

**MINUTES OF A MEETING OF THE GOVERNING BOARD OF THE FERMAIN  
ACADEMY HELD AT THE SCHOOL ON 2<sup>ND</sup> DECEMBER 2015**

<b>Governors Present:</b>	Chris Hindley Nic Brindle Stephen Armstrong Emma Coley Martin Howlett John Hughes	Chair Principal (until item 12) (until completion of item 11)  (until completion of item 12)
<b>Also in attendance:</b>	Joe Carter Lee Cambray Alastair Stoddart Chris Heptinstall Mike Benson Nicola Charles	Clerk to Governors Observer (Deputy Principal) Observer (from Item 5) Observer (for Item 10 & 11) Murray Smith LLP Auditors (for Item 10) Murray Smith LLP Auditors (for Item 10)

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**PART ONE – NON-CONFIDENTIAL BUSINESS**

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*The meeting started at 4:13pm.*

**1. APOLOGIES AND ADDITIONAL ANY OTHER BUSINESS**

The following apologies were received and accepted:

- Mervyn Harding
- Crawford Prentice

The Governing Board discussed whether they should publish the attendance of the Governors on the school web site. They decided that at this time they would not publish attendance data of Governors, however would discuss Governors absence if more than two meetings were missed consecutively.

There was no AOB raised.

**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 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.

Annual declarations were completed by the Governors present and handed to School for their records.

**Action:** Remind Governors who were absent from the meeting to complete the annual declaration and return to school (Clerk).

### 3. CONFIRMATION OF CHAIR AND VICE CHAIR

The Chair and the Vice Chair of the Governing Board were confirmed and agreed for a term of office of one year; until the autumn term 2016 Governing Board meeting as follows:

- Chris Hindley as Chair.
- Stephen Armstrong as Vice Chair.

### 4. MEMBERSHIP

The Members present confirmed that the following arrangements for appointments of Governors are as follows:

- Chris Hindley was appointed as a Governor by YFL from 1<sup>st</sup> September 2015 for a four year term of office (until autumn term 2019).
- Martin Howlett was appointed as a Governor by YFL from 1<sup>st</sup> September 2015 for a four year term of office (until autumn term 2019).
- Mervyn Harding was appointed as a Governor by YFL from 1<sup>st</sup> September 2015 for a four year term of office (until autumn term 2019).
- Crawford Prentice was appointed as a Governor by the Members from 1<sup>st</sup> September 2015 for a four year term of office (until autumn term 2019).
- John Hughes was appointed as a Governor by the Members from 1<sup>st</sup> September 2015 for a four year term of office (until autumn term 2019).
- Stephen Armstrong was appointed as a Governor by the Members from 1<sup>st</sup> September 2015 for a four year term of office (until autumn term 2019).
- Nic Brindle, the Principal was appointed as a Governor by the Members whilst in the position of Principal of The Fermain Academy.
- Emma Coley was appointed as a Staff Governor on 1<sup>st</sup> September 2015 for a four year term of office (until autumn term 2019).

The Principal confirmed that two parents have expressed an interest in taking on the role of Parent Governor; with the possibility of a third parent.

The Chair confirmed that the process needs to be an open election process and as stated in the Articles ideally a parent of a registered pupil; or where it is not reasonably practical to do so, a person who is the parent of a child of compulsory school age (see Articles 53 to 58).

There was no update at tonight's meeting from the Training and Liaison Governor as absent.

**Action:** Present an update of the Governors skills audit at the spring term 2016 Governing Board meeting (Crawford Prentice).

**Action:** Issue the Skills Audit questions to Emma Coley for completion and distribution to Crawford Prentice (Clerk).

## 5. PART ONE MINUTES

The part one minutes of the meeting held on 1<sup>st</sup> September 2015 were confirmed as a correct record, and signed by the Chair.

The following matters arising were discussed:

- The Principal confirmed that the works to the school roof had been completed.
- The Governing Board discussed the need to ensure that paperwork is circulated in advance of the meetings (ideally seven clear days before the meeting, with the agenda). The Governing Board agreed that once the Committee minutes have been approved by the Chair of the Committee and the Principal they would be issued to the Governing Board (note: the minutes remain draft until the following terms meeting where they are agreed and signed off by the Chair).

