

# Governing Board

Tue 11 October 2022, 16:30 - 19:00

GW B Parsons Walk, Wigan



## Attendees

**Present:** Ann Harrison (Chair), Kath Causey (Independent Governor), Jenny Bullen (Independent Governor), Andrea Ferguson (Independent Governor), Harinder Dhaliwal (Independent Governor), Hayley Mercer (Independent Governor), Tom Mooney (Independent Governor), Nazia Rehman (Independent Governor), Anna Dawe (Principal), Jennifer Connor (Staff Governor), Rebecca Turley (Staff Governor), Jomana Aref (Student Governor); Millie Gallagher (Student Governor)

Susan Snape (Independent Governor) and Alison McKenzie-Folan (Independent Governor) joined the meeting via MS Teams.

**In attendance:** Joanne Platt (Director of Governance), Steve Scott (Finance Director), Anne Marie Francis (Vice Principal – Curriculum), Alison Rushton (Vice Principal – Employment and Skills), Louise Brown (Vice Principal – Corporate Services), Dave Harrison (Vice Principal Data and Funding)

The meeting started at 5pm. The Director of Governance confirmed that the meeting was quorate.

The Chair welcomed Nazia Rehman to her first meeting of the Governing Board.

## Meeting minutes

### 1. Board Development: FE Funding

The Board Development session on FE Funding started at 4.15pm and was attended by Dave Harrison (presenting), Andrea Ferguson, Hayley Mercer, Nazia Rehman, Jennifer Connor, Rebecca Turley, Tom Mooney and Jomana Aref.

### 2. Apologies for absence

GB-22-10-01

Apologies for absence had been received from Susan Spibey and Steven Tomlinson.

### 3. Declarations of Interests

GB-22-10-02

Harinder Dhaliwal declared an interest in Item 17 and left the meeting for that item. Joanne Platt declared an interest in Item 15 as she is affiliated with the Association of Colleges to undertake External Board Reviews.

### 4. Minutes of the previous meeting and matters arising

GB-22-10-03

The Board agreed that the minutes of the meeting held on 5 July 2022 were an accurate record of the meeting.

It was noted that the action for Minute No. GB-22-07-04 was complete and was on the agenda at Item 16 below. In relation to the action for Minute No. GB-22-07-22, it was noted that the Memorandum of Understanding had still not been received from the DfE.

**Resolved:** The Board approved the minutes of the meeting held on 5 July 2022.



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The Principal provided her strategic update to the Board. This included a discussion on the ONS review launched in the summer, to see if colleges should be brought back into public sector for financial reasons and it was noted that any changes would not take effect until 2025 and as such college borrowing rules will remain in place until notified differently. Whilst this may be a positive move for the College in terms of future funding negotiations, VAT relief and business rate compensation, there is uncertainty in the sector in relation to how it may impact on requirements in meeting local skills needs and deepening devolution. A further discussion in relation to this took place under Item 6.3 below.

The Board considered changes to the GM Colleges Group which is now chaired by the Colleges' Principal supported by the former AoC's regional advisor who has been appointed as the Group's new Policy Advisor. It was noted that bids are being developed for the Sector Development Fund to develop short courses in higher level construction skills (working with GMCC, GMLPN) and linking into the LSIP pilot and Innovate GM.

The Board discussed bids being developed for investment for the higher level technical skills framework, including funds for staff development, specialist equipment and capital investment based on GM Investment Corridors. These funds will also support establishment of a L4/5 Framework, and GM Investment Corridors, where Wigan is partnered with Bolton and has a focus on logistics and food production. The Board discussed the need for GM to aim for higher level technical jobs in the region. Governors also expressed concerns over the Investment Corridor categorisation of the Borough and agreed that some lobbying needs to be done to inform the position of Wigan Borough.

In terms of the Devolved AEB budget, the Board noted changes to allocations for 2023 with a focus on more place based solutions, a need to increase engagement within the Borough, to increase level 3 activity leading to higher level technical skills, and the need to reduce the number of residents with no qualifications. It was noted that the College and Wigan BC are the largest AEB providers and need to work together for a place based solution.

