> <p>RESOLVED: Governors approved the following presented committee recommendations:</p> <ul style="list-style-type: none"> • Governor re-appointments and the respective Term of Office • Senior Post Holder Policies and Procedures • Annual Remuneration Statement 2019-2020 and its publication on the Group website <p>NOTED: The Director of Governance Report</p> <p>[18:25 GC left the meeting]</p>	<p>SH</p> <p>SH</p>
8	Safeguarding Mid-Year update	<p>[Kate Young (KY) joined the meeting for this item].</p> <p>KY presented the safeguarding update and noted that there had not been as many safeguarding cases as expected during the pandemic. KY also highlighted the increased use of the foodbank at Dover Technical College.</p> <p>Governors agreed that the update provided by KY and JH gave them a high level of assurance in respect to the actions taken during the pandemic by the Colleges.</p> <p>JH advised that he had met with KY since taking on the role of safeguarding lead governor and had also introduced himself to the members of the Safeguarding Board at their recent meeting.</p> <p>JH highlighted that a consultation will be forthcoming with changes to the Keeping Children Safe in Education and the Prevent strategy.</p> <p>[18:37 GC returned to the meeting]</p>	

		<p>The Chair thanked KY for the useful update.</p> <p>NOTED: The safeguarding mid-year update report.</p>	
9	FAR Academy	<i>This item was considered confidential and will form Part A confidential minutes</i>	
10	Margate Digital	<i>This item was considered confidential and will form Part A confidential minutes</i>	
11	Group Financial Performance update including updated Financial Regulations	<p>The Chief Financial Officer presented the February management accounts including Q2 re-forecast. The forecast has been updated since last month to include some element of AEB protection, currently being modelled at 90%, equating to £846,000.</p> <p>Non-pay savings are expected to continue to be accrued for the months leading up to Easter, when the assumption reverts to there being some activity returning to the main College sites and for existing students to re-engage with the practical elements of their courses that will require resourcing.</p> <p>Overall, the Q2 re-forecast shows income £1,130,000 above target, which is less than the Q1 forecast of £1,973,000, which is mainly due to the new project funding, the inclusion of the 90% AEB protection and other income gains and losses off-setting, but an overall reduction on the Q1 position.</p> <p>The Q2 forecast has identified a significant forecasted underspend of £1,060,000, which has been reduced by £400,000 due to a small equipment fund being established of £200,000 and advancing the property strategy to shovel-ready projects before the end of the academic year, putting a further £200,000 into the budget for this.</p> <p>The overall EBITDA position has increased from the budgeted 8.0% to 9.4% which retains the rating of a good financial status for the Group.</p>	

		<p>The Board congratulated the CFO, Finance team and the Group for the excellent management of the financial situation throughout the pandemic.</p> <p><u>Financial Regulations</u> The addition of the Business Committee within the new governance model has required a revision to the Financial Regulations to align the terms of reference of the Business Committee with the Financial Regulations. The proposed changes are:</p> <ul style="list-style-type: none"> • An addition of paragraph 4 to Section B, setting out the purpose and level of delegated authority to the Business Committee. • An update Appendix 2 to cover the additional authorisation limit assigned to the Business Committee between the Chief Executive Officer's level of delegated responsibility (£150,000) and the Governing Body (£500,000). <p>NOTED: The February Management Accounts.</p> <p>APPROVED: The updated Financial Regulations.</p>	
12	Students' Union Constitution Document	<p>The DCEO presented the amended Students' Union Constitution document which has been reviewed following the unprecedented year of 2020/21 and the need to adopt the ability to be more flexible in the way the Students' Union operates across the Group.</p> <p>The proposed changes to the SU Constitution are: Section two – Removal of Elected Officers (P3). Point 2.3 states that the SU President as an employee of the EKC Group has a contract of employment. Alongside a vote of no confidence, the post holder could also be removed if they do not display appropriate conduct commensurate with the position.</p> <p>Section fifteen - Schedule One: Election Regulations (P9). Point 15.6 has been amended to include the ability of all EKC Group students to vote online using UnionCloud software. This software was purchased in 2020 to allow for online elections to take place during the first lockdown of the</p>	