The action log from the Strategy Meeting on 20<sup>th</sup> October 2015 was reviewed and updated; see the autumn term 2015 Fermain Academy action log.

## 6. CHAIR'S ACTIONS

The Chair reported that no action had been taken on behalf of the Governing Board since the last Governing Board meeting.

## 7. COMMITTEES AND NOMINATED GOVERNORS

a) Membership of Committees and Chair of Committees for the 2015/2016 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 Stephen Armstrong John Hughes	<u>Governors</u> Mervyn Harding, Chair Nic Brindle, Principal Crawford Prentice
<u>Observers</u> Lee Cambray, Deputy Principal Alastair Stoddart	<u>Observers</u> Chris Heptinstall, SBM HR Specialist (TBC via Crawford Prentice)

- b) The Clerk advised the Governing Board to review the list of delegated functions and decide what can be delegated to Committees and Individuals. The Governing Board agreed to use the Committee terms of reference as a guide for delegated authority at this stage and review during the spring term 2016.
- c) The terms of reference for each of the Governing Board Committees as circulated were agreed and adopted:
- Standards Committee
  - Resource and Audit Committee

The Chair of the Standards Committee agreed to include the Scrutiny Sub-Committee terms of reference into the Standards Committee terms of reference.

### Monitoring and Scrutiny

Stephen Armstrong and Chris Hindley met with Jayne Lowe, Education Adviser from the DfE. She provided positive feedback on the decision to have a data scrutiny sub-committee. Stephen Armstrong and Martin Howlett will meet with the Principal every half term to review student data and to gain a thorough understanding of each student's progress. Stephen Armstrong has drafted a Communications map between Governors which will support Governors in identifying how well the school is doing against the School improvement plan. The Communications plan includes a Monitoring Cycle with dates and terms when particular scrutiny will occur and defined targets for the Principal and Staff.

Governors will pair up with a member of Staff and aim to visit school at least once per term. For example John Hughes to pair with Lee Cambray with responsibility to check the central register, DBS register and check pastoral input.

#### **Question: Will we be able to receive RAISEonline data for each student?**

*Response: Currently as each student is dual registered The Fermain Academy does not have direct access to the data; the data comes from the commissioning schools. When a student is part time the data is difficult to analyse.*

The Governing Board agreed that the RAISEonline data must be provided. The Principal confirmed that Jayne Lowe, DfE advised that if data is difficult to obtain from the commissioning schools, the Governing Board could contact the schools to ask them to supply the data.

**Action:** Issue a letter to the referring schools Chair of the Governing Board, from The Fermain Academy Governing Board to ask for RAISEonline data of students to be provided (Chair).

**Action:** Update the Communications Map with suggested pairings of Governors and Staff and dates for visits (Stephen Armstrong).

**Action:** Issue the Communications Map to all Governors (Chair).

- d) 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 - Stephen Armstrong and Crawford Prentice.
- e) The following Governors were appointed to carry out the Principal's Performance Management:
- Stephen Armstrong
  - Chris Hindley

The Governing Board agreed that the appointment of an External Advisor to the Principal's Performance Management panel is not required at this time. Instead the Principal has agreed to the appointment of an External mentor. Stephen Armstrong and Chris Hindley will attend training on the review process during the spring term 2016. Nic Brindle will attend training on the performance review of staff.

**Question: Do we need to appoint an External Adviser who can independently question any decisions made by the two appointed Governors?**

*Response: The Principal has agreed that at this stage the addition of an external mentor is more beneficial; and as the process is flexible, it can be changed if necessary.*

- f) The Governing Board agreed to the appointment of the following Staff and Governor Link Roles:
- Safeguarding – Martin Howlett.
  - Looked After/Cared For Children – John Hughes.
  - SEND – Stephen Armstrong.

## **8. GOVERNORS CODE OF PRACTICE/GOVERNORS CHARTER**

The Governing Board agreed that they should adopt a code of practice/governors charter for The Fermain Academy Governing Board and for all Governors to sign a copy of the code.

**Action:** Adapt the Governors Charter/Code of Conduct for The Fermain Academy and issue to all Governors to sign and return to school during the spring term 2016 (Mervyn Harding).

