

**East Staffordshire Borough Council**

**Weightmans reference: SG/893911/1**

**Schedule of evidence**

**SG10**

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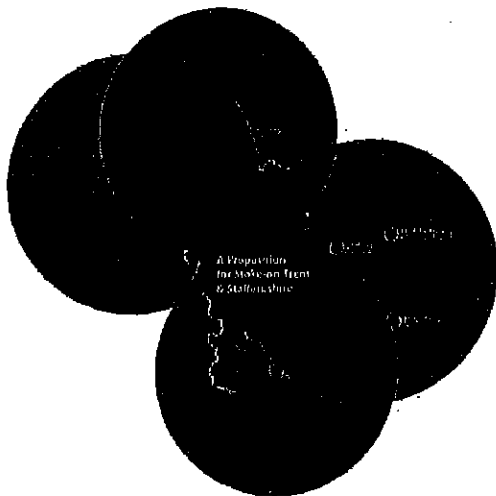


# A Proposition for a Sustainable FE Infrastructure in Stoke-on-Trent and Staffordshire



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## Introduction



The aim of this document is to support the responses contained within the Area Review questionnaire and present a proposition for Stoke-on-Trent and Staffordshire from the perspective of South Staffordshire College. We have provided a context of our area and county; Identified a vision maximising the opportunity our peri-urban location presents and considered various options for South Staffordshire College, drawing conclusions for the most appropriate outcomes from the Area Review.

In an attempt to be concise and meaningful, no attempt has been made to identify the implications to other Further Education Colleges. This isn't to infer that we don't appreciate the importance of this, but rather that it is assumed all colleges included within the Stoke-on-Trent and Staffordshire Area Review will be undertaking similar exercises and are therefore better placed to comment.

The comments contained within this document are based upon the information and data contained within the pre-evidence work undertaken by the Stoke & Staffordshire Colleges and their key partners. It is envisaged any assumptions made will be tested as part of the Area Review process and, should any suggestions be accepted and taken forward to the next stage, as part of a due diligence process. This said, an attempt has been made to draw sensible conclusions from the information and data available at pre-review stage to facilitate decision-making during the review period.

The Board of Governors and Senior Leadership Team of South Staffordshire College have jointly produced and agreed this document following detailed discussions. We have challenged ourselves to look beyond our own organisational boundaries to propose a sustainable, strategic way forward that will work in the best interests of learners, employers, stakeholders and the wider community of Stoke-on-Trent and Staffordshire in the long term. We welcome the opportunity to discuss this proposition with the Area Review Team throughout this process.



Ray Faulkner  
Chair of Governors



Graham Morley DL  
Chief Executive Principal

## Executive Summary

South Staffordshire College is a proactive supporter of the Area Review process as we believe it has the potential to make things better for those accessing further education within Stoke-on-Trent and Staffordshire. Our proposals are aimed at ensuring that in the future individuals, businesses and other stakeholders can easily access a sustainable, high quality further education infrastructure to improve the productivity and economic vibrancy of the whole county, along with enhanced well-being for the local community. The conclusions contained within this document, along with significant debate of related issues, have led us to the responses contained in the Area Review Questionnaire and have the full support of the South Staffordshire College Board of Governors.

- Our preferred option would be for a single College covering the whole of Stoke-on-Trent and Staffordshire as this provides the optimum long-term solution to ensuring a sustainable FE infrastructure in the area.
- The new Further Education Infrastructure in Stoke-on-Trent and Staffordshire will have the critical mass to;
  - Establish regional, national and international relationships as required by the peri-urban characteristics of Stoke-on-Trent and Staffordshire.
  - Develop and implement fully integrated strategies with the Staffordshire and Stoke-on-Trent Local Enterprise Partnership (S&SLEP), Stoke-on-Trent City Council, Staffordshire County Council and Staffordshire Chambers of Commerce.
  - Drive up business productivity through effective engagement with large employers and growing existing SME engagement at local level.
  - Raise standards through the removal of harmful competition, sharing of good practice and appropriate financial and in-kind investment in the quality of provision.
  - Access additional funding from external sources to improve our communities and/or increase local productivity, e.g. greater levels of export from local businesses.
  - Create the capacity to meet business and stakeholder demand so they will be willing to pay for training into the future.
  - Improve careers guidance for Stoke-on-Trent and Staffordshire's young people.
- If our proposals are accepted, Further Education within Stoke-on-Trent and Staffordshire will be improved through;
  - Rationalisation of the curriculum offer to remove duplication, improve local access and better meet the needs of S&SLEP and businesses.
  - Re-configuration and optimisation of the existing college estate, ensuring that facilities meet the changing needs of learners and are matched to local business need whilst operating as efficiently as possible.
  - Matching students "travel to learn" patterns to provision, thereby better meeting their needs.

- Improved capacity for focussed engagement with SME's as a result of released finances secured from removal of duplicated back-office functions and streamlining of support processes.
  - Increased resilience to withstand demographic fluctuations and policy changes.
  - Developing a talent pool of inspirational teachers and staff who put the learner first through an effective continuous professional development programme.
  - Having a co-ordinated Apprenticeship strategy to better engage employers and support business growth.
- It is important that any collaborative arrangements between Institutions are constructed around geographical adjacencies that take account of the cultural connectivity within Stoke-on-Trent and Staffordshire.
  - The minimum position in the south of the County should be a collaboration of South Staffordshire College with Stafford College and Burton & South Derbyshire College thereby facilitating a similar approach in the north of the County.
  - Any proposal involving a collaboration of South Staffordshire College with other partners should include Stafford College due to geographical connectivity along with the opportunity for the rationalisation of provision and reduction in operating costs.
  - The widespread adoption of digitally enabled delivery of programmes using an appropriate cloud platform should be a key component of the revised FE infrastructure, to improve accessibility for individuals and businesses across Stoke-on-Trent and Staffordshire and to improve efficiency.
  - A new Institute of Technology should be established that is rooted in the new FE infrastructure. This Institute should be business-led, with a key strategic aim to ensure local current and future skills needs are met, particularly at levels four and above.
  - Having had recent experience of successfully merging three previously separate colleges, South Staffordshire College Board of Governors believes that the outcomes required from the Area Review will be best and most effectively achieved through the merger of institutions as opposed to other forms of collaboration.
  - Effective and rapid transition to the new infrastructure requires outstanding management and governance. South Staffordshire College has the experience and skills necessary to make a significant contribution to the achievement of this.
  - South Staffordshire College respects the autonomous position of each College Board of Governors and will look to maintain strong operational links for the benefit of the businesses and communities we serve.
  - South Staffordshire College Board of Governors is willing to seriously consider any proposals that take the above into account.

## Context



South Staffordshire College is located alongside the path of the old A5 and the more recent M6 Toll. Whilst it draws its students from a wide area, particularly for land-based programmes, most students are drawn from four of the eight Staffordshire Districts of Tamworth, Lichfield, Cannock Chase and South Staffordshire. The College enjoys close working relationships with all of the District Councils along with Staffordshire County Council and plays an active part in their initiatives and development, especially around the skills agenda.

