



Sussex Downs College

First steps in preparing a model of governance to meet the needs of Sussex Downs College and its communities

Sussex Downs College (SDC) has a full Board of 20 members and a pleasing database of expressions of interest to join the Board. It is geographically dispersed with campuses in three towns in East Sussex and it sits on the cusp of two LEPs. Sussex Downs is one of the largest general FE colleges in the South East region with over 50% of 16-18 learners in education in East Sussex.

The Corporation's decision to undertake a review was driven by the Education Act 2011 and the desire to respond to 'New Challenges, New Chances' in the most effective way to support the College's strategic aims. The greater freedoms and flexibilities will reinforce the place of Sussex Downs College at the centre of our communities. The expectation that learners and employers will pay more for their learning means that the College needs to be closer to prospective learners' expectations and to understand better their motivations for, and perceived benefits of, learning.

The Corporation believed that there were some fundamental first steps to be taken before any changes to the model of governance or the model under which the College operates.

Rather than allow a form of the Instrument and Articles (I&A) to evolve from the 2008 issue with only the statutory modifications, it decided that a more proactive approach should be taken. A complete review of the I&A was commissioned with a report to go to a panel of clerks, the Search Committee and finally the Corporation for consideration and adoption.

Additionally, the Corporation recognised the need to review its own frameworks for underpinning effective governance and for engagement with the community. Only when it had established a sound basis on which to operate, along with efficient models for consulting stakeholders, could it progress to evaluating models of governance to identify an appropriate structure to serve its learners and communities.

The Clerk to the Corporation received funding from the Learning and Skills Improvement Service (LSIS) for a project to support work on researching governance models to ensure that they met the needs of the College and its communities. The work would be in two parts: one to review the I&A to ensure that they were

fit for immediate purpose and the other to review the established 'learning board' model at the College, so that they continue to be accountable to learners, employers and the wider community.

Instrument and articles

The Clerk proposed a three-stage review of the Corporation's I&A in light of the freedoms and flexibilities offered by the Education Act, juxtaposed against demands of statutory requirements and commercial drivers. This included:

- a panel of Sussex clerks to review the current I&A, Education Act and to draft guidance to offer an external perspective and peer review;
- a panel of governors to review the guidance and make recommendations; and
- review and adoption by the Board(s) of local I&A which would be robust and fit for purpose.

A small group of Sussex Clerks met and considered each I&A in turn with full consideration of the original driver which led to its adoption. Many factors were taken into consideration including the fact that other key elements which provide a framework for sound governance were currently awaited. In the coming months it is expected that a new Financial Memorandum, new Audit Code of Practice and the regulatory body for general Further Education colleges will all be announced. It was decided that a further review of the I&A would be prudent after the outcome of these is known and it could then be tailored to the exact model of governance determined by the Corporation at that time.

The majority of I&A were derived from other statutory requirements or best practice which evolved from reports such as Cadbury¹ and Higgs². Therefore after detailed evaluation, many of the clauses have been retained with a few exceptions where the Clerks have suggested deletion of items which have caused debate or restricted the freedoms of Corporations without obvious benefit.

As the project progressed, many updates, briefings and documents emerged from sector bodies outlining the changes to the I&A and offering guidance. These were often disjointed and caused some confusion in the FE community. The Clerk sought guidance from DBIS and was reassured that the process to review and determine the I&A of the College from 1 April 2012 was a prudent approach.

A draft I&A for SDC went to the Search and Governance Committee in March 2012 and was vigorously reviewed, including thorough interrogation by a former leader of the local authority who is a co-opted external member. The option to just adopt the current I&A without detailed review was discussed, but the group was in favour of recommending that the Corporation actively review and adopt a version which is positively appropriate for the College. This proactive approach will ensure that corporations and colleges are well prepared to operate effectively in the new climate of freedoms and flexibilities.

The final version of the I&A recommended to the Spring Corporation meeting did not differ greatly from the one under which the Corporation had been operating for four years. The principles which had underpinned them were still relevant and the Corporation felt that there were only a few instances where any alteration would afford them new freedoms. There was assurance however that each of

1 Cadbury report on financial aspects of Corporate Governance 1992

2 Higgs report on effectiveness of non-executive directors 2003

the clauses had been thoroughly reviewed and considered appropriate for adoption. It was recommended that to ensure probity and provide a solid framework for governance, a Corporation should adopt a set of Instrument and Articles for a period of two years between review (unless statute requires change) to avoid reactive and possibly weakened governance decisions.

A review of the Corporation's and College's mechanisms for engagement with, and accountability to, communities and stakeholders.

Of fundamental importance to the Corporation and the College has always been the need to provide a service to its local communities and to develop this service in dialogue with the many different groups who are its stakeholders. In recent months there have been many factors which have increased the focus on this.

These included changes to statutory legislation which placed greater emphasis on the requirements for corporations to consult with all their stakeholders and community groups. Specifically these were:

Title articles

- An additional article is added as 3(1) (aa)

Publishing arrangements for obtaining the views of staff and students on the determination and periodic review of the educational character and mission of the institution and oversight of its activities.

