

SOUTH WEST COLLEGE GOVERNING BODY

Minutes of a Meeting of the **South West College Governing Body**
held on Wednesday 28 January 2009 at 5.40 pm in
the Boardroom, Dungannon Campus, Circular Road, Dungannon

PRESENT: Mr Joseph Martin (Acting Chairman)
Mrs Kate Courtenay
Dr Mark Kelly
Mr Gerry Kingston
Mr Adrian McCreesh
Mr Joseph McFall
Councillor Thomas O'Reilly
Dr Nicholas O'Shiel
Mr Victor Refaussé (Director)
Mrs Diane Stevenson
Ms Gwen Stevenson
Councillor Dr Philip Weir

IN ATTENDANCE: Mrs Elizabeth McSorley, Secretary to the Governing Body

DEL Representatives: (Agenda Item 1 only)

Mr Daryl Young, FE Programme Manager
Mr Andy Cole, FE Finance

APOLOGIES: Mr Martin Groom
Mr Gerard McDermott

1.0 PRESENTATION BY DEL ON CDP (COLLEGE DEVELOPMENT PLAN) PROCESS AND FLU FUNDING MODEL

The Acting Chairman welcomed Mr Daryl Young and Mr Andy Cole, DEL representatives, to the meeting and commented on the central role of the CDP in the work of the Governing Body.

CIRCULATED: for information purposes to those members present, copy of the DEL representatives' presentation slides.

Mr Young, by way of background to the session, explained that CDP presentations had, in previous years, been made to the Chairs and Directors but that on foot of a suggestion by the Chairs, it had been decided to present to the full Governing Body in the current year. He further advised that guidance on the format of the 2009/12 CDP had been issued to Colleges.

The DEL representatives then took members through the presentation under the following key headings:

- the single CDP process;
- main elements in the CDP, including quality;
- curriculum target setting
- FLU funding model
- Timescales for the CDP process

Responses to questions from members during the course of the presentation were as follows:

- (a) the CDP process was the vehicle by which the Department cascaded government targets to the FE sector. Targets were however set at a very high level and it was a matter for Colleges to determine how they delivered on them;
- (b) The CDP was not a standard model across the six Colleges but rather was a bespoke model which would, for example, allow Colleges to develop an element of priority skills provision outside the existing priority skills areas based on proven local need;
- (c) while the Department's primary focus was Level 2 provision and beyond, it also recognised the importance of the social inclusion agenda. This was evidenced by the fact that bespoke funding of £13m for Level 1 provision and below was available to the sector. The overall mix of provision would however have to be in line with government priorities;
- (d) work was underway to ensure that the Qualifications and Credit Framework (QCF) was compatible with the EU qualifications framework, thereby the Republic of Ireland qualifications framework;
- (e) there would be no clawback of funding for 2007/08 regardless of performance. Going forward, funding in any one year would be directly related to performance in the previous year, eg, under performance against agreed targets in 2008/09 could have a negative impact on funding in the 2009/10 year. Over delivery in a particular year would not attract any additional funding in that year but would place the College well in negotiations for the following year.
- (f) the Department was looking at the possibility of changing some of the funding calculations to make certain types of provision more attractive to Colleges;
- (g) The Department and the six Colleges needed to work in partnership to ensure that, going forward, funds were not lost to the sector due to under performance.

Dr Kelly entered the meeting during the above presentation.

One of the key challenges highlighted by governors during the post presentation discussion period was the development of strong linkages between the Department for Employment and Learning and the Department of Education at a strategic level and Colleges and schools at a local level. The Acting Chairman was of the view that there was a huge amount of work to be done in terms of support for the Entitlement Framework and in addressing the mindset in certain parts of the schools sector as regards progression to the FE sector. Other challenges referred to were those presented by the fall in demographics and achieving enrolment and retention targets, particularly in relation to part time provision, in the current economic climate.

The Acting Chairman thanked the DEL representatives for their informative and well delivered presentation.

Mr Young and Mr Cole thanked the Governing Body for the opportunity to present and left the meeting at this juncture.

2.0 MINUTES OF GOVERNING BODY MEETING HELD ON WEDNESDAY 26 NOVEMBER 2008

PREVIOUSLY CIRCULATED: to all members, minutes of a meeting of the Governing Body held on Wednesday 26 November 2008.

It was noted that the confidential section of the above minutes had not been circulated to staff members and would be dealt with under the confidential section of the Governing Body meeting.

AGREED: on the proposal of Ms Gwen Stevenson, seconded by Councillor O'Reilly, that the public section of the above minutes (Pages 1-12) be accepted as a true and accurate record. They were then signed by the Chairman.

3.0 MATTERS ARISING

3.1 NIPSA Representations – Pages 1 and 2, Minute Ref 2.0

The Secretary to the Governing Body advised that a letter had been received from NIPSA welcoming the Governing Body's response in relation to protection arrangements and noting its assurance that compulsory redundancies would be an option of last resort.