The College is a patron of Staffordshire Chambers of Commerce as well as a Member of the Birmingham Chambers Group. The College's Chief Executive Principal is a Member of the Stoke-on-Trent and Staffordshire Local Enterprise Partnership (S&SLEP) Board, The Staffordshire Education Trust and is a founder member and Chair of Skills Staffordshire, a partnership between the Staffordshire Colleges, key private training providers and Staffordshire Chambers of Commerce. These linkages ensure the College is well placed to identify business and community needs and to adjust its curriculum to meet emerging priorities. An indication of this close connectivity is that 96% of the College's Apprenticeship and workplace delivery is in S&SLEP priority areas. The College is also involved in the Department of Business, Innovation and Skills Post-19 Skills Pilot and has 92% of its 19+ classroom based delivery in S&SLEP Priority 1 or 2 sectors.

The College has a strong Board of Governors, independently clerked, which holds the leadership team to account on strategic issues and oversee the strategic direction of the College. The Board of Governors has an excellent track record of overseeing a successful merger and associated harmonisation. Incorporated in 2009 upon the merger of Tamworth and Lichfield, Cannock Chase and Rodbaston Colleges, the College is well managed by a Senior Leadership Team (SLT) of eight and the most recent rating from Ofsted for all aspects of provision is "Good". This includes the Rural Enterprise Academy, a 13-18 free school, which is sponsored by the College along with the National Farmers Union (NFU) and Veolla who operate one of Europe's biggest waste management plants in southern Staffordshire.

The College has experienced a total reduction in its main funding allocations of circa £7million over recent years. It has effectively managed these reductions, however, it is now more difficult to identify further cost reductions and past savings are starting to impact directly upon some of our business functions. Despite this, the College has continued to invest resources to ensure our facilities continue to meet the needs of learners and industry for example, in 2014/15 we invested circa £250,000 in our IT infrastructure, received £1 million support from S&SLEP to develop an Advanced Manufacturing and Engineering Hub in Tamworth and completed the development of a £1.4 million, dedicated High Needs Centre at the Rodbaston Campus, following grant funding from the EFA. During 2015/16 we will be investing, with additional support from S&SLEP, circa £5.3 million in a new AgriStem Academy at our Rodbaston Campus.

The College is based on six sites, these being at Cannock (The Green and Progress Centre), Tamworth (Croft Street and TORC), Lichfield and Rodbaston. The WhiteHouse, located in Cannock, is currently being marketed for disposal and plans are at an advanced stage for the sale of the Progress Centre which is now,

following £6.5 million investment in the town centre campus, surplus to requirements. The Rodbaston Campus specialises in a land-based curriculum including a working farm, equestrian centre and licensed zoo. The College operates the TORC Centre in Tamworth and runs its school provision as well as construction and electrical installation Post-16 courses from this site. Given changing patterns of demand, if the College secures financial support from S&SLEP for further investment in Tamworth, there is the possibility the College could relocate provision based at Lichfield and the TORC Centre to a new Tamworth campus enabling TORC to be re-configured to provide a second high needs facility, complementing 'Futures@SSC' at Rodbaston.

The College also uses a number of outreach centres to deliver community learning. The College's peri-urban geographical position means that provision also meets the needs of employers and learners operating outside the Staffordshire boundary, particularly in the Birmingham and Black Country areas. A significant number of local residents travel out of the County for employment so it is important that appropriate attention is given to priorities of adjoining LEP areas when designing the curriculum.

Despite the challenges of recent years, during which the staff have not received annual pay increases, we have maintained good industrial relations. In recognition of the need to move delivery towards blended learning approaches, the College has instigated the roll-out of Google classroom, through a cloud hosted infrastructure and the majority of teaching staff have been issued with Chromebooks to maximise engagement. A developmental lesson observation process has been established, which has further enhanced teaching and learning with 85% of lessons observed in 2014/15, graded as outstanding or good.



The College provides classroom based learning in 14 of the Skills Funding Agency's 15 sector subject areas. In 2014/15 the College had 11,721 starts, of which 9,175 were aged under 19 (78%) and 2,546 were over 19 years of age (22%). The largest number of enrolments were in: Preparation for Life and Work (65%); Agriculture, Horticulture and Animal Care (5%); Health, Public Services and Care (5%) and Retail and Commercial Enterprise (4%).

There were 507 new Apprenticeship starts in 2014/15 representing a 5% increase on the previous year, 40% were aged under 19 and 60% were over 19 years of age. The College is engaged with over 1000 employers and delivers provision to 1387 employer responsive learners spanning 8 sector areas including; Agriculture, Horticulture and Animal Care (21%), Health, Public Services and Care (17%); Engineering and Manufacturing Technologies (9%); Construction (10%); Retail and Commercial Enterprises (15%); Preparing for Life and Work (0.3%), Business, Administration and Law (15%) and ICT (13%). The College has two sub-contractor partners, 3AAA's and NCC training. Employer engagement is a strength with 94% of employers stating they were satisfied with the service received from the College and 97% stating their employees had learned new skills and their business solutions had been met.

The College offers eighteen Higher Education (HE) programmes in nine curriculum areas delivered across four campuses with Lichfield the main HE Centre. During 2014/2015, there were 279 Staffordshire University students: 147 full-time students and 132 part-time students.



The College delivers vocational learning to over 700 14-16 year old school pupils, across a wide range of sectors including Health and Social Care, Business, Motor Vehicle, Construction, Beauty Therapy and Hairdressing.

The College delivers three Adult and Community Learning (ACL) contracts on behalf of Staffordshire County Council in the districts of Tamworth, Lichfield, Cannock and South Staffordshire. The provision covers 10 of the Sector Subject Areas and is available at each campus and 34 other community venues. On the Staffordshire County Council contract, there were 1906 enrolments in 2014/15 with 1088 individual learners. The College also has a direct ACL contract with the SFA, delivering Community Learning on all College campuses and 42 other community venues. On this contract there were 1499 enrolments in the community with 1276 individual learners in 2014/15.

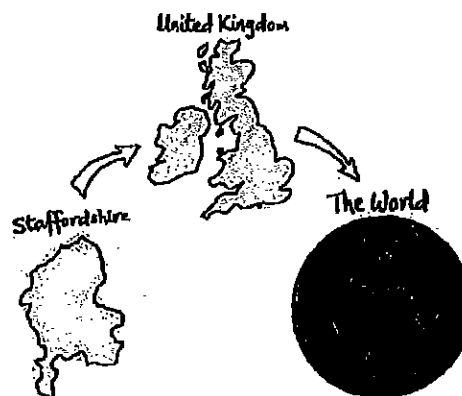
The ethnic minority profile of the College is 5% which aligns with the South Staffordshire demographic of 5%. 52% of the learner population is female and 48% male. An important aspect of the College's role is to tackle under achievement and social deprivation. The College operates across four districts and works with over 40 secondary schools, many of whom have sixth forms. Many 16-18 learners come from schools with relatively low GCSE pass rates. Although the proportion of learners achieving 5 A\*-C grades, including English and Mathematics in Staffordshire is above national average at 55.3%, both Tamworth and Cannock Chase areas are below the national average at 52% and 46% respectively. In November 2015, 3% of people aged 16-18 in Staffordshire were not in education, employment or training (NEET), this figure was 4% in Cannock Chase.