In terms of Quality, achievement rates both at the College and nationally were discussed and it was noted that work is underway to prepare for an anticipated Ofsted inspection, the SAR for 2021-22 is being finalised and new approaches to teaching, learning and assessment are being implemented with a revised curriculum intent (LEAPs) and launch of the Teaching and Learning Academy.

In terms of Place and Productivity, the IoT license is due to be signed before the end of the year and a new Director of the IoT has been appointed. Employer engagement work is progressing well, with business breakfasts, Employer Forums and other work with large local employers.

In terms of Investment for the Future, enrolments are positive, and should lead to growth next year, and Apprenticeship starts are ahead of profile and predicted to exceed income targets. Estates projects over the summer have been completed, including refurbishment of the 400 floor, which was completed on time and to budget.

The Board noted challenges ahead with the cost of living crisis and skills shortages. However, it was noted that the College 21-22 budget will maintain outstanding financial health, with the 22-23 budget currently on track and risks being managed effectively.

The Board noted the update.

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## 6. Strategic Reporting



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The Board considered the annual reports on performance against each of the strategic ambitions and key strategic actions and the KPI performance dashboards.

In relation to Quality, key achievement highlights include improved achievement rates for Apprenticeship programmes, improved HE student satisfaction, delivery of the FEPDG pilot staff development programme, T-level enrolment and delivery of work placements for T-levels and mandatory requirements arising from the Pandemic and an increase in requirements.

In relation to Place and Productivity, key achievement highlights include the establishment and launch of the Education and Skills Partnership, including the opening of the CATs building, the reshaping and delivery of AEB funding including significant increases in delivery of SWAPs, traineeships and wider employability programmes through community based learning, which is due to increased partnership working with Wigan Borough Council, DWP and local key employers, a significant increase in employer engagement activity with the delivery of bespoke training, the launch of business breakfasts and 'Meet the Employer' events.

In terms of Investment for the Future, key achievement highlights include the further development of strategies to secure and retain staff, resulting in a reduction of new staff leaving employment in their first year, high engagement in well-being activity, recognition of work undertaken by GM Good Employment Charter and top 100 place secured for the Best Companies Survey. Further significant investment has been made in estate and infrastructure, including the commencement of the DfE Transformation project with a decant into refurbished space in Parsons Walk from the School for the Arts, a newly refurbished reception area for Leigh Adult Learning Centre, the roll-out of VDI technology, upgrading of Wi-Fi providing faster service to staff and students and significant increase in cyber security with multi-factor authentication requirements for all staff. All of this has been achieved whilst maintaining a balanced budget with full compliance with banking covenants and outstanding financial health.

Some areas of concern were discussed and the Board was assured that strategies are in place to address these. Student behaviour was discussed and it was noted that this national issue arising as a result of the Pandemic appears to have been resolved at the College, with a more positive start to the new academic year, which was confirmed by student governors.

Governors asked if the Pandemic had impacted on the College in 2022-23 and it was confirmed that actions to address issues arising from a return to site in September 2022 had been successful.

The Board discussed the impact of the economic crisis on staff and students and were assured by the things in place to provide support for those who need it.

The Board thanked the Executive Team for a successful year.

The Board noted the end of year position.



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The Board considered the start of year chapters and dashboards, which include targets for 2022-23. It was noted that targets have been set using a combination of the end of year out turn position and, where available, the most recent and relevant benchmarking data, although targets may be updated in committees in response to subsequent benchmarking data being made available.

In terms of Quality, key actions in 2022-23 include the launch of the updated Teaching and Learning Strategy (LEAPs) and the establishment of the Teaching and Learning Academy, an updated data dashboard and refreshed targets for Apprenticeship performance that reflects the new accountability measures, further development of the curriculum including an on-going review of the implementation of T-levels and HTQs, and the expansion of employer engagement activity and the role of the employer in the design of the curriculum and enhancement of the learner experience.

In terms of Place and Productivity, key actions in 2022-23 include collaboration on projects such as the development of the Local Skills Improvement Plan, L4/5 Higher Technical Skills Framework (GMCG) and Innovate GM, the review of AEB activity in partnership with Wigan Council and preparing for 2023 delivery in response to new GMCA priorities, and responding to and implementing new strategic reporting, governance and collaborative working in relation to the new meeting local skills requirement.