3.2 Report of Finance and General Purposes Committee Meeting held on 19 November 2008 – Student Support Funds – Page 7, Minute Ref 10.0

The Director, in responding to a query raised at the November 2008 Governing Body meeting when the report of the above meeting had been presented, advised that Student Support Funds were not generally available to students repeating modules except in very exceptional circumstances.

3.3 Committee Vacancies – Pages 9 and 10, Minute Ref 12.0

The Acting Chairman advised that in line with Governing Body decisions at the November 2008 meeting, Dr O’Shiel was now a member of the Finance and General Purposes Committee and that Councillor O’Reilly was a member of both the Education, Quality and Performance Committee and the Finance and General Purposes Committee.

3.4 Director’s Report – HE Graduation Ceremony – Page 11, Minute Ref 14.1(10)

The Acting Chairman paid tribute to the organisation of the above event, which had taken place in the Manor House Hotel, Killadeas, on 17 December 2008, and asked the Director to pass on the Governing Body’s thanks to all the Enniskillen Campus staff involved.

4.0 **REPORT OF A MEETING OF THE AUDIT COMMITTEE HELD ON WEDNESDAY 26 NOVEMBER 2008**

PREVIOUSLY CIRCULATED: to all members, Report of a meeting of the Audit Committee held on Wednesday 26 November 2008 together with Corporate Risk Register at 21 November 2008.

Mrs Diane Stevenson, the Committee Chair, provided members with a brief overview of meeting which she had verbally reported on at the November Governing Body meeting (Pages 8 and 9 of 26 November 2008 Governing Body minutes).

Issues and updates arising from the report were as follows:

- (a) **Northern Ireland Audit Office Report** – Governance Examination of Fermanagh College of Further and Higher Education (Page 2, Minute Ref 3.1) – the Director, in response to representations by Mr Kingston, undertook to have the name of the former College removed from an entrance door of the Enniskillen Campus in advance of publication of the Audit Office report.
- (b) **Internal Audit Update Report** (Page 2, Minute Ref 5.0) – the Director advised that the risk management workshop referred to under this item had taken place in December 2008.
- (c) **Corporate Risk Register** (Pages 3 and 4, Minute Ref 7.0) – the new risk “loss of funds due to unstable investments” was challenged by one member in particular and it was generally agreed, following discussion, that this risk should be reassessed.

AGREED: on the proposal of Mrs Stevenson, seconded by Mr Martin, adoption of the Report of the Audit Committee with the exception of the Corporate Risk Register, this to be reviewed in light of the above comments and submitted to the next meeting.

The Acting Chairman, with the agreement of members, took the Report of the Finance and General Purposes Committee at this stage in the meeting.

5.0 REPORT OF A MEETING OF THE FINANCE AND GENERAL PURPOSES COMMITTEE HELD ON WEDNESDAY 21 JANUARY 2009

PREVIOUSLY CIRCULATED: to all members, Report of a meeting of the Finance and General Purposes Committee held on Wednesday 21 January 2009, together with the following documents:

- (a) Financial Highlights Report, December 2008
- (b) Report on College Investments and Funds at 21 January 2009

CIRCULATED: to those members present, Analysis of Investment Options at 27 January 2009.

Ms Gwen Stevenson, in presenting the report of the Finance and General Purposes Committee, highlighted the key issues and recommendations with particular reference to the Annual Accounts issue and the proposal that the two PFI contracts be dealt with on balance sheet; the Financial Highlights Report; the College Investments proposal including part diversification into a GB Bank; and the proposed establishment of a Working Group to consider the Enniskillen Main Campus Condition Survey and associated issues.

Further discussion took place as follows:

- (a) **PFI Contracts** (Page 2, Minute Ref 3.0(b)) – the Director, in response to a request from Ms Stevenson, undertook to have the Head of Corporate Services provide the full Governing Body with an explanation of the on balance sheet approach at the Governing Body meeting to be held in February 2009 to receive and approve the Annual Accounts.
- (b) **College Investments** (Page 5, Minute Ref 8.0) – it was noted, from the Analysis of Investment Options circulated, that Northern Rock, as well as being fully nationalised and therefore security assured, was offering the highest rate of interest, and that the Governing Body was being asked to invest the monies (£2.1m) currently held with Anglo Irish Bank with Northern Rock on maturity for a period of three months. It was also noted that future investment decisions would have the benefit of sectoral advice which was currently being commissioned from PwC.

AGREED: (1) on the proposal of Ms Stevenson, seconded by Dr O’Shiel, adoption of the Report of the Finance and General Purposes Committee including the Northern Rock investment proposal.