Overall learner success rates are shown in the table below.

<b>Classroom Learning &amp; Apprenticeship Success Rates 2013/14 - 2014/15</b>			
	<b>13/14</b>	<b>14/15</b>	<b>% of Provision</b>
<b>Classroom Learning 16-18</b>	80.2%	81.5%	78%
<b>Classroom Learning 19+</b>	77.5%	75.2%	22%
<b>Overall Classroom Learning</b>	79.7%	80.1%	100%
<b>Apprenticeships</b>	69.6%	71.9%	

## Vision

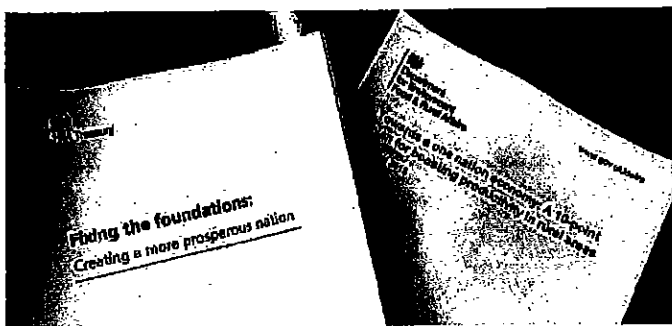
The vision for a new FE Infrastructure in Stoke-on-Trent and Staffordshire will have, as its primary objective, the maximisation of local productivity through the individual success of all people, businesses and communities engaged with the new organisation. By adopting an ethos of "Think County, Act Local", the new FE Infrastructure will make a major contribution to the S&SLEP objectives of a core city, connected county, competitive urban centres, sector growth and a skilled workforce. This vision can be realised by focussing on the priorities outlined below.



### Excellence in teaching and learning

"Fixing the Foundations" (HM Treasury 2015) recognises that "Teaching quality is the most significant factor driving school outcomes". The same applies to Further Education and therefore a new FE Infrastructure will require excellence in teaching and learning. This will come from ensuring staff are; of the highest calibre, inspirational, have an entrepreneurial attitude and are equipped with high level teaching skills necessary to promote student engagement. This will be supported by having easily accessible, well-equipped, digitally enabled learning environments, along with industry standard equipment, available to learners to enhance skill levels and meet the economic needs. To achieve this, the new Infrastructure must be of a sufficient scale and critical mass to be efficient, effective and deliver maximum value to the public purse. Teaching and learning activity will need unified back-office services, supported by online person-to-person support. This approach leads to the need for fewer, larger, more efficient individual organisations with lower staffing costs, which will require a significant cultural change.

### Increased Productivity



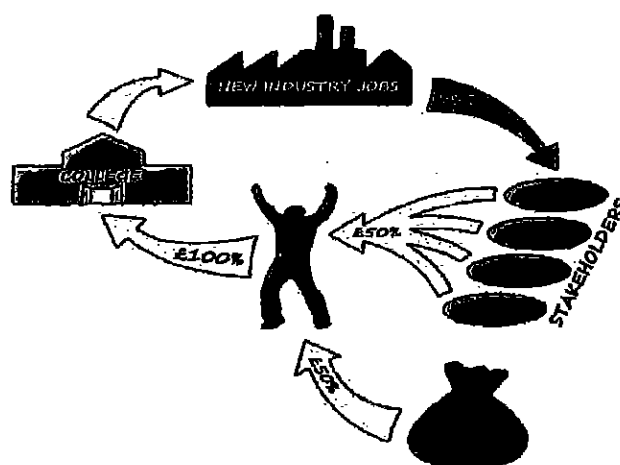
The FE Infrastructure will make a significant contribution to increased productivity across the area. The 2015 HM Treasury document "Fixing the Foundations" recognises the importance of skills; "Over the past century, productivity has gone hand in hand with rising human capital, as more people have become more educated, and to a higher level".

The Department for Environment, Food and Rural Affairs has published a 10-point plan, within five broad areas, for boosting productivity in rural areas including Staffordshire. A highly skilled workforce is identified as a key component to increase rural productivity. A new streamlined FE College infrastructure will have the capacity to embrace the Government's and local stakeholder ambition to deliver an accessible, professional and technical FE education system that provides individuals with clear, high-quality routes to employment and that supports overall fiscal and economic objectives in both urban and rural areas of Stoke-on-Trent and Staffordshire.

Pre-Review work indicates that the current FE Infrastructure delivers far too few programmes at level 4 and above with only 934 enrolments at this level in our Colleges in 2014/15, compared with 164,094 enrolments on lower level programmes. The new FE infrastructure will address this by harnessing the latent potential that exists with the number of learners on lower level programmes to significantly increase the numbers progressing onto higher level programmes designed in partnership with employers. Effective links will be developed with SMEs and large companies to ensure that effective use is made of the new levy to bring about a step-change in participation in apprenticeship programmes, particularly at higher levels, to fulfil the Government's apprenticeship ambitions.

### Encouraging industrial growth and inward investment

Current funding methodologies create barriers to inward investment into new and expanding industries. They do not cater for what might be described as speculative skills acquisition. This is the engagement of the individual in education and training for future job opportunities such as those identified as future growth industries by the S&SLEP. An example of this is the geothermal energy generation industries expected to locate in the Stoke-on-Trent area. The S&SLEP have identified industries such as these as important for the future economic vibrancy of the whole county.



Incoming industries need access to a highly skilled workforce to establish themselves. Most individuals are now prepared to make a financial contribution to their own future, as shown by the take-up of student loans for University. However, Higher Education does not tend to engage with the delivery of the operational and technical skills often required by employers. This needs a new solution and the introduction of loans to 19 year olds, through a "Skills for the Future" initiative (as shown in the diagram above), has the potential to remove this barrier. The component parts of this could include; the design by industry of a skills development programme to meet their needs, financial support provided by the employer, the LEP and other stakeholders and some personal investment from the individual through a learning loan. If introduced, industry would have an established pool from which to draw their workforce, stakeholders would have a greater chance of securing inward investment and the individual would benefit from increased employment opportunities, paying back their learning loan when they secure employment.

### Effective employer engagement

Effective employer engagement is the driving force behind the apprenticeship reforms as they take ownership for purchasing provision from providers. An employer engagement team, working across a wider geographical area, would bring together the best of existing small local provision along with the benefits of a larger organisation, to increase the overall capacity to specialise in growth sectors. A single College would have a portfolio of expertise and be strong competition for private training providers, providing an ideal solution for local employers of all sizes. A centrally managed apprenticeship compliance

team could manage the SFA contract overseeing high quality, localised delivery that meets employer need in each area of Stoke-on-Trent and Staffordshire. This team would also provide the skills necessary to develop new systems and procedures to meet the requirements of the new funding methodology, Apprenticeship Standards and contractual requirements. Awarding Body agreements could be rationalised and staff would share good practice, as well as skills and expertise, ensuring effective staff utilisation to meet fluctuating demands.