In terms of Investment for the Future, key actions in 2022-23 include the further development and implementation of staff engagement and remuneration strategies in response to skill shortages and external economic challenges, progress of the the Transformation project and the sustainability agenda and work towards meeting the targets within the Climate Roadmap, and development of new efficiency strategies in response to inflation and the energy crisis, which will be supported by improved use of the new finance system and a newly structured finance team.

Some areas of concern were discussed and the Board was assured that strategies are in place to address these. The Board discussed the roll out of T-Levels both at the College and nationally and were assured that the College's strategies in relation to this are appropriate.

The Board discussed the impact of the economic crisis on the College's plans for 2022-23 and were assured that its prudent budgeting in relation to increased energy and social care levy costs had left the College in a strong position to address this.

The Board noted the priorities and KPI dashboards for 2022-23.



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The Board considered a report on the new duty on Governing Bodies arising from the Skills & Post-16 Education Act, to review how well their college is responding to meeting skills needs. The report proposed a new cycle of reporting to ensure that Governors identify and agree the priority skills needs for the borough (Wigan) and at a regional level (GM) and can assess whether the curriculum plan and curriculum activity align to respond to those needs.

The new cycle will begin at the Governors Strategic Workshop in January, where Governors will annually review skills priorities and identify those to which the curriculum offer should respond. It will provide an opportunity to update Governors on local and regional skill needs and will involve external guest speakers, executive reports and local market intelligence data to help to identify and refine the strategic priorities for the curriculum planning process across all the programme areas.

In July each year, the Governing Board will then be asked to approve the curriculum plan for the following academic year (as currently happens), but with more emphasis on meeting skills needs and responding to the priorities highlighted at the Strategic Workshop. This presentation will be a culmination of updates provided to the Curriculum and Student Matters Committee and the Board throughout the year.

In October each year, a curriculum plan update will be provided to the Board detailing the actual plan post-enrolment. This will enable Governors to see sectoral activity levels, patterns in enrolment amongst age groups and the enrolment demographic as it relates to the needs of the Borough e.g. reduction of NEETS, activity in priority / frontier sectors, increased activity amongst level 4 and above qualifications. The first reporting within this cycle is due at this Board meeting with an update on the current curriculum plan, activity levels engaged with the plan and an update on in-year activity subsequent to September starts at Item 7.

Governor stakeholder engagement will be via attendance at events such as employer forums, link visits, Meet the Employer events, the GMCG Chairs Group and educational networking events.

Governors are expected to undertake further responsibilities under this duty, namely to undertake a review of how well skills needs are being met, although it is not yet clear how such reviews will be conducted or the timing of them. However, Governors are expected to take account of local skills improvement plans and liaise with employer representative bodies, the governing bodies of other providers, local authorities and internal stakeholders and to publish their findings on the college website in the form of a skills statement.

It was noted that details of these additional requirements are currently uncertain. Local skills improvement plans have not yet been fully rolled out nationally, though the SDF project on behalf of the GM Colleges group is a pilot to build the capacity and infrastructure around such a process and brings providers and the GMCC (ERB) together with the specific aim of commencing work on the LSIP for GM. Other established groups such as the GM Chairs group could align its activities to more joint working around skills needs within GM and the GMCG itself is already working collaboratively to deliver on GM regional priorities.

The College is currently waiting to see if further guidance or examples of best practice emerge. Deepening devolution may well provide some opportunities or systems of working in response to the requirement but this is currently uncertain.

The Board agreed that to fulfil the new requirements, it is necessary to extend the annual Strategic Workshop to 1.5 days.

**Resolved:** The Board approved the arrangements proposed for Skills and Local Needs Planning.



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The Board considered a report and presentation on the Curriculum Plan which detailed provision type, learner numbers, sector areas and the demographic of the learner landscape summarised for Adult learners, 16 – 18 students, Apprenticeships and those on HE programmes based on enrolments at the start of the year.