AGREED: (2) that the Audit and Governing Body meetings to receive and approve the 2007/08 Annual Accounts be held on Wednesday 25 February 2009 in the Dungannon Campus as follows:

- Audit Committee Meeting – 5.00 pm
- Special Governing Body Meeting – 6.30 pm

and that the Special Governing Body meeting incorporate the draft College Development Plan.

AGREED: (3) that Governing Body representatives on the Enniskillen Main Campus Working Group comprise, Mr Gerry Kingston, Councillor Thomas O'Reilly, Mrs Diane Stevenson, together with the Director.

6.0 REPORT OF A MEETING OF THE EDUCATION, QUALITY AND PERFORMANCE COMMITTEE HELD ON TUESDAY 6 JANUARY 2009

PREVIOUSLY CIRCULATED: to all members, Report of a meeting of the Education, Quality and Performance Committee held on Tuesday 6 January 2009, together with Draft Student Disciplinary Policy and Procedure.

Dr Kelly, in presenting the report, highlighted the key issues and recommendations, including the current status of the HE Scoping Study and the rationale for it being behind schedule; the revised approach to the South West College skills audit which would now form part of the LSDA sectoral skills audit; the recent appointment of staff to the new InnoTech Centre and the potential contribution of this project to curriculum development; initiatives in the area of international student recruitment; and the revised Student Services Policy and Procedure and Derg Mourne, Fermanagh and Omagh Learning Community Agreements which were all recommended for adoption.

The Director, in adding to Dr Kelly's comments, advised that publication of the ETI report on the College's Quality Improvement Plan was likely to be another four weeks at least and, in relation to the HE Scoping Study (Page 2, Minute Ref 4.1), referred to timescale restrictions in the context of proposed negotiations aimed at achieving an increase in the number of MaSN places allocated to the South West College ahead of the 2009/10 academic year.

Lengthy discussion in relation to the HE Scoping Study followed during which Dr Kelly and the Director both gave reports of their respective meetings with the Consultants, KPMG, and the challenges that they were experiencing in terms of student input to the study. Dr Kelly was of the view that the Consultants needed to review their approach to this aspect of the project and indicated that a follow up meeting, with input from Mr McCreesh and Dr O'Shiel who had since expressed an interest in contributing to the discussion, was to take place. The view subsequently emerged that (1) the study terms of reference should be reviewed in advance of that meeting against the College's longer term vision and objectives for developing its HE curriculum and adjusted if necessary in light of changing economic or other circumstances and (2) that given the timing constraints as regards renegotiation of MaSN places with a view to achieving an increased allocation for 2009/10, that the Director, as an interim measure, should make a separate submission in this regard.

Ms Gwen Stevenson left the meeting during the above discussion.

AGREED: on the proposal of Dr Kelly, seconded by Dr O'Shiel, adoption of the Report of the Education, Quality and Performance Committee, subject to the foregoing.

7.0 REPORT OF A MEETING OF THE STAFFING COMMITTEE HELD ON WEDNESDAY 14 JANUARY 2009

PREVIOUSLY CIRCULATED: to all members, Report of a meeting of the Staffing Committee held on Wednesday 14 January 2009, together with the following draft policies/documents updated to incorporate Staffing Committee feedback:

- (a) Whistleblowing Policy
- (b) Policy for Protection of Children/Young People
- (c) Protection of Vulnerable Adults Policy, Procedures and Guidance
- (d) South West College Values

It was noted that the confidential section of the Staffing Committee report had not been circulated to staff members and would be dealt with under the confidential section of the Governing Body meeting.

The report of the Staffing Committee was presented by Mrs Stevenson who had acted as Presiding Chair in the absence of Mr McDermott, Committee Chair.

Mrs Stevenson, in presenting the public section of the Staffing Committee report, highlighted the key issues and recommendations including the Committee's continuing concerns at the level of sickness absenteeism and its expectations as regards the role of management in addressing the problem; the recommendation that the College do not re-employ, in any capacity, persons who had retired on the grounds of voluntary redundancy; applications/expressions of interests in premature retirement on the grounds of efficient discharge; threshold applications for 2008/09; and the draft policies/documents at (a) – (d) above which required Governing Body approval.

Mrs Stevenson, the Director, and Secretary to the Governing Body respectively then responded to members' questions, as follows:

- (a) the Committee was satisfied that the position it had taken in relation to the non employment of persons who had retired on grounds of voluntary redundancy was sound (Page 5, Minute Ref 5.2);
- (b) a full organisation chart would form part of the College Development Plan documentation (Page 5, Minute Ref 5.3);
- (c) the Threshold Application Scheme (Page 6, Minute Ref 6.0) was a sectoral scheme and the College therefore had no control over the criteria;
- (d) the process in relation to applications to work beyond 65 (Page 6, Minute Ref 7.0) was that a letter was issued to all relevant staff advising them of

the procedure and each request to work beyond 65 was then considered on its merits;

- (e) a precautionary suspension under paragraph 3.4.4. of the Policy for Protection of Children/Young People (Page 7, Minute Ref 9.2) would be with pay;

Referring to the Policy for Protection of Children/Young People and the Protection of Vulnerable Adults Policy, Procedure and Guidance, the Director advised that feedback from the external checking process was still outstanding.

