

Council Open Business – minutes 1 to 11 inclusive.

1. Attendance, Apologies and Introductions

Present: John Graystone (in the Chair), Julie Cook, Caroline Davies, Stephen Nicholls, Toni Schiavone (Vice Chair), Cathy Clark, Sonia Reynolds (Vice Chair – to end of minute 8), Guy Wallace Smith, Gareth Cork, Jenni Jones-Annetts, Chris Franks; and via video link at Bryn Menai, Bangor: Gayle Hudson, Dafydd Rhys, Nick Taylor (to end of minute 6), David Elis-Williams. The meeting was quorate.

In Attendance: Kathryn Robson (Chief Executive), Cath Hicks (Head of Learner Services and Resources), Adele Gatt (Finance and Payroll Manager), Stephen Thomas (Company Secretary/Clerk); Michelle Kerswell (Curriculum and Welsh Medium Provision Manager - via video link at Bryn Menai, Bangor); Steffan Wiliam and Sioned Williams (simultaneous interpreters in the respective locations).

Apologies: Iwan Hywel, Gerry Jenson, Daryl Leeworthy, Suzanne Samuel; Mark Baines (Head of Curriculum and Performance).

Introductions were made, assisting confirmation of the video link's functionality and the operation of two interpreters at either end of the link - a first at a Council meeting. Heather Willbourn had resigned her position since the previous Council meeting and Daryl Leeworthy was her successor as the South East Wales region's Council member. Best wishes were expressed on Gerry Jenson's healthy recovery.

2. Training and information film on Additional Learning Needs and Education Tribunal (Wales) Act 2018

This 7-minute video, specially shot for the organisation, featured Chris Denham – ColegauCymru's lead person on the legislation's introduction. Stephen Thomas conveyed the legal confirmation that the organisation fell within the legislation's scope as a designated institution, and Cath Hicks explained the process of preparing for its implementation in September 2020, with a Draft Code of Practice recently produced for consultation by the Welsh Government to which responses were needed by late March. After viewing the film, discussion centred around the fact that while it was an admirable piece of legislation in intent, strengthening the support for 16-25 year olds with learning disabilities in their transition from school to adult life, no extra resources were being made available to implement it effectively. 4.7% of our learners in 2017-18 recorded themselves as having learning difficulties or disabilities: that total covered all age groups, so the scale of the statutory task for us was unclear at present. In any case, there was a moral case for saying that equivalent support should be provided for those over the age of 25 too. The designation of our ALN Co-ordinator was an important next step: the intention was to appoint someone from within the organisation to that role, which need not be a senior manager but had to be someone with a further education teaching background registered with the Education Workforce Council for Wales. **Cathy Clark volunteered and was confirmed as the Council member who would liaise with the staff's working group on the legislation.**

3. Estyn Inspection of January 2019 – initial feedback and comments

A PowerPoint presentation given by Kathryn Robson provided the key facets of the recently completed Estyn inspection, whose conclusions were still confidential. An 8-day visit was conducted by 4 HMIs and 3 Peer Inspectors, using the New Inspection Arrangements introduced in September 2018 for the adult learning sector as a pilot exercise. There were 5 Inspection Areas, each measured on a 4-point scale where the consistency of their application was what was valued. No single, overall grade was given under this new regime, nor was there a category of 'Prospects for Improvement' any longer. An up-to-date Self-Assessment Report was presented by us in advance of the visit, in which we had judged ourselves as 'Good' in all 5 Inspection Areas.

Thus it was a disappointment to receive the Estyn judgment of 'Good' in three Areas and 'Adequate' in two others – '4 - Care, Support and Guidance', and '5 - Leadership and Management'. Though robust points were made in defending our position at the concluding meeting with Inspectors, there were no grounds for an appeal. The main marking down in Area 4 was due to gaps in our providing of statutory **Prevent** programme training to all staff, in our approach to multi-ethnic diversity safeguarding, and in inconsistent use of our allocation of extra money on learning and classroom support assistance for the more complex needs of certain learners. On Area 5, while there were strengths recognised in our governance and our learner-driven focus, it was considered a failing that we did not regularly enough ask or answer 'So What?' questions, which sat behind mere data, concerning the impact of our work; there needed to be more meaningful assessment of results on progression of our learners, for example. While there was undoubted good practice in some regions and sectors of our work, there also needed to be general diffusion of such practice to all parts of the organisation.

Some Council members felt that this was a rather unfair conclusion, as there was deemed to have been much progress made by the organisation; others however – including staff – felt it was a fair reflection of current reality, though it was possible that a further 6 months down the line the assessment could have been more favourable. Michelle Kerswell thought it positive that we had been inspected first under the pilot arrangements, as we could bring that experience to bear when other adult learning partnerships of which we were part were assessed in their turn.

There were only 3 recommendations to be made by Estyn. It was agreed important to have a public statement ready for when Estyn's written report was completed in May – something which celebrated its positive aspects, which responded constructively to the criticisms, and included a post-inspection action plan which, along with a revamped Quality Development Plan, would come back for scrutiny by the appropriate Committees of Council. Action already underway included revised contents at the termly tutor events, plus further development of our Moodle on-line resources for tutors. The idea was mooted by more than one Council member that the termly Regional Forums could be combined with those tutor events to ensure more substantial and coherent gatherings, serving the organisation's needs more broadly.