### **Supporting Priority Sectors**

The recent S&SLEP sponsored Advanced Manufacturing and Engineering (AME) network model should be extended into other priority industry sectors and expanded into higher level provision to meet the Identified Industry need. This approach establishes a base of lower level provision at easy to access multiple sites across Stoke-on-Trent and Staffordshire, with greater specialisation at level three and above, distributed around the area.



Targeted investment has established centres of excellence, where they are needed by industry, enabling learners from across the whole area to access these resources as required. Greater connectivity could be achieved with appropriate investment in the digital infrastructure connecting the centres with both each other and with industry. Early signs at South Staffordshire College indicate the AME initiative is already leading to engagement in new higher level apprenticeships and expanded demand in high priority sectors, such as Engineering. Other high demand sectors could benefit from a similar approach, which would provide clear progression routes into Apprenticeships and higher qualifications in a new Institute of Technology or Universities.

### **Maintaining our commitment to communities**



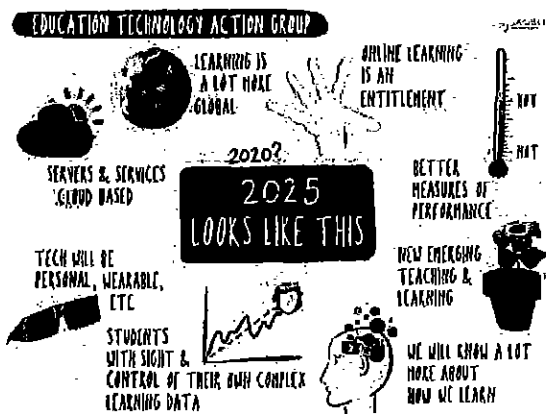
Whilst change is necessary to ensure a sustainable FE infrastructure, it is important the vulnerable in our society are well catered for. South Staffordshire Colleges supported learning, mentoring and safeguarding provision, at all campuses, is of high quality and the College has a high proportion of learners at levels 1 and 2. The support we provide enables a large proportion of learners to progress onto further learning and employment.

These learners, including those with high needs, are least likely to want to travel significant distances so it will be important to retain significant local provision at a number of campuses for them. The new 'Futures@SSC' facility at the Rodbaston Campus is starting to make a significant contribution to the education and training of young Staffordshire residents with high needs. Due to increased demand for this

type of provision as identified by the County Council, this centre may need to be complemented with additional centres, one in the North of the County and one in the South East, to ensure comprehensive coverage across Stoke-on-Trent and Staffordshire.

It is also important that colleges are able to continue to make a significant contribution to their local communities by encouraging adults back into learning. Although this has been more difficult for colleges as a result of reductions in funding, larger, more efficient organisations will have the critical mass to enable resources to continue to be allocated to address these important needs.

### Responding to learner needs



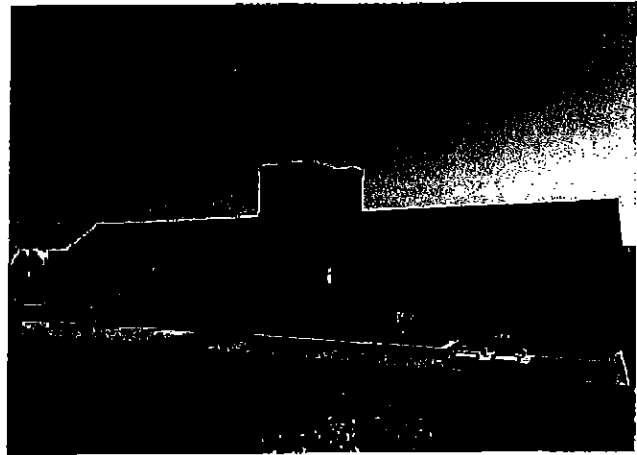
The JISC sponsored Further Education Learning Technology Action Group (FELTAG) report identified the way in which students want to access learning is changing rapidly. No longer are they prepared to sit in rows listening, as they would have done thirty or more years ago. Alongside the benefits of rationalising the physical estate, there is an opportunity to expand provision using digital cloud based provision. This not only has the potential to expand provision into new markets, but can also bring about efficiency savings through changes in delivery techniques. Modern digital technology solutions also have the potential to improve student success through much better

online student tracking. In the longer term this approach will reduce operating costs at the same time as responding to changing learner and employer needs, built on a foundation that is both scalable and adaptable. The explosion in digital connectivity is opening up a whole new world, enabling students to play a much greater role in their own education and training, accessing learning as and when they need it. This will lead to greater flexibility in the way programmes are delivered signalling an end to the traditional academic year and an increased requirement for more flexible programmes using high speed digital networks to link the College, the business and the learner. Students will need online access to the best teachers who are specialists in their area of knowledge, similar to the TED-talk model. The social aspect of learning must be enabled through easy access to local provision to support the learning process. This support will include social learning spaces where students will learn from each other, access to industry standard facilities where they can develop their skills and personal tuition from tutors whose role will complement the work undertaken by subject specialists.

The pre-evidence work undertaken by the Stoke & Staffordshire Colleges and their key partners shows there is significant 'travel to learn' activity (i.e. over 500 learners) travelling between Stoke-on-Trent and Newcastle Under Lyme, Staffordshire Moorlands and Stoke-on-Trent, Cannock and Stafford, Stafford and Stoke-on-Trent and Lichfield and Tamworth. The new infrastructure needs to take account of these established travel patterns to enable more efficient curriculum planning in a unified college. This would allow a greater specialisation of courses at certain campuses in response to learner demand.

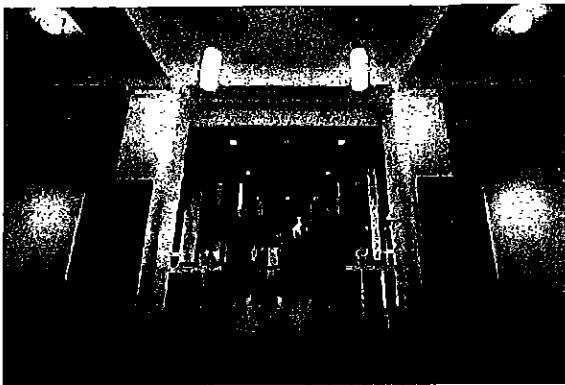
### **Growing higher level provision**

The pre-evidence work undertaken by the colleges and the S&SLEP indicates a clear need for more provision at level 4 and above, particularly in Apprenticeships. The colleges are ideally placed to deliver this, post Area Review, through a new Institute of Technology (IoT). A new IoT would need to be an independent organisation, rooted in the new FE infrastructure with its strategic direction directed by a business led Board charged with maintaining the high level technical and professional pathways required by local



businesses. This Board would include the S&SLEP and Staffordshire Chambers of Commerce, to ensure that local current and future business needs are met. In response to identified skills gaps, the new IoT would initially be focused upon STEM sectors including Advanced Manufacturing, AgriTech and the Digital Economy, but would need to rapidly adjust its provision over time to meet emerging needs. The new IoT hub could be based on one of the existing college campuses, with an appropriate hub and spoke infrastructure capitalising on existing facilities in colleges and industry sites, thereby cutting start-up costs. This would be supported by a high-speed digital network to facilitate both local delivery where needed and e-learning, ensuring attendance is limited to when it is most appropriate and participants have easy access to the best teachers, regardless of their location.