AGREED: on the proposal of Mrs Stevenson, seconded by Mrs Courtenay, adoption of Pages 1-8 of the Staffing Committee Report including the four draft policies/documents at 9.1 – 9.4 subject to any minor amendments that may be required as a result of the external feedback referred to above.

8.0 COMMITTEE VACANCIES

It was noted that the following Committee vacancies required to be filled:

- (a) Finance and General Purposes Committee – one co-option to meet skills gap requirement (finance or accounting background)
- (b) Audit Committee – one co-option to meet skills gap requirement (auditing, finance, or accounting background)

The Acting Chairman advised that the Director and himself had approached a number of individuals without success and asked members for their assistance in identifying possible suitable candidates.

9.0 ACTING CHAIRMAN'S BUSINESS

The Acting Chairman reported on two issues as follows:

- (1) ANIC – membership of ANIC now comprised the six Chairs and the six College Directors following reinstatement of the Directors. He described this as a positive development.
- (2) The Office of First Minister and Deputy First Minister (OFMDFM) would be conducting a disability survey of all public appointees before the end of March 2009 and all members were encouraged to participate.

10.0 DIRECTOR'S BUSINESS

The Director reported on a range of issues as follows:

- (1) **Industrial Dispute** – negotiations had resumed under the chairmanship of Mr Liam Deane on behalf of the Labour Relations Agency who were

facilitating the process with a view to achieving a resolution to this long standing dispute. Two key issues in the negotiations were:

- the 2008/09 pay offer for academic staff was 2% against an offer of 2.45% for business support staff. The reason for the differential was that academic staff had no intermediary funding body and were therefore regarded as civil servants and subject to the 2% public sector pay cap, whereas business support staff came under the National Joint Council for Local Government Services and were therefore outside the pay cap;
- how to bring academic staff under an intermediary funding body with one possibility being a link to the English based Association of Colleges (AOC).

Another issue to be addressed within the negotiations was new terms and conditions for academic staff which would give greater flexibility.

Mr Kingston, in adding to the Director's comments, advised that a meeting had taken place in Belfast earlier that day in an attempt to progress matters and said that the latest development was that a new version of Pilling had been put on the table.

- (2) **New Hospital Development at Enniskillen** – the preferred bidder had asked the College to provide training for subcontractors in a range of areas in order to increase their eligibility for inclusion on the preferred subcontractors list.
- (3) **Public Service Training College at Cookstown** – the College was in discussion with Cookstown District Council and the Strategic Investment Board on two proposals, namely (1) wind turbine technology training and (2) heavy vehicle maintenance and repair with the opportunity of the latter becoming a Northern Ireland centre.
- (4) **Skills Centre, Enniskillen** – this project was on target and with the March Governing Body meeting scheduled to take place in the Enniskillen Campus, governors would be invited to take part in a tour of the new facility at 5.00 pm prior to the meeting.
- (5) **Focused ETI Inspection in Priority Skills Areas** – this would take place week commencing 9 March 2009.
- (6) **ETI Chief Inspector's Report 2006/08** – a copy of this report was available for emailing to any interested member on request.

11.0 REGISTER OF INTERESTS

The Secretary to the Governing Body advised that a number of returns for the 2008/09 Register were still outstanding and asked that these be submitted as quickly as possible. She reminded members that the Register of Interests was subject to audit.

12.0 DECLARATION OF ANY HOSPITALITY OR GIFTS RECEIVED OR OFFERED

No declarations were made.

13.0 CORRESPONDENCE

13.1 Travel Costs for Apprentices

PREVIOUSLY CIRCULATED: to all members, letter dated 15 December 2008 from the Department for Employment and Learning in response to Governing Body concerns in relation to travel costs for apprentices who had to travel long distances for training.

The Director advised that work to address this issue was continuing.

13.2 Sustainable Development Information Circular

The Secretary to the Governing Body advised that a copy of the above circular dated 13 January 2009 from the Department for Employment and Learning was available to any interested member on request.

14.0 ANY OTHER RELEVANT BUSINESS

14.1 Guide for Governors of Further Education Colleges

CIRCULATED: to those members present, a copy of the above Guide dated September 2008 which had been issued by the Department for Employment and Learning.

The staff representatives left the meeting at this juncture and the meeting then went into private session.

The meeting concluded at 9.20 pm

CHAIRMAN _____ **DATE** _____