## **9. PART ONE REPORTS FROM COMMITTEES AND REPORTS FROM GOVERNORS WITH SPECIAL RESPONSIBILITIES**

The following Committee minutes had been received and the following discussions arose:-

### Standards Committee, 11/11/15

The Chair of the Standards Committee confirmed that it had been a productive meeting, with challenge on performance, achievement and progress to the Principal and the Deputy Principal. At the time of the meeting, as school had only been open for two months it was difficult to see raw pupil data. However it was very clear that attendance and behaviour was good. The Committee was comfortable that learning would follow this.

The Committee wanted to see raw data on student progress; and agreed to set up a Scrutiny Sub-Committee who would meet each half term. The Chair confirmed that the sub-committee will have the first meeting on 16<sup>th</sup> December 2015 to support the school data systems.

Data on the progress of students and the quality of teaching will be available to share with the Governing Board during the spring term 2016. The scrutiny sub-committee aim

to present information on the percentage of children making good progress. The Principal stated that he had taken back improvements from the Committee meeting and fed into school.

**Question: How often will Jayne Lowe, DfE visit school?**

*Response: Jayne's next visit will be during the third term; with her final visit during the fourth term. After the final visit school may buy in her services as a School Improvement Partner (SIP).*

The Chair congratulated the Staff following feedback from Jayne Lowe; who had deemed the quality of learning and teaching for some lessons as outstanding.

Resource and Audit Committee, 19/11/15

The Committee had agreed the appointment of the Auditors of the accounts for the end of year 31<sup>st</sup> August 2015 and agreed on the recommendation of an Auditor for the current year for Governing Board approval.

The Committee had agreed the appointment of a HR Specialist from Cheshire East, at a cost of £1,500 for this academic school year, with no limit on the number of days.

The scheme of delegation (which specifies who can sign off transactions) was agreed following some minor changes including the addition of a minimum limit of £2.5k in line with the credit card limit.

**Question: Is there a HR advice line?**

*Response: Yes, also if there is a particular issue that the Principal can not action, the HR team would represent the school.*

The Committee agreed to discuss the Reserves Policy in more detail at the spring term 2016 meeting.

**Question: The budget has rolled over £60k plus £18k VAT; are there any tax implications?**

*Response: School can carry forward this amount as an opening balance. Academies must have an opening balance in order to stay open.*

**Question: Can the DfE restrict the carry forward?**

*Response: Academies must be able to survive a significant dip in funding or a significant maintenance cost, for example roof or fencing repairs.*

**Question: Will such a significant carry over restrict the ability of the Academy to raise funds from other sources?**

*Response: The advice that school have been given is that the carry forward will not have an impact on raising funds from other sources.*

**Question: Why not spend the surplus on students?**

*Response: Given the uncertainty of student numbers, school require a contingency plan to cover items that the funds could be spent on.*

The Governing Board agreed that TFA must have a considerable amount of money available to cover for the uncertainties. The Principal stated that he had cut the budget when he started and that he plans to carry forward between £50 to £100k each year.

The Principal confirmed that if the number of students falls by ten, then the budget impact is circa. £45k. School have to retain staffing levels and the curriculum range which supports the need of a buffer to sustain this.

The ongoing annual budget is expected to be circa £500k.

## **10. PRESENTATION OF LEGAL ACCOUNTS AT 31<sup>ST</sup> AUGUST 2015**

The Auditors, Murray Smith, presented a report on "Audit Highlights and Management Letter Year ended 31 August 2015".

The Partner, Mike Benson confirmed that Murray Smith act for a number of local sixth form colleges; however that The Fermain Academy will be their first Academy.

Nicola Charles presented the Audit Highlights and reminded the Governing Board that in accordance with guidance from the funding bodies; external auditors are required to submit a management letter to the Governing Board.

Murray Smith confirmed that they are issuing an unqualified audit report on the financial statements and regularity (a Clean Audit Report).

The Auditors thanked the SBM for the provision of data.

### **Question: Do you audit any Academies?**

*Response: TFA will be our first Academy. Clients that we audit include Sir John Deane's College for the last twenty years; Priestly College for the past two years and over the last three years Mike has served as a member of the Audit Committee for a number of College's.*

### **Question: Do you have a comparison to the £60k carry forward?**

*Response: Most Academies are conversions, therefore no comparison available.*

### **Question: In regards Internal controls, have you worked with organisations who have achieved Financial Management Awards?**

*Response: No, because of TFA size the focus will be on pulling together practical and straight forward controls; setting limits and adhering to them. We (Murray Smith) will ensure that this Governing Board has set the procedures and that they are followed.*

The Principal stated that the service that Murray Smith has provided has been beyond just looking at TFA accounts.