### **A flexible and sustainable FE estate**

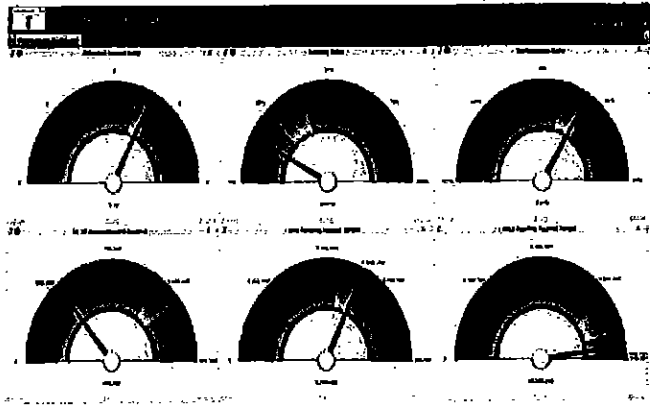


Estate costs are the second largest expense in colleges, after staffing costs. It is therefore necessary to ensure the FE estate is fit for purpose to deliver both the current and future curriculum and is of a sufficient scale and structure to facilitate the long term sustainability of provision. As a result of this need, the existing FE estate in Stoke-on-Trent and Staffordshire will need to be rationalised to meet current and future learner and employer needs. The growth in Apprenticeships will mean an increasing use of specialist facilities in employer's premises. However, new, more efficient

and flexible facilities, located where they are needed, (either in company or in college premises), to support the economy, are required. This will not only minimise the maintenance and operational costs of out-dated buildings that are not fit for purpose, but also help re-balance the current financial position of FE within Stoke-on-Trent and Staffordshire, thereby enabling more targeted investment. Furthermore, the scale of the new FE institution must enable effective sharing of services (e.g. back office functions, contact centres), improved support to business and integrated support to learners.

### Consistently high standards

It is of paramount importance for the reputation of FE locally that the new infrastructure consistently delivers high standards of provision. This will require consultation with OFSTED and local stakeholders to ensure the new organisation can be evaluated as a whole alongside its constituent parts. This will require a governance and management infrastructure to secure the benefits of a large organisation with local accountability through a group structure.



The Governing Body would be business led, with an appropriate skillset, to ensure all aspects of strategic and operational oversight can be discharged effectively, whilst ensuring local connectivity through stakeholder engagement. Dashboard technology, as pioneered in the FE sector by South Staffordshire College, would be used to facilitate effective business monitoring. Local provision would be served through a slimmed-down management structure implementing centrally coordinated processes to ensure sustainable efficiency and effectiveness. For example, Quality procedures would be developed centrally in consultation with localities, to ensure local variations could be taken into account and good practice could be shared across the organisation. Processes and procedures would be supported by a highly trained expert teaching, learning and assessment observation team charged with consistently raising standards of delivery.

### A sustainable organisation



A great deal has been discussed within this document concerning the economic sustainability of a new FE infrastructure. However, it is also important that the new infrastructure takes into account environmental sustainability, which has the potential to make a significant financial contribution to an organisation; as has been proven over recent years at South Staffordshire College. The projected increases in energy costs over coming years, alongside the purchasing power that the new infrastructure would have, could from our experience, result in annual savings in excess of £1million. A centrally located procurement team would be able to leverage

economies of scale to deliver maximum value for money on estates and other expenditure categories.

### Effective transition and implementation

It is important that the transition to the new sustainable FE infrastructure is completed in as short a time as possible to ensure continued progress in meeting the educational and economic needs of the area. Integrated strategies aligning resources and initiatives of the S&SLEP, City and County Councils and the Staffordshire Chambers will need to be developed in a timely manner to ensure the new FE infrastructure quickly starts to have a positive impact upon the economic vibrancy of the area. This rapid transition to the new infrastructure would be aided by the lessons learned through the successful South Staffordshire College merger in 2009.

The new infrastructure needs to be founded on agility, so future changes in requirements can be quickly accommodated. This will require existing cultures to be developed into more innovative ways of working through effective change management. Whilst this can be achieved over time and it is understood that Government funding should be used as a last resort, access to transitional funding would significantly speed up this process. Some, if not all, of this could come from the removal of unnecessary duplication of provision and the disposal of surplus buildings.



## Options

The South Staffordshire College Board of Governors and Senior Leadership Team have spent significant time looking at the various options for collaborative arrangements in Stoke-on-Trent and Staffordshire as detailed on the following pages. Whilst there are many potential relationships, we believe the vision can only be achieved if collaborations are formed where there is a direct geographical connection. These single page, high level options evaluate the current financial viability, long term sustainability and resilience of each potential institution as well as making judgements based on their ability to meet each area's academic and vocational needs .

The financial analysis in the options below is based on the published accounts data for 2013/14 and will be subject to change once the 2014/15 data is available. However this gives an indication of the financial status of each option before any savings opportunities through for example, estate rationalisation, curriculum optimisation and the sharing of back office functions are realised. The extent of savings opportunities will vary in each of the options considered, but it is anticipated in all cases there will be a positive impact on financial viability and sustainability.

**South Staffordshire College & Stafford College**



Key Financial Data 2013/14	
Total Income	£45.4million
Surplus/Deficit	-£0.2million
Total Borrowing	£14.1million
Total Reserves	£25.5million
Borrowing % of Income	31.5%
Staff Costs % of Income	64.5%
Formulaic Health Grade	Satisfactory

Key Curricular Information 2014/15	
Total Student Numbers	12,981
Top 5 Curriculum Areas by Learner	<ul style="list-style-type: none"> <li>● Preparation for Life &amp; Work</li> <li>● Health, Public Services &amp; Care</li> <li>● Retail &amp; Commercial Enterprise</li> <li>● Arts, Media &amp; Publishing</li> <li>● Agriculture, Horticulture &amp; Animal Care</li> </ul>
Potential Growth Curriculum Areas to meet S&SLEP priorities	<ul style="list-style-type: none"> <li>● Engineering &amp; Manufacturing Technologies</li> <li>● Construction, Planning &amp; the Built Environment</li> <li>● Retail &amp; Commercial Enterprise*</li> <li>● Science &amp; Mathematics</li> <li>● Education &amp; Training</li> </ul>

\*Increasing annual employment requirement in transport, storage, wholesale and retail trades