It was noted that adult enrolment has increased this year, due in the main to ESOL at Entry and Level 1. A revised curriculum plan, providing a vital pathway to higher level learning has been introduced in this area which has contributed to this growth. 16-18 recruitment is also strong and the highest proportion of learners are studying at Level 3. Level 2 numbers have recovered post pandemic and the reintroduction of GCSE exams. Growth is most notable in construction and this aligns with current and future skills needs.

The volume of apprentices is expected to increase again this year. There has been growth in the College's two largest sectors for Apprenticeships (Construction and Engineering) and new standards for the Food and Drink manufacturing sector have been introduced at Levels 2, 3 and 4. Access into apprenticeships in Health, manufacturing and Business and Administration has improved through an increased number of Traineeship and Pre-Apprenticeship programmes designed in partnership with employers and Wigan Borough Council. HE numbers have declined on main programmes but increased in Higher Apprentices.

The Board considered the demographics of learners enrolled at the College and noted some concerns in relation to gender mix, ethnicity and residency of learners on some programmes. It was agreed that this will be looked at in more detail by the Curriculum and Student Matters Committee.

The Board noted the report.

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## **8. Management Accounts: July / Year-End**

**GB-22-10-09**

The Board reviewed the Management Accounts to the end of July 2022, noting that this set of accounts will form the basis for the year-end financial report. There are no significant variances forecast from this position. The accounts show a year to date operating surplus (before FRS102 adjustments) of £1.856M against a re-forecast £1.761M which is a positive variance of £95k.

Cash balances at the end of the period were £11.42M (119 days). This is higher than the originally budgeted £7.5M (83 days) and remains within the 30 day threshold adopted by the College and reported in the annual financial statements.

ESFA key performance indicators showed the College's financial health will remain outstanding at year-end and all bank covenants are compliant with the terms of the facility agreements.

The Board noted on-going concerns surrounding energy prices and general cost of living inflationary costs which will be reviewed on a monthly basis to ensure the College keeps within the budget parameters in 2022-23.

In response to a question from a Governor in relation to energy costs and the green agenda, it was confirmed that the work the College is doing in relation to this will be discussed under the Capital Projects update at Item 19 below.

It was noted that the College currently has a fixed rate electricity deal which expires in March 2023 and that the Finance Director is engaged in a regular dialogue via webinars with Npower and queries through the College's procurement management service (Yorkshire Purchasing Organisation).

Governors noted the College's strong financial position and thanked the Finance Director for the prudent approach to budgeting.

The Board noted the final end of year position.

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## **9. Changes to Governance Documents**

**GB-22-10-10**

The Board noted proposed changes to the Instrument and Articles of Government, Standing Orders and the Member Expense Policy to reflect the change of title of the Clerk to the Governing Body to Director of Governance. It was noted that similar changes to other governance documents including the Governor Induction checklist and Governor Role Descriptions have been approved by the Search and Governance Committee in accordance with the Scheme of Delegation.



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**Resolved:** The Board approved changes to the Instruments and Articles of Government, Standing Orders and Member Expenses Policy, to reflect the change of title of the Clerk to Director of Governance.

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## 10. Governor Code of Conduct

GB-22-10-11

The Board considered a revised Governor Code of Conduct which had been reviewed by the Search and Governance Committee in accordance with the schedule of policy reviews contained within the Scheme of Delegation.

It was noted that the existing Code is based on the Eversheds Sutherland Code of Conduct for FE Colleges 15th Edition (2017). The revised Code of Conduct 1 is based on the Eversheds Sutherland Code of Conduct for FE Colleges 17th Edition (2021) and has been personalised to reflect Wigan and Leigh College.

It was agreed that the Governor Code of Conduct would be an item for discussion at the Strategic Workshop in January 2023.

**Resolved:** The Board approved the revised Governor Code of Conduct.

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## 11. Search and Governance Committee Terms of Reference and Scheme of Delegation

GB-22-10-12

The Board considered revised Terms of Reference for the Search and Governance Committee together with revised Scheme of Delegation, both of which had been reviewed by the Search and Governance Committee at its meeting on 7 September 2022.

It was noted that changes made reflect the development of new governance policies which should be referenced in the Committee's delegations table and in the Scheme of Delegation, the development of the Board Succession Plan, which calls for periodic review of committee memberships, and changes to the title of the Clerk.