The Audit cost for the year up to 31<sup>st</sup> August 2015 (preopening grant) was £1.75k. The cost for the current year would be £3.5k which includes:

- External audit of the Academy's annual accounts in accordance with all relevant guidance.
- Guidance on disclosure requirements to comply with relevant accounting standards.
- Conducting Regularity Audit.
- Audit of Teachers Pension Fund contributions.
- Production of Audit Highlights document detailing the main findings from the audit.
- Attendance at relevant meetings to present the Audit Highlights Report.
- Telephone and email support and advice during the year.

The Auditors confirmed that they have set their costings based on TFA current position; and that they value the impact that school are making to students lives.

**Action:** Sign the Audit Engagement Letter by the end of the autumn term 2015; as presented by the School Business Manager (Chair).

The Chair thanked the Auditors for their work to date.

## 11. OTHER FINANCIAL MATTERS

### Appointment of the External Auditors

The Auditor quotes and preferred supplier had been issued to the Governing Board in advance of the meeting. The SBM re-stated the preferred Auditor and the reasons for this. The Governing Board agreed to the appointment of Murray Smiths for the period 1<sup>st</sup> September 2015 to 31<sup>st</sup> August 2016.

### Confirmation of Governor Expenses

The SBM confirmed that the Governor Expense Budget had been reviewed at the Resource and Audit Committee meeting and agreed at £1.5k.

### Confirmation of HR Services

Agreed in Item 9.

### Building Works

Discussed in Item 12.

### Use and impact of the pupil premium

Discussed in Item 12.

## 12. PERFORMANCE DATA

The Principal issued a report, "The Fermain Academy Autumn Report 2<sup>nd</sup> December 2015".

The Principal presented the following updates:

- Student Placements – during the first term thirty students of the thirty three commissioned were dual registered.

**Question: How many students are full time and what has the behaviour been like?**

*Response: Currently school have twenty four full time students and student behaviour has been good.*

- The Principal stated that he would like to remove one and two day placements from the current offer.

- The LA would like more places and may be prepared to pay an additional £10k top up funding. School will review this option during spring 2016.
- TFA may take out the middle step and go straight to a student total of forty; however the issue would be the staff provision. Governors were asked to note that if school increase the student numbers it could change the dynamics; as currently school have small class sizes. Governors agreed that the most important factor is the quality of education provided and that when school have more space and more staff then the increase in student numbers is more manageable.
- There are a number of schools buying in.
- Macclesfield local authority is trying to get additional funding and TFA are linked into this process.
- There has only been one week where a student didn't come in; the dynamics are continually changing and the staff are managing really well.
- Each student accounts for 3% on the previous 'v' current attendance figures.

*Stephen Armstrong left the meeting.*

- The Principal agreed with a referring school to recode some students who make up time at the end of the day for their late arrival to school in the morning.

**Question: How many students travel from a considerable distance into school?**

*Response: We currently have two students who travel from Stockport, one from Altringham and one from Crewe.*

The Governors thanked the Staff for the attendance of the students.

- TFA is doing very well with closing the gap on SEND, Children in Care and Pupil Premium Students.
- The average percentage increase in attendance across the cohort is 36%.
- The Principal explained the 10% progress levels for assessment.
- TFA remind referring schools that TFA are not a Permanent Exclusion provision, however that school do offer a review of children with Permanent Exclusions.
- Personal and Social Development (PSD) progress is tracked on a half termly basis which provides areas for development for each student.
- A Student Council is being elected on 4<sup>th</sup> December 2015 who will meet once a half term to produce a student newsletter and help monitor the school Facebook and Twitter.
- The Curriculum offers six classes (three core and three optional).
- School are in the process of being set up as a Registered Exam Centre (due for approval 4<sup>th</sup> December 2015) so they can offer qualifications and awards. There will be extra costs for late registration of students which school will pass to the referring schools.
- The Principal and Deputy Principal have completed a number of "good" lesson observations, learning walks and book scrutinises.

**Question: Why are they joint lesson observations?**

*Response: In order to standardise the results.*

- Staff morale is generally high; it is a great team who have bonded well.
- The Principal thanked the Staff who he said regularly go beyond the call of duty and are happy to ask for support where required.

