

**MINUTES OF A MEETING OF THE GOVERNING BOARD OF THE FERMAIN
ACADEMY HELD AT THE SCHOOL ON 5TH DECEMBER 2016**

Governors Present: Chris Hindley Chair
 Nic Brindle Principal
 Emma Colley
 Mervyn Harding
 Tim Haselwood
 Martin Howlett
 Crawford Prentice

Also in attendance: Joe Carter Clerk to Governors
 Lee Cambray Observer (Deputy Principal)
 Alastair Stoddart Observer
 Chris Heptinstall Observer, SBM (for Item 1-3)
 Mike Benson Murray Smith LLP Auditors (for Item 1-3)
 Nicola Tucker Murray Smith LLP Auditors (for Item 1-3)

PART ONE – NON-CONFIDENTIAL BUSINESS

The meeting started at 3:30pm.

The Chair agreed to cover Item 5 from the Agenda as the third item to allow the auditors to present the accounts and the audit report.

The Chair welcomed everyone to the meeting and everyone introduced themselves; including Tim Haselwood a potential new governor.

1. APOLOGIES AND ADDITIONAL AOB

The following apologies for absence were received and accepted:

- Stephen Armstrong
- John Hughes

The following item of AOB was raised:

- Tesco Bag Funding

2. CONFLICT OF INTEREST

Governors were asked to declare any potential pecuniary interest or conflict of interests with the business to be discussed during the meeting. The following potential conflict was declared:

- Chris Hindley, Mervyn Harding and Martin Howlett confirmed that they are employed by Youth Federation Limited, however did not foresee any conflicts of interest with the business to be discussed at tonight's meetings.

3. FINANCE (was Agenda Item 5)

The Auditors, Murray Smith, confirmed that the audit of the annual accounts took place during the first week of November 2016. They presented a report on “Audit Highlights and Management Letter Year ended 31 August 2016”.

Nicola Tucker summarised the Audit Report concluding that The Fermain Academy were awarded a Clean Audit Opinion (an unqualified audit report on the financial statements and regularity).

The Members of the Corporation consider that the Academy has adequate resources to continue in operational existence for the foreseeable future. For this reason, it continues to adopt the going concern basis in preparing the financial statements.

Nicola presented the following highlights for 2015 and 2016 and reminded the governing board that last year school received the pre-opening grant:

- Total income 2016 is £2.385m, with total expenditure of £0.541m. Staff costs are 75% of revenue income.
- Balance Sheet: The land and buildings balance at 31st August 2016 was £1.83m.
- Cash Flow: Operating profit £1.8m, Purchase of fixed assets £1.5m (building works, IT, fixtures & fittings).
- Financial Forecast: FY2016 surplus £1.8m, FY2018 surplus £17k.

The Auditors presented the “East Cheshire Youth Achievement Free School Ltd trading as The Fermain Academy Trustee’s Report and Financial Statements for the year ended 31st August 2016”.

The Auditors confirmed the Pension liability of £15k on the Cheshire Pension Fund; as discussed at the Resource and Audit Committee. This is for a defined benefit pension scheme for six staff.

Mike Benson stated that the Teachers Pension is government run; the liability does not show in accounts. Staff in local government schemes liability is split between all institutions that pay in. He noted that the pension liability is something the governing board should monitor and budget accordingly.

The Head thanked Murray Smith for their work and support.

Murray Smith thanked the SBM for setting up a suitable set of controls.

The Fermain Academy Trustees' Report and Financial Statements for the Year Ended 31 August 2016 was received and approved by the governing board (as approved by the Resource and Audit Committee). The Report was signed by the Chair of the Governing Board and the Headteacher. The governing board agreed to send one original to the EFA, one original to Companies House and to keep one original at school.

The Chair formally thanked the auditors for their support and looked forward to working with them this year.

Mike Benson and Nicola Tucker left the meeting.

The governing board ratified the appointment of Murray Smith as the External Auditors for the current year (as recommended by the Resource and Audit Committee).

4. ELECTION OF CHAIR / VICE CHAIR *(was agenda item 3)*

The governing board completed the annual review and appointment of a Chair and Vice Chair. The Chair reminded the governing board that with Ofsted one year to eighteen months away; now is the ideal time for a new Chair to be appointed to work with the school.

In advance of the meeting the Chair had spoken to all governors and nominations had been received from Stephen Armstrong as Chair and Martin Howlett as Vice Chair.

The governing board agreed to the appointments which would be reviewed at the autumn term 2017 governing board meeting.

Stephen Armstrong will commence his role as Chair following the handover meeting with the current Chair; planned to take place by 20th January 2017. Until that time he will remain as Vice Chair.

Martin Howlett will commence his role as Vice Chair following the Chairs handover meeting; planned to take place by 20th January 2017.