4. Minutes of the Open Business at the Council meeting of 22 November 2018 and matters arising

The minutes of the Open Business proceedings of the 22 November 2018 meeting held at Unite the Union's office in Wrexham were approved as a correct record. There were three points under matters arising:

Minute 4 – 2018 pay award settlement: although the Resources Committee, with delegated authority from the Council, had in December approved the backdated pay award, this had not yet been

implemented as the settlement was still awaiting agreement from two trade unions (NEU and UNISON). The organisation's recognised union, UNITE, did not feature in the official negotiations. Action taken prior to receiving the unions' responses would be interpreted as 'imposition', ideally to be avoided, though ColegauCymru's Principals Forum had agreed to such action in principle before the end of the fiscal year so as to avoid budgeting and taxation difficulties for the following year. Advice was then received from Welsh Government officials that if pay increases were imposed without the trade unions' collective agreement, the Minister for Education might withhold the funding set aside for this additional pay. **The Council agreed not to impose the settlement at this stage but reserved the right to reconsider that stance at its 4 March meeting, should there remain an impasse. Given that the Resources Committee's original decision stood, should an agreement be reached with the trade unions in the meantime then the settlement payment could be implemented without further consideration by the Council.**

Minute 7 – Number of tutors teaching under 50 hours/year: figures from 2017-18 on the Management Information System showed 182 tutors utilised in all, 139 of whom had taught for over 50 hours and 43 below that threshold. This compared with a total of 229 tutors quoted in the Annual Report for the year – a figure which represented a category best described as 'trained and officially entered on our human resources system, so eligible to teach on our behalf'. Aware that there was a case for providing more detailed information about our tutors, **Cath Hicks undertook to prepare a comprehensive background statistical paper on them for the Resources Committee's March meeting.**

Minute 11 – Senior Leadership Team and Senior Management Team terms of reference: **the amended terms circulated with the meeting's documentation were approved, and would be reviewed in 12 months' time.**

5. Coleg Harlech site update

Kathryn Robson referred to the recommendation document, whose Resolution had been approved by the Council via the agreed e-mail communication route earlier in the month, authorising sale of the freehold on the Harlech property to Mr Leslie Banks Irvine for the sum of £200,000. There was to be a site visit later in the week with the prospective buyer. The Chair thanked the Harlech Steering Group members for having brought this matter close to resolution, and David Elis-Williams suggested that parts of the recommendation/Resolution document should form the basis for the eventual press release on the issue, when appropriate, and for a report that could be made available to our members at the AGM in March.

6. Chief Executive's Report, January 2019

Kathryn Robson began by reporting (from the previous day's Principals meeting) that the Welsh Government's funding allocations for 2019-20 had been verbally conveyed. The outcome for the organisation was that the original, significant shortfall reported at previous meetings was now instead to be a 2% increase, but that the reinstated money was not to be within the 'sparsity uplift' category (which had in effect been done away with for all part-time provision) and would rather be in a category titled 'transition'. In discussion, various politicians' and political parties' written commitments to a "right to lifelong learning" were adduced by Council members; but lobbying by colleges meant that money for full-time provision for largely younger adults had received the most favourable funding settlement.

Attention then turned to the regional/national delivery curriculum reports. There was debate about the literacy support that students at University of Wales Trinity Saint David required, and **a plea for consistency in the reporting of regional updates, with the use of standardised sub-headings**. Gerry Jenson had submitted two written questions: on the three-year downward trend on Level 2 Adult Basic Education, it was stated that our Self-Assessment Report specified the attention that would be paid to changing that; while raising general staff awareness of the Safeguarding Officer roles of six colleagues would be pursued. Julie Cook added that Wales TUC Cymru had recently moved to Agored Cymru as an accrediting body, a first concession to devolved status on educational matters by the Trades Union Congress.

In answer to a question on the Fundraising Officer post, this would be an 18 month fixed term appointment with funding targets to be met. Unfortunately the first advertisement had resulted in only one applicant for it, so the position was to be re-advertised.

7. Minutes of the Resources Committee meeting held on 4 December 2018; plus draft Annual Report and Financial Statements for 2017-18, and Management Accounts for August – December 2018

On the minutes, the Committee Chair David Elis-Williams pointed out the mature discussion held under minute 10 on teaching staff (tutors') travel expenses, where opinion had been strongly divided. Turning to the draft Annual Report and Financial Statements for 2017-18, these had been reviewed in detail by the Committee: they told a positive story of educational targets met and all 6 financial objectives attained, with pension fund adjustments causing an otherwise small surplus to fall into a deficit on the Statement of Comprehensive Income. The draft Financial Statements had already been sent to the Welsh Government as per the demands of our Financial Memorandum with it, but the signed copy would be despatched to it following approval at our March AGM. **The Council made no amendments to the draft Annual Report and Financial Statements, approving them for ratification at the AGM.**

On the management accounts covering the first five months of the 2018-19 financial year, **Toni Schiavone sought an explanation for the £3,450 discrepancy in the figures quoted on pages 2 and 3 for the Welsh Government's funding allocation to us for the year.** Adele Gatt pointed out that there were various conservative assumptions included within the accounts - such as pension expenditure being budgeted as if all staff were receiving full contributions to the schemes; and all project-related expenditure being categorised to equal project income at present, even though it was expected that certain overheads costs would legitimately be taken from the grants. It was confirmed that should the Coleg Harlech site sale go ahead then the sum received would appear as an extra income line within the year's Income and Expenditure account.

