

MEETING	BOARD OF TRUSTEES
DATE	Tuesday 11 July 2017
VENUE	Ninestiles School
ATTENDEES	Catherine Anwar, Ateef Azam, Richard Beamish, Ian Carnell, Martyn Collin, Karen Crowston, Vrigu Dey, Bob Fear, Gaetano Ferrante, Karamat Iqbal, David Shakeshaft, Richard Simcox, David Werry
IN ATTENDANCE	Hilary Barber, Steven Ralph, Steve Smith

MINUTES

1. Welcome and apologies

BF welcomed all present to the meeting. Apologies received from Dexter Hutt, Terry Smith and Penny Wagg were noted.

BF reported that after many years of service, TS and PW had decided to resign from the governance of the school and he noted with sincere thanks their loyal commitment to Ninestiles and the wider trust. They will be attending the leavers' event at The Oaklands and a presentation will be made to them there.

2. Register of Business interests and declaration of Pecuniary Interest - *All Trustees and councillors are reminded that when receiving this agenda, they must consider whether any items for discussion require them to declare a business interest, either personal or of any close family member*
None were declared.

3. Chair's Actions

BF reported that he has visited school on several occasions:

- Meet with MC about the new governance structure
- Update meetings with CA
- Attend the parent meeting at Yarnfield with CA about the Ofsted inspection

4. Daylesford and Chapelfields project – Steve Smith

SS reported that at the Finance and General Purposes committee it had been agreed that he should explore whether Solihull MBC were interested in re-visiting the possibility of siting a combined infant and junior school on Lyndon's land and rebuilding a section of the school's premises. As part of the agreement, the trust would contribute £1.5 million and would be provided with a classroom block with a value of c. £6 million to replace demolished buildings. The trust's ability to reconsider the proposal was in the light of increased reserves resulting from the conversion of the Sixth Form College into the trust.

CA, SR and SS had met with the local authority today (11 July).

SS highlighted the following points raised at the meeting:

- Risk would lie with the LA as the new build would take place before any land sale could be finalised
- Maintenance costs for the Lyndon building that would be demolished could be potentially around £0.5 million over a 3-5 year period to replace windows, pipe runs etc.
- Under the trust's current lease, Solihull MBC retain the right to a small area of land. As part of the agreement this would need to be "swapped" with the LA but would need agreement from the DfE.

- The need for amalgamated and enlarged primary provision is driven by increased pupil numbers in the area.
- The possibility of any new school joining the trust as a condition of the agreement was discussed but LA officers had suggested that the council members (and the governing bodies of the two existing schools) were very unlikely to agree to this. However, should the project go ahead, it was agreed that partnerships could be encouraged and nurtured.
- CA was clear that the LA knew that the trust could contribute £1.5 million potentially; however they would need to understand clearly that any contribution would be capped at that figure.
- The need to respond to the LA was emphasised; however BF commented that this was not a decision that could be made ahead of the formal constitution of the new board and the college (and the reserves) joining the trust.
- **RS asked how the potential investment would add benefit to the trust and RB asked if the Lyndon building needed to be replaced.** SS responded that whilst the building was not in great condition, that need not preclude great teaching taking place.
- SS pointed out that the contribution is for a building and services, but does not include fixtures and fittings or legal costs.
- **IC checked if the building currently housed the Solihull Music Service** – which is the case. Alternative accommodation would need to be sought, either elsewhere at Lyndon or at a different site.
- **AA commented that the trust could and should consider working with any new school, and noted how important location is to parents. He stressed that the building hasn't been improved over time and that he wholeheartedly supported the proposal and the need to be forward thinking.**
- CA cautioned that it was important to seek Abid Butt's view of the proposal and also to be aware of the significant disruption that would need to be managed. Planning would have to be meticulous to avoid a negative impact on the school's core work.
- **RS noted that it is not possible to equate £6 million to outcomes. He would question whether the trust's contribution could be used more effectively for resources to support improved outcomes.**
- **MC noted that in initial meetings, the LA had two other options. Were they still considering these and had the trust "bartered" about the level of contribution?** CA responded that the LA was clear that the figure of £1.5 million was non-negotiable.
- **VD asked what the effect on Lyndon and its students would be if the project did not go ahead. He suggested that a return on the investment could be in making the environment more attractive to students, creating a "feel good" factor and thus increasing student numbers. He also cautioned that any development timescales were almost certain to be subject to delays and it would be crucial to ensure that any partners in the scheme were working with the trust's interest at heart.**