Initial Option Appraisal	
For	Against
<ul style="list-style-type: none"> <li>● Close geographical proximity</li> <li>● Good transport links</li> <li>● Complementary curriculum offer</li> <li>● Some opportunity for curriculum rationalisation</li> <li>● Potential growth in LEP priority areas</li> <li>● Some opportunities for estate rationalisation</li> <li>● Strong links to County Council &amp; LEP from central location</li> </ul>	<ul style="list-style-type: none"> <li>● Long term financial viability and sustainability given demographic position</li> <li>● Limited cost savings opportunities</li> <li>● Limited breadth and range of curriculum offer</li> <li>● Limited opportunity to realise economies of scale</li> <li>● Further FE reorganisation would be required in the future</li> </ul>

**South Staffordshire College & Burton College**



Key Financial Data 2013/14	
Total Income	£45.9million
Surplus/Deficit	-£0.3million
Total Borrowing	£6.9million
Total Reserves	£26.1million
Borrowing % of Income	15.4%
Staff Costs % of Income	63.6%
Formulaic Health Grade	Good

Key Curriculum Information	
Total Student Number	14,709
Top 5 Curriculum Areas by Learner	<ul style="list-style-type: none"> <li>● Preparation for Life &amp; Work</li> <li>● Health, Public Services &amp; Care</li> <li>● Engineering &amp; Manufacturing Technologies</li> <li>● Languages, Literature &amp; Culture</li> <li>● Retail &amp; Commercial Enterprise</li> </ul>
Potential Growth Curriculum Areas to meet S&SLEP priorities	<ul style="list-style-type: none"> <li>● Education &amp; Training</li> <li>● Leisure, Travel &amp; Tourism</li> <li>● Retail &amp; Commercial Enterprise</li> <li>● ICT</li> <li>● Science &amp; Mathematics</li> </ul>

Initial Option Appraisal	
For	Against
<ul style="list-style-type: none"> <li>● Strong employer links &amp; capacity for growth</li> <li>● Good transport links</li> <li>● Complementary curriculum offer</li> <li>● Good proportion of provision in LEP priority areas</li> <li>● Some opportunities for estate rationalisation</li> <li>● Good financial health grade</li> </ul>	<ul style="list-style-type: none"> <li>● Long term financial viability given demographic position</li> <li>● Limited cost savings achieved from merger</li> <li>● Provision concentrated in South &amp; East Staffordshire only - reduced connectivity with County Council &amp; LEP</li> <li>● Potential for increased outflow of learners outside Staffordshire to neighbouring districts</li> <li>● Limited opportunity to realise economies of scale</li> <li>● Further FE reorganisation would be required in the future</li> </ul>

**South Staffordshire College, Stafford & Burton Colleges**



Key Financial Data 2013/14	
Total Income	£64.8million
Surplus/Deficit	-£0.5million
Total Borrowing	£14.1million
Total Reserves	£35.5million
Borrowing % of Income	22.1%
Staff Costs % of Income	63.4%
Formulaic Health Grade	Satisfactory

Key Curriculum Information	
Total Student Number	19,795
Top 5 Curriculum Areas by Learner	<ul style="list-style-type: none"> <li>• Preparation for Life &amp; Work</li> <li>• Health, Public Services &amp; Care</li> <li>• Retail &amp; Commercial Enterprise</li> <li>• Engineering &amp; Manufacturing Technologies</li> <li>• Languages, Literature &amp; Culture</li> </ul>
Potential Growth Curriculum Areas to meet S&SLEP priorities	<ul style="list-style-type: none"> <li>• Education &amp; Training</li> <li>• ICT</li> <li>• Leisure, Travel &amp; Tourism</li> <li>• Construction, Planning &amp; the Built Environment</li> <li>• Agriculture, Horticulture &amp; Animal Care</li> </ul>

Initial Option Appraisal	
For	Against
<ul style="list-style-type: none"> <li>• Strong employer links &amp; capacity for growth</li> <li>• Complementary curriculum offer</li> <li>• Good proportion of provision in LEP priority areas</li> <li>• Increased opportunity for estate rationalisation</li> <li>• Greater opportunity for savings through shared services</li> <li>• Strong links to County Council &amp; LEP from central location</li> <li>• Strong financial reserves</li> </ul>	<ul style="list-style-type: none"> <li>• Further FE reorganisation may be required in the future</li> <li>• Transport links between East Staffordshire &amp; Stafford</li> </ul>

**South Staffordshire College, Stafford & Stoke-on-Trent Colleges**



Key Financial Data 2013/14	
Total Income	£76.0million
Surplus/Deficit	-£6.2million
Total Borrowing	£28.4million
Total Reserves	£16.5million
Borrowing % of Income	38.3%
Staff Costs % of Income	64.4%
Formulaic Health Grade	Inadequate

Key Curriculum Information	
Total Student Number	28,266
Top 5 Curriculum Areas by Learner	<ul style="list-style-type: none"> <li>● Preparation for Life &amp; Work</li> <li>● Health, Public Services &amp; Care</li> <li>● Retail &amp; Commercial Enterprise</li> <li>● Engineering &amp; Manufacturing Technologies</li> <li>● Business Administration &amp; Law</li> </ul>
Potential Growth Curriculum Areas to meet S&SLEP priorities	<ul style="list-style-type: none"> <li>● Education &amp; Training</li> <li>● Agriculture, Horticulture &amp; Animal Care</li> <li>● Leisure, Travel &amp; Tourism</li> <li>● Science &amp; Mathematics</li> <li>● Languages, Literature &amp; Culture</li> </ul>

Initial Option Appraisal	
For	Against
<ul style="list-style-type: none"> <li>● Strong employer links &amp; capacity for growth</li> <li>● Complementary curriculum offer</li> <li>● Good proportion of provision in LEP priority areas</li> <li>● Increased opportunity for estate rationalisation</li> <li>● Greater opportunity for savings through shared services</li> <li>● Strong links to County Council, Stoke Council &amp; LEP from central location</li> </ul>	<ul style="list-style-type: none"> <li>● Inadequate financial health</li> <li>● Low reserves</li> <li>● Transport links between South Staffordshire and Stoke</li> <li>● Excludes geographical synergy between Newcastle &amp; Stoke</li> <li>● Further FE reorganisation may be required in the future</li> <li>● Some over capacity in non LEP priority areas</li> </ul>

**South Staffordshire College, Stafford & Newcastle Colleges**



Key Financial Data 2008/09	
Total Income	£71.0million
Surplus/Deficit	£0.2million
Total Borrowing	£14.1million
Total Reserves	£50.0million
Borrowing % of Income	20.3%
Staff Costs % of Income	64.1%
Formulaic Health Grade	Good