		<p>pandemic. The software will be used again for Students' Union elections to take place in term 5 of the 20/21 academic year.</p> <p>Section nineteen - Schedule Five: Student Governor for the EKC Group (P16). Point 19.1 has been amended to allow for the Student Governor to serve for longer than one academic year in exceptional circumstances. This would come as a specific request from the Chair of Governors for the elected student to serve a longer term for the purposes of continuity. This can only be extended where the student continues to be a member of the EKC Group learning community.</p> <p>APPROVED: Governors agreed the presented revisions to the Students' Union Constitution document. The updated version to replace the existing version with immediate effect.</p>	
13	<p>Policy Report:</p> <ul style="list-style-type: none"> • Anti-Slavery and Human Trafficking Statement 	<p>The Anti-Slavery and Human Trafficking Statement was presented for Governing Body approval following oversight by the Policy Committee.</p> <p>In summary, the changes are:</p> <ul style="list-style-type: none"> • In September 2020 the Government proposed some amendments to the Modern Slavery Act which have now been approved and are making their way through Parliament. The amendments have not yet become legal requirements, but the Anti-Slavery statement has been updated in preparation for the following changes: • The Government will mandate content for all Modern Slavery statements. Headings in the Group's Anti-Slavery Statement have therefore been updated in anticipation of the change. • When the changes become law, commercial organisations will be required to publish their statements on an online Government portal and public bodies will be encouraged to do the same. A reference has been made to publishing the statement on the online portal (when it is established). • The section on training has been clarified to reflect that designated staff will receive training on Anti-Slavery (primarily those staff working in Finance/Procurement and who are dealing with supply chains) and that human trafficking awareness is covered via annual Safeguarding briefings and Safeguarding training for staff. 	

		<p>APPROVED: Governors approved the Anti-Slavery and Human Trafficking Statement for publication.</p>	
<p>14</p>	<p>Minutes of Committee Meetings:</p>	<p>The following draft committee meeting minutes were presented by the respective committee Chair:</p> <ul style="list-style-type: none"> • Education Committee (04.03.21) <ul style="list-style-type: none"> ○ The Chair of Education Committee noted that they had oversight of the range of T level training. Further strategic work is required to assure governors of the progress being made on staff development and building works. This will be explored further at the Strategic event on 6th July 2021. • Search & Governance Committee (09.03.21) <ul style="list-style-type: none"> ○ There was nothing further to add to that previously covered in the meeting. • Business Committee (11.03.21) <ul style="list-style-type: none"> ○ The Chair of Business Committee advised that they had approved the submission of a grant for T Levels in Automotive and Engineering at Dover Technical College. The outcome will be determined in July. ○ Planning permission had been granted for the development at Folkestone College as part of the Property strategy and good progress was being made. • Audit Committee (16.03.21) <ul style="list-style-type: none"> ○ The Chair of Audit Committee advised that the Internal Auditor report was presented at the last meeting which focussed on the exam registration system across the Group. The report was generally positive with just a few inconsistencies flagged across the Group. A new exam registration system is being considered. It was noted that the risk register was heavily weighted with risks in connection with the pandemic and there should be a positive shift in the next update. <p>NOTED: The following draft committee meeting minutes:</p>	

		<ul style="list-style-type: none"> o Education Committee (04.03.21) o Search & Governance Committee (09.03.21) o Remuneration Committee (09.03.21) o Business Committee (11.03.21) o Audit Committee (16.03.21) 	
15	Any Other Business	There was no other business.	
16	Matters Considered Confidential	<p>The following items were deemed confidential and will form Part A of the confidential minutes:</p> <ul style="list-style-type: none"> • Item 9 FAR Academy • Item 10 Margate Digital • Part of Item 7, (the Restructuring Facility repayment and the Cyber Liability and Data Protection Insurance coverage) <p>It was confirmed that the draft confidential meeting minutes contained within the papers were classed as confidential and would not be published and, that any reference to these draft confidential minutes should also be treated as confidential within the minutes from the FGB meeting.</p>	
17	Date and Time of Next Meeting	Tuesday, 6 th July 2021 at 5.30pm at The Yarrow Hotel	

There being no further business the meeting closed at 7.30pm

Signed: 

Print: Charles Buchanan

Date: 13 July 2021