BF suggested that whilst the current Board of Trustees could commit to being "seriously interested" in continuing to investigate the options, it was for the new Board, once constituted in September, to make a final decision. This Board would authorise a response to Solihull MBC, expressing ongoing interest but advising that a formal response could not be given until after the first meeting of the new Board.

Proposed: **Ateef Azam**
 Seconded: **Ian Carnell**

5. CEO Report – Catherine Anwar

Standards:

Primary information

MC presented the un-validated primary results overview 2017. The document showed results by school and across the trust with comparisons to last year and a breakdown of key groups. MC will circulate a written text tomorrow to support the data. Data will be sent to members of the Standards Group for further discussion. Please raise any issues identified to MC so that questions can be asked of the group.

MC highlighted the following:

- EYFS outcomes slightly below last year but assessed to be more realistic .
- Y1 Phonics tests – 3 schools are at national, Erdington Hall slightly below.
- KS1 Reading, Writing and Maths are slightly down on last year's figures. All groups are being assessed under new measures.
- KS2 – some good improvements particularly around achievement of disadvantaged pupils. Pupil Premium headlines to be sent tomorrow. Outcomes generally are below national and FFT50.
- Combined outcomes show large jumps for all primaries except Yarnfield but MC noted that they are still below national.

Secondary

GF explained that the data shows the final professional predictions for Y11 noting the following:

- It is difficult to make any meaningful comparison to 2016/17 as there have been new specifications for English and Maths and a new numerical grading structure in some subjects which has an impact of predictions for EBacc.
- Schools have been very careful about making predictions with little guidance from exam boards.

Please raise any issues identified to GF so that questions can be asked of the Standards group.

CA noted that since her report was circulated a RSC visit at Pegasus had taken place (Monday 10 July).

CA reported that Principals had all presented their plans for the Reboot being implemented at each school and CA praised the energy and commitment they had brought to the process. She urged Trustees to visit any of the schools on 04 September 2017 to see the plans being put into action.

New strap line:

CA presented the following proposal:

Strength through Diversity
Ambition through Challenge
Excellence through Curiosity

CA explained the rationale and reported that there had been no major objections from the staff consultation. **RB checked that this replaced the current Mission Statement and IC commented that it should be an integral part of each school's Re-Boot process and therefore a speedy agreement is crucial.**

KI asked what the process had been and CA confirmed that she had written the strapline and sent it to Principals for consultation who in turn had circulated it to all staff.

VD asked for clarification of the meaning of "Ambition through Challenge" and CA said this indicated that all pupils, whatever their background, would be challenged to reach for and gain the highest achievement. It was important that everyone is ambitious to raise standards for all students.

The proposal to email members of the Shadow Board not present at the meeting to ask for their agreement was accepted as follows:

Proposed: **Ateef Azam**
Seconded: **Vrigu Dey**

Staff Code of Conduct

CA reported that this had been sent to all staff for consultation. A number of queries around the dress code had been received in response.

Restructuring committee

CA reported that the committee had met this afternoon and had been updated with progress.

VD asked what processes were in place to ensure that staff members felt engaged with the process and whether guidance had been offered to them. He suggested that it would be good to complete the process by September; however CA explained that the consultation period would not be completed until 20 July. She confirmed that due process was being followed and there were three trustees on the Restructuring Committee. CA commented that a major issue was around staff perceptions of those currently eligible for ring-fenced posts; however CA intimated that any performance issues would be addressed by the capability process.

CA commented that the notes from the Restructuring committee meetings were available to Trustees (with the exception of those who would be serving on the Appeals Committee).

AA asked why three VPs were being appointed to Cockshut Hill and CA responded that Jason Bridges had put a compelling case around the need for the capacity to deal with the very specific social problems represented at the school. **AA noted a mistake in the costings** which CA agreed to correct.