Key Curricular Information	
Total Student Number	23,478
Top 5 Curriculum Areas by Learner	<ul style="list-style-type: none"> <li>● Preparation for Life &amp; Work</li> <li>● Health, Public Services &amp; Care</li> <li>● Leisure, Travel &amp; Tourism</li> <li>● Retail &amp; Commercial Enterprise</li> <li>● Business Administration &amp; Law</li> </ul>
Potential Growth Curriculum Areas to meet S&SLEP priorities	<ul style="list-style-type: none"> <li>● Education &amp; Training</li> <li>● ICT</li> <li>● Construction, Planning &amp; the Built Environment</li> <li>● Agriculture, Horticulture &amp; Animal Care</li> <li>● Engineering &amp; Manufacturing Technologies</li> </ul>

Initial Option Appraisal	
For	Against
<ul style="list-style-type: none"> <li>● Good financial health</li> <li>● High level of reserves</li> <li>● Increased opportunity for estate rationalisation</li> <li>● Greater opportunity for savings through shared services</li> <li>● Strong links to County Council &amp; LEP from central location</li> <li>● Complementary curriculum offer</li> </ul>	<ul style="list-style-type: none"> <li>● Transport links between South Staffordshire and Newcastle</li> <li>● Excludes geographical synergy between Newcastle &amp; Stoke</li> <li>● Further FE reorganisation may be required in the future</li> <li>● Potential for increased outflow of learners outside Staffordshire to neighbouring districts</li> <li>● Some over capacity in non LEP priority areas</li> </ul>

**South Staffordshire College, Burton & Stoke-on-Trent Colleges**



Key Financial Data 2013/14	
Total Income	£76.5million
Surplus/Deficit	-£6.3million
Total Borrowing	£21.2million
Total Reserves	£17.3million
Borrowing % of Income	28.5%
Staff Costs % of Income	63.8%
Formulaic Health Grade	Inadequate

Key Curriculum Information	
Total Student Number	29,994
Top 5 Curriculum Areas by Learner	<ul style="list-style-type: none"> <li>• Preparation for Life &amp; Work</li> <li>• Health, Public Services &amp; Care</li> <li>• Engineering &amp; Manufacturing Technologies</li> <li>• Retail &amp; Commercial Enterprise</li> <li>• Business Administration &amp; Law</li> </ul>
Potential Growth Curriculum Areas to meet S&SLEP priorities	<ul style="list-style-type: none"> <li>• Education &amp; Training</li> <li>• Leisure, Travel &amp; Tourism</li> <li>• Agriculture, Horticulture &amp; Animal Care</li> <li>• ICT</li> <li>• Science &amp; Mathematics</li> </ul>

Initial Option Appraisal	
For	Against
<ul style="list-style-type: none"> <li>• Increased opportunity for estate rationalisation</li> <li>• Greater opportunity for savings through shared services</li> <li>• Complementary curriculum offer</li> </ul>	<ul style="list-style-type: none"> <li>• Inadequate financial health</li> <li>• Low reserves</li> <li>• Transport links between South &amp; East Staffordshire and Stoke</li> <li>• Excludes geographical synergy between Newcastle &amp; Stoke</li> <li>• Reduced opportunity for links to County Council &amp; LEP from location</li> <li>• Further FE reorganisation may be required in the future</li> </ul>

**Unified FE College for Stoke-on-Trent and Staffordshire**



Key Financial Data 2015/14	
Total Income	£129.6million
Surplus/Deficit	-£6.0million
Total Borrowing	£31.5million
Total Reserves	£57.7million
Borrowing % of Income	25.0%
Staff Costs % of Income	63.5%
Formulaic Health Grade	Satisfactory

Key Curriculum Information	
Total Student Number	47,306
Top 5 Curriculum Areas by Learner	<ul style="list-style-type: none"> <li>● Preparation for Life &amp; Work</li> <li>● Health, Public Services &amp; Care</li> <li>● Retail &amp; Commercial Enterprise</li> <li>● Business Administration &amp; Law</li> <li>● Leisure, Travel &amp; Tourism</li> </ul>
Potential Growth Curriculum Areas to meet S&SLEP priorities	<ul style="list-style-type: none"> <li>● Education &amp; Training</li> <li>● Agriculture, Horticulture &amp; Animal Care</li> <li>● ICT</li> <li>● Construction, Planning &amp; Built Environment</li> <li>● Science &amp; Mathematics</li> </ul>

Initial Option Appraisal	
For	Against
<ul style="list-style-type: none"> <li>● Optimum critical mass</li> <li>● Good financial position on which to build</li> <li>● Optimum opportunity for curriculum &amp; estate rationalisation</li> <li>● Maximum opportunity for larger savings through shared services</li> <li>● Optimum opportunity for cross-county travel to learn co-ordination</li> <li>● Further FE reorganisation less likely in the future - increased sustainability</li> <li>● Optimum strategic connectivity with S&amp;SLEP and other stakeholders</li> <li>● Excellent opportunity to encourage inward investment.</li> </ul>	<ul style="list-style-type: none"> <li>● Reduction in provider choice</li> <li>● Greater organisational complexity</li> <li>● Complex post-merger "harmonisation" picture</li> </ul>



## Conclusion

The Stoke-on-Trent and Staffordshire Area Review has the potential to meet the aims of the Government. Whilst the colleges may not currently all agree on the preferred outcome to achieve these aims, a great deal of cooperation exists between providers in Stoke-on-Trent and Staffordshire. This is an excellent foundation to build an agreed set of outcomes recognising the autonomy of individual Boards to do what is right for their colleges.

The Board of Governors and Senior Leadership Team of South Staffordshire College believe that the Area Review offers a once in a generation opportunity to provide a clear and coherent Further Education Infrastructure in Stoke-on-Trent and Staffordshire that would operate in the interests of learners and employers rather than the individual institutions.

We feel there is an opportunity to make significant savings from the public purse through the removal of unnecessary duplication of provision, disposal of surplus to requirement sections of the FE estate and a slimmed down management infrastructure, supporting new and innovative ways of working. This can all be achieved whilst improving the service Further Education delivers to individuals, communities and businesses.

The colleges located across Stoke-on-Trent and Staffordshire currently deliver pockets of outstanding and good provision mapped to local need as evidenced by the recent Post-16 Skills Pilot Initiative. However, all have differing financial positions as they have had to deal with the need to continually develop against a backdrop of reducing Government funding. The lack of critical mass within the existing infrastructure controls the speed, resource allocation and project implementation as colleges try to respond to local priorities which ultimately, have a knock-on effect on the productivity of the area. In an age of austerity and locally falling demographics, this is likely to continue unless a solution is identified.

Therefore, for reasons of long term financial sustainability and the ability to best meet the areas academic and vocational needs on a sufficient scale, our preferred solution would be a unified Further Education College for Stoke-on-Trent and Staffordshire. Whatever the final outcome of this process, it will be important that an infrastructure that has the critical mass to address the current issues is created. This needs to be agreed and implemented in a timely manner whilst there still exists a collective financial basis from which to build this future.

It is for these reasons South Staffordshire College is a proactive supporter of the Area Review process in Stoke-on-Trent and Staffordshire. Whilst this document identifies the key points from our perspective and our preferred solution, the Board of Governors and Senior Leadership Team are committed to working with others to consider *all* the options put forward. We are totally committed to working through this process to ensure the best possible solution is arrived at during the early summer of 2016. A solution that is of long term benefit for individuals, communities and businesses in Stoke-on-Trent and Staffordshire.