**Resolved:** The Board approved revised Terms of Reference for the Search and Governance Committee and the revised Scheme of Delegation

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## 12. Search and Governance Committee Annual Report 2021-22

GB-22-10-13

The Board considered the annual report of the Search and Governance Committee, which sets out the activities of the Search & Governance Committee during 2021-22. The purpose of this report is to provide assurance to the Board that the Committee's expected functions have been discharged and that the skills and expertise required by the Board is in place and / or that actions are being taken to address any skills shortfalls.

The Board noted that the Committee had fulfilled all its responsibilities in 2021-22.

**Resolved:** The Board noted the Annual Report of the Search and Governance Committee 2021-22.

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## 13. Review of Confidential Minutes

GB-22-10-14

The Board considered a list of confidential minutes of meetings held between December 2021 and July 2022, which had been reviewed by the Search and Governance Committee at its meeting on 7 September 2022.

It was agreed that those minutes deemed to be no longer confidential should be published on the College's website alongside other non-confidential minutes.

**Resolved:** The Board agreed to publish minutes no longer deemed to be confidential on the College's website.



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The Board considered its self-assessment for 2021-22, noting that this had been reviewed by the Search and Governance Committee at its meeting on 7 September, with changes subsequently made to take into account the views of the Committee. The Board also viewed a presentation which provided an overview of the self-assessed grades, key strengths and areas for development.

**Resolved:** The Board approved the Board self-assessment for 2021-22 and the areas for development to be incorporated into the Board QIP for 2022-23

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## 15. Board Reviews

GB-22-10-16

The Board considered a report in relation to three-yearly external Board Reviews that are now mandated for all colleges and which must take place between 2021 and 2024 (academic years). It was noted the College had previously agreed (at its Strategic Workshop held on March 2022) to commission its first external Board Review in 2023-24 and that the Search and Governance Committee, at its meeting on 7 September 2022, had agreed to recommend to the Board that this takes place in the Spring term of 2023-24.

It was noted that external Board Reviews are currently being offered by the Association of Colleges (AoC), the Education and Training

Foundation (ETF) and a range of independent providers (including some prominent law firms who specialise in College Governance), and independent consultants. Costs quoted (anecdotally) range from £5,000 to £50,000. The College's Financial Regulations provide that contracts for values of up to £4,999 can be procured at the discretion of the budget holder (with or without quotations). Contracts for values of between £5,000 and £59,999 are subject to a minimum of three written quotations. Neither require Board approval.

It was noted that the cost of a Board Review in 2023-24 is estimated to cost between £5,000 and £10,000 and the Board agreed to invite quotations from the AoC, ETF and at least one other independent provider, with the scope for the review being agreed by the Search and Governance Committee prior to quotations being invited.

In order to ensure sufficient time before the mandatory deadline of July 2024, the Board noted that the Search and Governance Committee will review the market position at its March 2023 meeting, with a view to either beginning the commissioning process for the review over the summer of 2023, or to wait until the September 2023 meeting of the Committee to agree the scope and commissioning process for the review.

**Resolved:** The Board approved the timing and commissioning arrangements for the College's first External Board Review.

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## 16. Board Development Plan

GB-22-10-17

The Board consider a revised Board Development Plan for 2022-23, noting that this had been reviewed by the Search and Governance Committee at its meeting on 7 September 2022.

**Resolved:** The Board approved the Board Development Plan for 2022-23.

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## 17. Board appointments

GB-22-10-18

Harinder Dhaliwal left the meeting for this item.

The Board considered Harinder Dhaliwal's first year of appointment, noting that he had recently taken on the role of Lead Governor for Careers and Destinations. In light of this, the Board agreed to extend his probationary year for a further year.

**Resolved:** The Board approved the extension of Harinder Dhaliwal's probationary period as a Governor, for a further year to 11 October 2023.