Scheme of Delegation

CA and BF agreed that they would scrutinise the proposed Scheme of Delegation to clarify the roles and accountabilities of the Academy Councils to ensure there is sufficient monitoring and holding to account of key areas.

DW stressed that it was crucial that the Scheme of Delegation set out how different levels of governance are connected in terms of communication.

6. Attendance Support contract – Martyn Collin

MC introduced the proposal to continue to contract the Education Welfare Service to provide support to each of the schools with secondary schools receiving two days a week and primaries half a day a week on a fixed term contract basis.

RS commented that the service had been effective in embedding the attendance strategy in school and building confidence with attendance leads through specialist support.

AA asked how many students fall into the below 90% category and MC responded that this varies across schools. The contract will offer flexibility and be utilised according to need. Currently the greatest needs are at Cockshut Hill and Erdington Hall.

KC checked that financial procedures had been followed as the contract is over the £50k threshold; however, SR and MC noted that due to the niche nature of the provision it had not been possible to obtain alternative quotes.

The proposal was agreed as follows:

Proposed: **David Werry**
Seconded: **Vrigu Dey**

7. Speech therapy contract – Martyn Collin

MC explained this had been the first centrally commissioned contract and the proposal was to renew for a further year. The value of training for Teaching Assistants was noted although **RB stressed that the drive to ensure the service provided is used effectively needs to come from the highest level.**

BF suggested a termly report should be submitted to trustees to allow them to monitor the impact of the service. **RB checked that there would be flexibility in the contract to allow the provision to be directed to the areas of most need.**

VD stressed the need for the service evidenced by the SEND report and suggested that the trust would be failing students if the contract was not renewed.

It was agreed that the contract should be renewed as follows:

Proposed: **Richard Beamish**
Seconded: **David Werry**

8. Update on Solihull sixth form college conversion

HB reported the following:

- The Transfer Agreement has been signed by trustees of both boards and returned to Browne Jacobson.
- The Supplementary Funding Agreement has been agreed by the DfE and is ready for signature this evening.
- Updated Articles of Association approval awaited by the DfE (to add clause relating to provision for 16-19).
- The Land transfer document (TR1) should be agreed with a full report by the end of the week.
- TUPE completed from college side. Welcome letter to the trust for all employees from 01 August to be drafted and produced for circulation at appropriate point.
- Funding statement for the college for August received.
- All on track for 01 August 2017.

9. Finance

a. Minutes from Finance & General Purposes meeting on 12th June

The minutes of the meeting were accepted.

DW thanked SR and the finance team for their comprehensive planning and answering the “forensic” questions put to them at the Finance and General Purposes meeting.

DW noted the following:

- It had been more challenging to produce balanced budgets this year.
- It may be necessary in future for the Finance committee to discuss a “pooling” of GAG and reserves to ensure funds are allocated more equitably.
- SR noted that the reserves position must be reported for each school in the submission of budgets to the ESFA and trustees agreed that the Trust line should be used to avoid submission of deficit budgets for Erdington Hall and Pegasus.

b. Budget Pack – to be approved

DW confirmed that after significant scrutiny the recommendation from the Finance and General Purposes committee was to accept the proposed budget as presented. This was agreed unanimously.

Proposed: **Ateef Azam**
Seconded: **Vrigu Dey**

10. Risk Register

CA noted the following updates to the Risk Register

- 1.1.8 The increased risk in the light of the need for a primary Principal appointment.
- 2.1.1 New system in place for KS3 assessment, tracking and reporting. New system in place for primary assessment.
- 3.1.1 Proposed appointment of an HR director.
- 4.1.2 Principals’ meeting to include brief feedback on budget situation.

MC added that Section 5 addressing Safeguarding is new to the register and evidences the importance with which the Trust holds this aspect of its work. MC also reported on the effectiveness of the external Safeguarding reviews that were taking place in each school.

KC noted the forthcoming changes to Data Protection compliance and the need to recognise this risk. BF pointed out that there were 2 x sections 1.1.8

11. Feedback from Academy Councils (AC Chairs to lead)

Cockshut Hill

RB congratulated the school on achieving the Rights Respecting Level 1 award – only the second school in Birmingham to do so. He also noted the success of the “Great Get Together” event in commemoration of Jo Cox.