Tim Haselwood introduced himself as a potential new governor. He is a Business Manager at a local secondary school. Tim provided an update on his previous experience; worked with Deloitte as a Chartered Accountant with experience of audit and IT budgets. From 2013 to 2015 he was the SBM of a local primary school and then moved to a local secondary school in September 2015 responsible for Finance, HR and IT. He stated that there could be potential conflicts of interest as the local school he works for buy places from TFA.

The governing board discussed the HR experience that Tim had which included; Salary reviews, HR Manager of school staff at local primary school and line management of the HR Manager at local secondary school.

Tim Haselwood left the meeting.

The governing board agreed that Tim's skills and experience would enhance the current skill set and agreed to his appointment as a Member Appointed governor, for a four year term of office starting on 5th December 2016.

Tim Haselwood re-joined the meeting.

The Chair welcomed and thanked Tim for his interest. It was confirmed that Tim Haselwood has been member appointed for a four year term of office, commencing 5th December 2016.

Action: Complete the enhanced DBS check for the new governor; Tim Haselwood, by the end of the autumn term 2016 (SBM).

5. AGREE GOVERNING BOARD OBJECTIVES (was Item 4 of the Agenda)

The Chair had asked the governors in advance of the meeting to review the Governing Board objectives for the year linked to the Headteacher targets and the Boards three core functions:

- Ensuring clarity of vision, ethos and strategic direction;
- Holding the Headteacher to account for the educational performance of the school and its pupils, and the performance management of staff; and
- Overseeing the financial performance of the school and making sure its money is well spent.

The governing board agreed that the first core function is covered at the governing board meetings; and the second and third core functions are covered at the Committee meetings. The governing board agreed that the second core function would also be covered by formal visits and the performance management targets of the Headteacher set by the Chair and Vice Chair.

The governing board agreed that they will continue to set high expectations for the school.

Action: Add to governing board agenda autumn 2017 “Formally review The Fermain Academy vision, ethos and strategic direction” (Clerk).

6. HEADTEACHERS REPORT

The Heads report had been circulated in advance of the meeting in order for governors to have prepared questions. The Head highlighted points of interest:

- School are over the Published Admission Number (PAN) of 34 for the current academic year; at 39. Although there are only currently 31 actual students; Cheshire East has paid for additional places.
- At the summer 2016 board meeting the Head had highlighted that the appointment of a Science Teacher was being brought forward inline with the completion of the building. The Head had spoken to the DfE advisor in regards over being PAN.

Question: Should school push PAN beyond 40?

Response: If school increased to a 60 place school the Articles would need to be changed, County would have to back, not the EFA. The core grant that TFA currently receive is for 34 students and unless the PAN is changed the core grant remains at 34. The building is safe for 40 children plus 20 staff from a fire and Health & Safety plan (building capacity of 60). However school could support some students from home.

Question: Is being over PAN at the Heads discretion?

Response: Yes, and I ensure that this does not effect the quality of the offer to students. Macclesfield High Schools have asked for some guarantees.

Question: Why are school taking students from Cheshire West?

Response: There is a high end need for students from Cheshire West as TFA's reputation is growing. The Head attended a Roadshow in the summer; TFA is now registered with schools in Cheshire West.

Question: How many places have been allocated to the LA?

Response: Last year school were over subscribed. The new Cheshire East Director of Education sees TFA as an Alternative Provision school, rather than a Pupil Referral Unit. TFA have LAC students and SEN students; the LA is using TFA as an intervention.

- The Head confirmed that Attendance, Progress and Behaviour have been covered in detail at the Standards Committee on 1/12/16.
- The DfE visit is planned for Tuesday 6th December 2016.

7. STRATEGIC SCHOOL DEVELOPMENT PLAN OVERVIEW

The Head confirmed that the Red, Amber and Green (RAG) rating of the School Improvement Plan was covered at the Committees.

The School Evaluation Form (SEF) will be reviewed at the DfE meeting on Tuesday 6th December 2016 and will be circulated to governors.

The review of the Raising Attainment Plan (RAP) was not covered.

8. ATTENDANCE

The Head confirmed that the Attendance target for 2016/17 has been set at an aspirational target of 90% (against 2015/16 actual attendance of 87%). Attendance is currently 89.4%, with Staff providing student transport to support students.

Question: Should we provide taxi's for pupils who are some distance from school?

Response: There are cost implications that would need to be budgeted for.

Question: Have school been effected by lack of parent fines for term time holidays?

Response: Head has negotiated with the parents that the students catch up where possible. Head attempts to generate student enthusiasm to attend. Students attended school for the Royal Visit which was during holiday time.

The governors wanted reassurance that TFA will not be judged against a 94% attendance target; and that TFA should be judged against the attendance levels expected for the type of students at school.