- The **AoC foundation code** also makes the following requirement;

It (the Corporation) should take steps to ensure that information on the activities of the College is made widely available and to forge effective relationships with stakeholders

The report headed by Baroness Sharp³ called for “governing bodies to deepen their engagement with communities to gain a better understanding of local needs and priorities, and to explain performance and future plans in helping to meet them.” Furthermore, the evolutionary changes to the College’s organisation and management structure intended for 2012/13 outlined additional compelling reasons for changing the current formal structure for consulting with the community.

In 2007, SDC had developed a learning board model to consult with stakeholders of each of the six learning brands. These were chaired by members of the Corporation and included both staff and stakeholders for each brand. Three were geographically based (Lewes, Park and Eastbourne Vocational) and three were cross-college delivery (Employer, International and Adult) brands. Recently attendance by external members has been reducing significantly which was felt to diminish the value of the groups for informing College strategy and provision. At the Corporation Away Day in October 2011, some members requested that the structure of the learning boards be reviewed to ensure that they were fit-for-purpose and supported the primary responsibility of the College to be accountable to learners, employers and their communities. The College management team discussed possible options which would strengthen consultation with external community groups

³ The Interim Report of the Independent Commission on Colleges in their Communities, AoC/LSIS/NIACE July 2011.

and stakeholders and drafted some proposals. These were discussed at each of the meetings which took place in February 2012 and at the Curriculum and Standards and Search and Governance meetings.

There were some key concerns when developing a new model. Some Corporation members felt there was a risk that changes to the existing structure might limit scrutiny of the curriculum to only the top level. A key feature of the learning boards was that they enabled members to learn about the work undertaken within each learning brand, which was not always evident when reporting College performance. As time pressures increase for everyone, new ways to engage with the community and employer stakeholders must be sought and a more outward approach taken. Key to any new proposal must be the desire for the Corporation to maintain, and if possible increase, its interaction with the College's learners. New social media might be explored as a potential solution.

It was recognised that the Corporation also had many other informal links with community groups through members' involvement outside their college activities. The January skills survey of Corporation members had included an online questionnaire which included questions designed to capture and record this involvement. This data has proved extremely useful; informing the review process

and identifying geographical spread of these stakeholder relationships. This information needs to be collated and reported effectively to ensure transparency and aid accountability, and agreement reached on the shared messages to be disseminated and common information to be gathered.

The attached structure seeks to maintain the benefits afforded by the existing structure whilst ensuring that the Corporation and College engage with as many external stakeholders as possible. The new model will allow the College to consult as widely as possible to ensure that its developing strategy will secure the College's place at the heart of the community. In turn, it will then offer programmes to reflect demand, and through dialogue, be accountable for their delivery. The key challenge in designing an effective engagement model has been a desire to consult as widely as possible to ensure that the final proposal is owned by all stakeholders. This wide consultation has led to the model being adapted to reflect needs.

The proposed model includes:

- two schools' forums with senior representatives from 11-16 and 11-18 schools;
- a group charged with ensuring interaction and discourse with Employers' representatives – currently it is envisaged that this might be achieved through attendance at the top level meetings of each of the three Chambers of Commerce currently within the College's communities;
- a group working with representatives from community and third sector groups throughout the College's geographical regions;
- an open event for a wider group of stakeholders, to include the local authorities, council groups and others;
- a learner event for direct communication with the governance team; and
- in future iterations, social media will be considered for wider community consultation and engagement.

Open event

Learner event

**Lewes
Schools'
Forum**

**Community
Group
(Eastbourne
as pilot)**

**Eastbourne
Schools'
Forum**

**Employer
Representative
Forum**

It became clear very quickly that there is no 'one size fits all' model through which all stakeholders can be consulted effectively and engaged in the development of the College. The Corporation will evaluate options and technologies as they arise and ensure that it reaches out to link with its communities. This process began with the desire to gain meaningful intelligence to help shape the College's offer for learners and this will remain at the centre of its activities. However it is recognised that such dialogue would also enable the College to explain and justify its use of public funding and provide a mechanism for securing accountability.

It is evident that this process is on-going and will evolve as the College places itself at the heart of its community and develops durable relationships. The Corporation has started to arrange 'ideas exchange' events with other local governing bodies and is considering expanding this to colleges with a similar profile nationally. The two reviews undertaken will form cornerstones for the Corporation as it progresses. Work will continue as the members seek the most appropriate model to provide robust governance for the College and to ensure that it makes maximum advantage of the 'new challenges and new chances' in coming months.

Lessons learned

- Flexibility was key to ensuring that the Corporation is able to proactively adapt to an ever-changing landscape and remain strategically supportive to the College and its emerging needs.
- Working closely with colleagues from other colleges, community groups and stakeholders proved essential if the proposed changes are to have any substance.
- The landscape in which the Corporation and College operates is changing at a rapid pace but this reflects the changes experienced by all its communities. The key to any developments must be to understand the pressures on stakeholders and change working practice accordingly.

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