Ninestiles

VD reported on a good Academy Council meeting and noted the retirement of Kevin Hartwell after 37 years of service. Kevin is highly respected and will be greatly missed.

Pegasus

DW noted that there had been much discussion about the Ofsted inspection. DW congratulated DS and his team on the outcome of RI but also recognised that there remained significant improvements to embed.

DW also reported that a councillor had requested that further training is made available.

It was noted that a rolling programme of training should be implemented and BF and KC offered to take ownership of this. It was suggested that the new Board should appoint a trustee with specific responsibility for training.

Yarnfield

IC congratulated the school on achieving the Rights Respecting Award Level 1.

GF noted that The Oaklands and Ninestiles have also achieved the RRA Level 1 this week.

12. Policies

a. Staff Code of Conduct (draft and subject to staff consultation)

BF noted the following amendments needed:

- School – >Trust
- Confidential – > kept confidential
- Monitoring and review – > CEO

Trustees agreed the Code subject to the amendments noted and final consultation with staff.

b. Capability Policy (for review)

BF noted the following amendments needed:

- Include people without a school appointment (ie central trust team)
- Procedure for meetings: companion -> recognised trade union representative or a work colleague

c. Fraud Policy (for review)

d. Freedom of information statement (for review)

It was agreed that this policy should be re-visited early next year in the light of the forthcoming changes to ICO legislation.

e. Leave of Absence Policy (for review)

Add “should there be a concern about the absence of a Principal this should be referred to the CEO (and reported to the Chair of the Board)”

f. Maternity Policy for non –teaching staff (for review)

g. Maternity Policy for teaching staff (for review)

h. Pay policy for teachers (for review)

All policies reviewed were accepted subject to the amendments noted (and with the completion of the final staff consultation for the Staff Code of Conduct) as follows:

Proposed: **Ateef Azam**
Seconded: **Vrigu Dey**

13. Minutes and matters arising from meeting held on Tuesday 2nd May

The minutes of the last meeting were accepted as a true and accurate record of the last meeting.

Proposed: **Ateef Azam**

Seconded: **Ian Carnell**

14. Summary of actions agreed during meeting

AGENDA ITEM	ACTION	BY WHOM
4 (11.07.17)	Report back to Solihull MBC on the Board's decision re the Chapelfields/Lyndon project	CA
4 (11.07.17)	Agenda item re the Chapelfields/Lyndon project at first new Trustee Board meeting	CA
5 (11.07.17)	Send out written text to support primary data presented	MC
5 (11.07.17)	Visit schools on 04 September 2017 to see Re-Boot being implemented	ALL
5 (11.07.17)	Email new board members to seek their agreement for the proposed strapline	CA
5 (11.07.17)	Correct figures in Restructure Business Plan	CA
5 (11.07.17)	Scrutinise Scheme of Delegation to ensure appropriate lines of accountability and communication are in place	CA/BF
7 (11.07.17)	Provide termly report to Trustees on effectiveness of the Speech Therapy provision	Principals
10 (11.07.17)	Correct the numbering in section 1 of the Risk Register	HB
10 (11.07.17)	Update the Risk Register to reflect new Data Protection legislation	CA
11 (11.07.17)	Agree Governor training programme for 2017/18	KC/BF
12 (11.07.17)	Make amendments to policies agreed at meeting	HB
12 (11.07.17)	Re-visit the Freedom of Information policy early in 2018 in the light of changes to ICO legislation	CA
15 (11.07.17)	Arrange for a Ninestiles email account to be set up for KC	HB
15 (11.07.17)	Pass on thanks on behalf of the Trustees to staff and students involved in successfully completing the RRA Level 1 Award	Principals

15. Any Other Business

- KC asked if a Ninestiles email account could be set up for her.
- CA suggested that Trustees may wish to bring their own IT devices to meetings to preclude the need for large amounts of paperwork.
- Trustees asked Principals to pass on their thanks to all staff and students involved in successfully completing the Level 1 RRA.