8. Minutes of the Audit Committee meeting of 12 December 2018; plus Audit Committee Chair's Annual Report to the Welsh Government and the Risk Register for January 2019

Chris Franks as the Committee's Chair noted the now more formalised 'in camera' meeting for Committee members with the external auditor, without staff being present (minute 3); the revised tendering policy to come before the Committee at its next meeting (minute 7); the added assurances received relating to the Coleg y Cymoedd staff link-up (minute 9); and that an IT implementation timetable was to come before the Committee (minute 11). The contents of the Audit Committee Chair's annual report, a Welsh Government requirement, were noted.

On the Risk Register, Guy Wallace Smith reiterated his praise, stated at the Committee meeting, for the format being used. The points raised on it were all in relation to the financial risks at the top of the Register. With Welsh Government funding representing 90% of the organisation's income in 2017-18, it was felt that point 1.1.1 should refer to that situation; while points 1.1.2 and 1.1.3 perhaps merited being rated higher Net Risks as they too were key financial risks linked to government funding.

9. Senior Management Team Key Performance Indicators (KPIs), 2018-19

All indicators remained as amber in the progress report, though a different shade of amber from that used in the Risk Register – **consistency in colour shading would be appreciated on this**. On the announcement by the Welsh Government about its future further education funding framework expected during March, the likelihood was that it would reflect the Model 1 option representing the least change in provision, rather than our preferred Model 3 with a national co-ordinating body. (It was perhaps unwise to have included this matter as one of the indicators under point 2.2 in the paper, as the decision was out of our hands.) However with no discrete Minister for Further Education any longer, there might yet be a further delay in public statement and implementation. A paper presented by us on this matter was to go before the Wales Council for Voluntary Action's Third Sector Partnership Council in February, at which the Minister for Education would be present. The view was expressed by many that it was wrong of the Welsh Government to categorise our hundreds of respondents to the framework's consultation exercise as effectively one response only: they did not represent a single institutional answer, but the opinions of individuals and of partners - quite different from the corporate nature of most other responses submitted.

10. Feedback on the Council meeting

Doubling up on the simultaneous interpretation was considered to have gone well. The video conferencing had worked well visually – picture quality was ever-improving – but there had been too much background noise (especially from the Coopers Yard end) caused by having the microphones placed directly on the desks, so amplifying any table-based sounds. Thus it was audio quality that needed greater attention. It was agreed that at least one Council meeting per year should be at a single location; and that the July date should double as a strategic planning day held in one place, as it had in 2018. Learners' input should be on the agenda for the next Council meeting once more.

11. Forthcoming Council and other meeting dates confirmed for 2019

- Monday 4 March: Newtown
- AGM – Saturday 23 March: Wrexham Glyndŵr University
- Friday 17 May: Ebbw Vale
- Thursday 18 July: Llandudno Junction

ACTION POINTS

Reference	Minute name	Action agreed	Action by whom	Action by when
Minute 2	Training and information film on Additional Learning Needs and Education Tribunal (Wales) Act 2018	Cathy Clark volunteered and was confirmed as the Council member who would liaise with the staff working group on the legislation.	CH / Martyn Reed	Feb. 2019
Minute 4	Minutes of the Open Business at the Council meeting of 22 November 2018 and matters arising	<p>The Council agreed not to impose the 2018 pay settlement at this stage but reserved the right to reconsider that stance at its 4 March meeting, should there remain an impasse. Given that the Resources Committee's original decision stood, should an agreement be reached with the trade unions in the meantime then the settlement payment could be implemented without further consideration by the Council.</p> <p>A comprehensive background statistical paper on the organisation's tutors would be presented to the Resources Committee's March meeting.</p>	<p>KR / CH / MB</p> <p>CH</p>	<p>Feb. 2019</p> <p>March 2019</p>
Minute 6	Chief Executive's Report, January 2019	A request was made for consistency in the reporting of regional updates, with the use of standardised sub-headings.	KR / MK	March 2019
Minute 7	Minutes of the Resources Committee meeting of 4 December 2018	<p>The Council made no amendments to the draft Annual Report and Financial Statements, approving them for ratification at the AGM.</p> <p>An explanation was sought for the £3,450 discrepancy in the figures quoted on pages 2 and 3 of the management accounts for the Welsh Government's funding allocation to us for the year.</p>	<p>AG / ST</p> <p>AG / MB</p>	<p>March 2019</p> <p>March 2019</p>
Minute 9	Senior Management Team Key Performance Indicators (KPIs), 2018-19	Consistency in colour shading between this document and the Risk Register would be appreciated.	KR / MB	March 2019