Action: Source an Alternative Provision attendance level; equivalent of mainstream school national average attendance from the DfE (Head).

9. SCHOOL POLICIES

The following policies were approved by the governing board:

- Complaints Procedure (as reviewed by Principal). The Head agreed to remove named individuals from the Policy.
- Safeguarding and Child Protection (as reviewed by Deputy Principal). The Deputy Principal confirmed that TFA has modified the policy based on recommended from

the SCIAS team to include guidance on forced marriage, FGM, Extremism. The changes make it easier to work with other local schools. The Safeguarding lead governor confirmed that the policy outlined the procedure well.

- Freedom of information publication scheme. The Head confirmed that he will pull this policy in line with standard practice.

10. RESIDENTIALS

Emma Colley provided an update on the summer term 2016 school residential. The last residential to PGL was a successful trip; the only downside was that the other students attending were primary school age.

Emma explained that for this academic year she has been in discussions with Stephen Wilson, on behalf of "Hard to Reach Children, Cheshire East". He has proposed a two day residential including activities and a campsite, and would aim to link the trip to the Bronze Duke of Edinburgh Award.

The cost for the trip would be £2,400 for ten students; based in a converted church with a camp site, closer to TFA.

The Chair suggested that school review Trafford Hall, Ellesmere Port as an example or alternative.

Stephen Wilson will attend school on 16/12/16 and run activities with the students.

School would like to commence the Duke of Edinburgh with Year 9 and Year 10 in June 2017 following exams.

The Head confirmed that school have commenced "Saturday School" which will be held once per month for Macclesfield based children; eight children attended.

Crawford Prentice confirmed that he has spoken to HSBC (his employer) in regards Community funding to fund school residentials; and requested funding of £15k. The request was denied based on the rule that a school needs to have been running for a minimum of two years. Crawford agreed to ensure that the link with school and HSBC remains.

Action: Compile a business case to demonstrate that school self fund residentials for students. Ensure that the link to HSBC is evidenced (that they are personally supporting school) and confirm schools commitment to students working towards the Duke of Edinburgh Award. Present business case to HSBC for consideration during the summer term 2017 (Chair, Head and Emma Colley).

11. PART ONE MINUTES AND MATTERS ARISING

The part one minutes of the meeting held on 6th July 2016 were confirmed as a correct record and signed by the Chair. There were no matters arising.

The action log was reviewed and updated; see the autumn term 2016 Fermain Academy action log.

12. CHAIR'S ACTION

The Chair reported that there had been no part one action that the Chair or the Vice Chair had taken on behalf of the governing board since the last governing board meeting.

13. ANNUAL REVIEW OF COMMITTEES AND NOMINATED GOVERNORS

a) The Membership of Committees and Chair of Committees for the 2016/2017 academic year were agreed as:

Standards Committee (Academic Achievement and Progress)	Resource and Audit Committee (Finance, Premises and HR)
<u>Governors</u> Martin Howlett, Chair Nic Brindle, Principal John Hughes	<u>Governors</u> Mervyn Harding, Chair Nic Brindle, Principal Tim Haselwood
<u>Observers</u> Lee Cambray, Deputy Principal Alastair Stoddart	<u>Observers</u> Chris Heptinstall, SBM

b) The delegated functions to Committees are currently been reviewed by the SBM.

Action: Complete an annual review of the delegation functions to Committees and individual governors (SBM).

c) Terms of Reference for Committees

The terms of reference for each of the Governing Board Committees as agreed at Committee were agreed and adopted.

The Governing Board agreed to adopt the model terms of reference for the Pupil Discipline Committee, Staff Disciplinary/Dismissal Committee and Staff Appeals Committee. The following Governors were appointed for each Committee:

- Pupil Discipline Committee - Martin Howlett and John Hughes (although the expectation is that the referring school would manage this process).
- Staff Disciplinary/Dismissal Committee - Martin Howlett and John Hughes.
- Staff Appeals Committee – Mervyn Harding and Tim Haselwood.

d) The following individuals were confirmed as the panel to conduct the Heads performance review in 2016/17:

- Stephen Armstrong
- Jayne Lowe, External adviser

Action: Following the Chairs handover meeting, confirm the second governor who will join the Heads performance review panel (Stephen Armstrong).

e) The following Governors with Special Responsibilities were confirmed:

- Safeguarding – Martin Howlett

- SEN – Stephen Armstrong
- Looked After/Cared For Children – John Hughes

14. AGREE GOVERNOR VISIT PLAN

The governing board agreed that the governor visit plan for the 2016/17 academic year needed agreement; and that the report issued would be reviewed at the January 2017 Chairs handover meeting.

Action: Following the Chairs handover meeting, confirm the governor visit plan for the 2016/17 academic year (Stephen Armstrong).