The Governors commented on the morale being very high and also thanked the Staff.

- There is a potential Build issue as currently the demolition of an internal stairwell would impact students at the beginning of the exam period. The Principal confirmed that during the first and second week of May 2016 the secure room (exam paper storage) can not be touched. The Principal confirmed that he is keeping a close eye on the impact to students of the building works.
- There is a potential heating issue if the temperature drops below freezing. The Governing Board agreed to incur additional costs if additional heating is required.
- The Governing Board discussed the fact that there has been no site manager/maintenance appointment. The Principal had planned to use the budget from this role for the appointment of a staff member to manage student behaviour; which would be a slightly higher cost than the site manager budget. The responsibilities of this individual would be on student behaviour and welfare, and teaching. The Governing Board advised the Principal to ensure the cost of a Site Manager is submitted to the Resource and Audit Committee for inclusion on the budget.
- The Governors would like to see the building being used as a Community Asset going forward; where every school holiday the local community get to use the facilities.

Behaviour

The Deputy Principal provided an update on the Behaviour and welfare of Students and the Behaviour Analysis by week. He explained two dips in the weekly behaviour; one being a factor of over input from staff prior to education of the data to be recorded and the second where there were issues with a small number of students. School can drill down to the detail and manage the issues on an individual student level.

**Question: How many students are from the Pupil Referral Unit (PRU)?**

*Response: 3.4 student places are from the PRU, with 10 from the LA.*

Safeguarding Report

The Deputy Principal issued a Safeguarding and Child Protection Report and confirmed that TFA have a variety of Agencies working with school.

The Safeguarding Governor (Martin Howlett) asked that he is advised when school have any Child Protection Cases and how school are supporting the student and managing the risks.

The Deputy Principal issued a Safeguarding Disclosures Update and confirmed that this is regularly monitored by TFA.

### **13. PRINCIPAL'S REPORT AND MATTERS ARISING**

The Principals' report was presented and discussed in Item 12.

### **14. SCHOOL IMPROVEMENT INFORMATION**

School have received a visit on 18<sup>th</sup> November 2015 from Jayne Lowe, DfE who was extremely happy with the work of all the Staff.

### **15. ATTENDANCE TARGETS**

The attendance target for the year was agreed as 90%.

### **16. DIRECTOR'S REPORT**

The Director's Report for the Autumn Term 2015 contained the following matters:

- Governance and Liaison Update
- Children Missing Out on Education
- School's Level of Support and Intervention, School Improvement, Partnership and Advocacy
- Attendance Guidance
- Inspecting Safeguarding
- Extremism and Radicalisation Prevent Duty
- Keeping Children Safe in Education Update
- The Importance of Religious Education
- Virtual School for Cared for Children
- Implications for Schools on the Living Wage
- Model Education HR Policies for Schools and Academies
- Education HR Safer Recruitment Training
- Responsibility of Schools for Learning Outside the Classroom
- Consultation on Admissions Arrangements 2017/18
- Free Early Education for 2 Year Olds
- Cheshire East Internal Audit – 14/15 Findings
- Finance Update – Salary Overpayment Audit Report, Schools Financial Value Standard

The Clerk highlighted to Governors the report and the Governors noted the report.

### **17. GOVERNOR MONITORING, TRAINING AND DEVELOPMENT**

There was no update at tonight's meeting from the Training and Liaison Governor as absent.

**Action:** Re-issue the Training Package to Governors for each to review the list and identify specific courses that they would like to attend (Clerk).

**18. SCHOOL POLICIES**

The Principal confirmed that there were no polices requiring approved at todays Governing Board.

**19. PLANNED RESIDENTIAL VISITS**

The Governing Board was informed about the planned residential visit to:

- Wales, summer term 2016.

The Principal confirmed that TFA would be the only school on site, and that appropriate risk assessments would be carried out prior to the visit.

**20. ANY OTHER BUSINESS**

The Governing Board formerly thanked all the Staff for an incredible job and progress this term.

**21. MEETINGS**

It was confirmed that the next full Governing Board meeting would be held at the School on Tuesday 8<sup>th</sup> March 2016 at 4:00pm.

*There were no confidential part two items.*

*The meeting finished at 7:10pm.*

----- Chair

----- Dated