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## 18. Annual Report on Data Protection and Freedom of Information

GB-22-10-19

The Board considered the Annual Report on Data Protection and Freedom of Information for 2021-22, noting that during the year staff had continued to work in a flexible working from home pattern, but with more onsite presence, and accordingly, the College had reviewed its processes and enhanced its cyber security procedures. It was also noted that the College had an audit of its IT Data Security in the summer of 2022, and following one recommendation arising from this, the role of the Data Protection Officer has been moved from the VP Data and Funding to the Director of Finance, to ensure a clear segregation of duties in accordance with legislation and guidance.

The Board noted that during the 2021-22 academic year, the College had received 13 Freedom of Information Requests. 12 of the requests had been responded to within the 20 working day period and one was subject to a week's agreed extension due to the high volume of information requested. No requests remain outstanding.

In the same period, there had been 323 Subject Access requests (a reduction from 329 in the previous year). All requests were responded to within the statutory period.

The Board noted that there had been three reportable data breaches in the reporting period, all of which had resulted in no action being taken by the Information Commissioner. Nevertheless, additional staff training was provided to reaffirm data protection practices and procedures for all staff.

The Board noted that investment in Cybersecurity systems has further enhanced protection. Multi factor authentication has been implemented for all staff and simulated phishing exercises and subsequent training have shown an improvement in staff responses to potential threats.

**Hayley Mercer, Jomana Aref and Millie Gallagher left the meeting at 6.55pm.**

**Resolved:** The Board noted and approved the the Annual Report on Data Protection and Freedom of Information for 2021-22.

## 19. Capital Projects Update

GB-22-10-20

The Board considered an update on Capital Projects, noting that in relation to the DfE Capital Transformation Project, the DfE had re-engaged with College and had shared the project programme with the College. However, it was noted that the Memorandum of Understanding had still not been made available to the College for signature, although this is anticipated soon. Contractor procurement is due to take place between September 2022 and July 2023, with an anticipated start date of July 2023. All works are expected to be completed by June 2026.

In relation to the enabling works, the work on the 400 Floor had been completed over the summer, with all students now returned to the building. It was noted that the outturn costs for this were circa £50k below the original budget, these costs being part of the College's match funded contribution towards the transformation project.

In relation to the GM Institute of Technology, the Stage 2 pre-award bid had been submitted in May, there was a Gateway Panel Review Meeting in August and the DfE is now preparing the Capital Funding Agreement. This project is fully funded by the DfE.

In relation to the College's decarbonisation and sustainability strategy to achieve net zero carbon emissions, consultants have been appointed to develop this which will go hand in hand with the College's wider sustainability measures, and they are expected to attend the November meeting of the Resources Committee to provide an update. The Board noted that the FE Transformation project will contribute significantly towards carbon reduction targets at the College.

In relation to the Office for Students Capital Funding bid for the refurbishment of the Pagefield Centre LRC and an adjoining classroom to create dedicated study space for HE students, the College still awaits the outcome of the bid submitted in July 2022.

The Chair welcomed the progress being made in relation to sustainability and achieving net zero emissions and the Board thanked the VP Corporate Services for her update.

The Board noted the update



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**20. Part B: The following items have been the subject of discussion or approval by Committees or are attached for the Board's information only. They won't be discussed unless Governors indicate they would like a discussion on any item.**

**GB-22-10-21**

No Governors raised any items they wished to discuss.

**20.1. Search and Governance Committee Chair's Report**

**GB-22-10-22**

The Board noted the Report.

**20.2. Use of the College Seal**

**GB-22-10-23**

The Board noted the report.

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**21. Any other business**

**GB-22-10-24**

There were no items of other business. The Chair reminded the Board about the Governors' Christmas Meal scheduled to take place on 1 December 2022.

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**22. Date and time of next meeting: 6 December at 5pm**

**GB-22-10-25**

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**23. Actions**

**GB-22-10-11:**

**Action:** Governor Code of Conduct to be an item for discussion at the Strategic Workshop in January 2023.

**Action by:** Director of Governance

**GB-22-10-07**

**Action:** Arrange an additional half-day for the January 2023 Strategic Workshop

**Action by:** Director of Governance and Principal

**GB-22-10-08**

**Action:** C&SM Committee to consider the ethnicity, gender mix and residency of learners on some programmes.

**Action by:** VP Curriculum and VP Employment and Skills



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