15. AGREE GOVERNORS CODE OF CONDUCT

Mervyn Harding confirmed that the governor's code of conduct was adapted from the NGA and has been added to the school web site.

The Clerk confirmed that the governing board are required to agree the code annually.

16. PART ONE REPORTS FROM COMMITTEES AND REPORTS FROM GOVERNORS WITH SPECIAL RESPONSIBILITIES

The Resource and Audit Committee minutes from 24th November 2016 were received in advance of the meeting. There were no questions raised.

The Standards Committee meeting took place on 1st December 2016; the Chair of the governing board had agreed to receive a verbal update.

Standards Committee, 1st December 2016

The Chair of Committee provided the following update:-

- Data confirms school progressing well. 95% students making good or outstanding progress. Subject performance is 90% good to outstanding progress. Committee discussed where subjects and students are not making sufficient progress.
- Attendance is outstanding for a school of this type.
- Challenging meeting in terms of data scrutiny. School baselines using the bksb initial assessment (English and maths) national standard. Good progress is 0.6 of a level nationally. TFA adds 1.0 as an indicator of progress; well above national average.

Question: Why do school set a target greater than national expectation?

Response: School are compared to other secondary schools by Ofsted. This is an internal target.

The Chair of the Standards Committee stated that Ofsted will look to see that the governing board are expecting high level of progress from students. If Head set 0.6, the DfE could argue that this is not challenging enough. Ofsted are expecting above 0.6.

- 98% of students have outstanding behaviour.

Question: Why are only a few students taking Sport?

Response: This is based on student current attitude; school will look to change this.

There were no recommendations from governors.

There were no reports from Governors with Special Responsibilities.

Safeguarding - No incidents to report.

Look After/Cared For Children - No comments made.

SEND - No comments made.

Health and Safety Update – School have received an updated Legionella Report. There was an issue with the fire alarm not connected to the front door which was discussed at the Resource and Audit Committee and is being actioned. The Fire Risk Strategy requires modification to include “push break glass” for visitors to exit the building.

17. GOVERNOR TRAINING AND DEVELOPMENT

Skills Matrix

The Training Liaison Governor (TLG) confirmed that as presented at the summer term 2016 governing board meeting there had been a lack of community knowledge across the governing board. However, following the addition to the matrix of the Staff skills and the new governor’s skills; the community experience was evidenced.

Training

The TLG recommended a review of governor skills during the spring term 2017; with the new governor in place.

Question: Is Safeguarding mandatory?

Response: No, although considered best practice.

The Safeguarding governor raised his concern that Ofsted would not award the governance as outstanding if governors have not taken appropriate training.

The Clerk confirmed that there is no mandatory/statutory training set for governors, however Ofsted will review the induction and training taken by all governors. At least one governor on a recruitment selection panel must have completed the Safer Recruitment training.

Action: Run a Safeguarding topic based Masterclass at the spring term 2017 governing board meeting (Martin Howlett and Lee Cambray).

Action: Ask for confirmation from the DfE; from an Alternative Provision perspective which governor courses are mandatory and which are best practice (Head).

The governing board agreed for the SBM to liaise with the Chair to manage the governor training requirements going forward.

18. MEMBERSHIP

The resignation of Crawford Prentice from 5th December 2016 was received and accepted by the governing board. The governing board wished Crawford best wishes and thanked him for his help and support.

The resignation of Chris Hindley was received and accepted by the governing board. His resignation as a Governor and Chair of the governing board will take effect from the date of the handover meeting to Stephen Armstrong; planned to take place by 20th January 2017.

The Head thanked the Chair for all his support and guidance to school and the staff. The Chair confirmed that he will continue his involvement with TFA in his role as a member.

Confirmation on what the governing board would like the parental action group to focus on was deferred to the spring term 2017 meeting; and is still an open action.

19. SUPPORT FROM LOCAL HEADS

The Head confirmed that local Heads have agreed to offer their support to TFA and have asked for guidance on areas that the governors require support on.

The Head advised that Tytherington School have recently gone through an Ofsted inspection and that a twenty minute view on what was covered could be presented to the governors at the next meeting.

Action: Agree areas that the governing board could benefit from support from local Heads during January 2017 Chair handover meeting; present to the governing board at the spring term 2017 meeting (Stephen Armstrong)

Action: Invite the Head of Tytherington to present on November 2016 Ofsted visit, report and key areas of scrutiny (Head).

20. SPRING 2017 MEETINGS

It was confirmed that the governing board meeting for the spring term 2017 would take place on Thursday 23rd March 2017, 4:00-6:00pm.

21. ANY OTHER BUSINESS

The following item of AOB was discussed.

Tesco Bag Funding

TFA received £10k from Tesco.

Part 1 finished at 6:05pm.

Emma Colley left the meeting.

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