## Delivering

- ▶ Institutions which are financially viable, sustainable, resilient and efficient and deliver maximum value for public investment
- ▶ An offer that meets each area's academic and vocational educational needs
- ▶ The right balance of providers, including greater specialisation
- ▶ Sufficient access to high quality and relevant education and training for all young people, adults and employers
- ▶ Provision which reflects changes in government funding priorities and future demand

**East Staffordshire Borough Council**

**Weightmans reference: SG/893911/1**

**Schedule of evidence**

**SG11**

The logo for Weightmans, featuring the word "Weightmans" in white, bold, sans-serif font, centered within a black, horizontally-oriented rectangle with slightly wavy top and bottom edges.

**Simon Goacher, Partner  
Weightmans LLP  
100 Old Hall Street  
Liverpool L3 9QJ**

## **1. Introduction:**

Following complaints against Cllr F regarding his conduct the email activity surrounding the complaints lodged against Cllr F was examined.

With reference to Cllr F's usage of the Council laptop and his actions as a Councillor a number of potential breaches of these policies have come to light.

The Members' IT Policy applies to all members regardless of position or political affiliation. The Members' Code of Conduct also applies to all Members. There is a direct link between the two policies in so far that the introduction in the Members Protocol for IT usage states:

Members who fail to adhere to these Guidelines may find themselves in breach of the Members' Code of Conduct, which could result in an investigation by the Standards Board of England or the Council's Monitoring Officer and consequent sanction.

The potential include:

- Code of Conduct S2.1, S2.2, S2.3.2, S 3.4, S3.5, S3.6, S3.7, S3.9 and S3.10
- Members IT Policy S5 and S10

## **2. Background:**

The Council has adopted the Councillor's Code of Conduct (CoC) to set out the standards required by Councillors and Co-opted Members of East Staffordshire Borough Council (ESBC). The Code is consistent with the General Principles set out in Appendix 1 and the provisions of S29(1) Localism Act 2011.

The CoC includes the following statements:

S2.1 - Councillors must comply with the code whenever they conduct the business of the council and/or act as a representative of the Council.

S2.2 – The code has effect in relation to the conduct of the Councillor when they are acting in their official capacity

S2.3.2 – When a Councillor acts as a representative of the Council on any other body, they must, when acting for that body, comply with the Council's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

Therefore, in establishing whether the scope of the CoC is applicable as the first principal in this investigation it is clear that Cllr F, as the Council's representative on the UTC Governor's Board must comply with the CoC.

The relevant Code of Conduct (CoC) areas are:

**S3.4 – Councillors must not bully any person**

**S3.5** – Councillors must not intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness or involved in the administration of any investigation or proceedings

**S3.6** – Councillors must not do anything which compromises or is likely to compromise the impartiality of those who work for or on behalf of the Council

**S3.7** - Councillors must not disclose information given to them in confidence by anyone, or information acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature ...

**S3.9** – Councillors must not conduct themselves in a manner which could reasonably be regarded as bringing their office or the Council into disrepute.

**S3.10** – Councillors must not attempt to use their position as a councillor improperly to confer on or secure for themselves or any other person, an advantage or disadvantage.

The main Members IT Policy (IT) sections are:

**S5 - Bringing the Council into Disrepute**

The Councillor shall not use the computer, or permit its use, in any manner which may bring the Council or the Councillor into disrepute.

**S10 - Confidentiality**

In the event that future developments allow Councillors to access confidential Council information using the computer, the Councillor is responsible for ensuring the continued security of any such confidential information which they receive, including the security of any storage of such information on the computer. The Councillor is reminded of his/her obligations under the Council's Code of Conduct for Councillors not to disclose such confidential information to any third party.

Some of this information will be personal information relating to individuals. The unauthorised processing or disclosure of such information is prohibited under the Data Protection Act and the Councillor is responsible for ensuring that there is no such unauthorised disclosure from the computer.

### **3. Examination and Findings:**

In the capacity of Council representative on the UTC Board Cllr F emailed Deborah Price (Vice Chair of BSDUTC), using his ESBC email account and, amongst other things said:

*Please be aware the Post 16 Area Review is now underway in Stoke/Staffs and although the UTC is not within the remit of the review team, Burton and South Derbyshire College most certainly is. Therefore, it is conceivable in the near future, the College may not exist in its present format, nor with its existing management team. As a consequence the decisions within the UTC may come under intense scrutiny ...*

Cllr F has used his ESBC email address for this communication, as in this position he is a representative of the Council. Therefore the recipient of the email may believe that these are the views of ESBC because they have been raised by Cllr F whilst representing the Council.

However the views presented by Cllr F are not those of the Council because the position has never been discussed with the Leader of the Council, with the Council's Executive, or with the administration as a group.

Cllr F states that the UTC is not within the remit of the Post 16 Area Review. East Staffordshire Borough Council is not within that remit either. Cllr F does however state that Burton and South Derbyshire College 'most certainly is'. As the reviews that are carried out on BSDC have no bearing on either the UTC or ESBC, there is no reason for that information to be disclosed.

By presenting this speculative scenario which may or may not occur in the future and then specifically singling out the management team of BSDC, (by way of background the Chairman of the Governors of BSD is part of that management team and is the Vice Principal of BSDC) Cllr F is signifying that the Council's position is that the management team at BSDC may change in the future.

*These are personal opinions voiced by Cllr F and not the view of the Council. It is alleged that this act has brought the Council's reputation into disrepute. It could also be viewed as an act of intimidation and it is possible that because of the salacious nature of the comment, it may compromise those who work for the Council and work closely with BSDC.*

~~This may breach policy: CoC S3.4, S3.5, S3.6, S3.9 and IT S5~~

Cllr F is Councillor at ESBC. In a private role, not associated with ESBC, RF is the Chair of Board of Governors for South Staffordshire College (SSC). The SSC has campuses in Lichfield, Cannock and Tamworth, but not within the borough of East Staffordshire.

It could be easily interpreted that Cllr F's knowledge of the Post 16 Area Review,<sup>1</sup> whilst not being relevant for the UTC, is significant for BSDC. However for the explicit relationship between Cllr F and ESBC there is no relevance but for RF as the Chair of Board of Governors and the relationship with SSC it is very significant.

*Although Cllr F is representing ESBC on the UTC Board, it could be perceived that he is using his position on the Board to try influence the opinion of the VC of the UTC Board, by making what may be considered as negative remarks about the management team of BSDC. The management team at BSDC is of no concern to the UTC Board, however it may be of interest to RF's position within SSC. This could lead to securing an advantage for himself and the interests of SSC (in line with the Post-16 review) of SSC.*

~~This breaches policy: CoC S3.9 and S3.10 and IT S5~~

The Council became aware that Cllr F was also using a private email address to receive information that had been sent from UTC Board to Cllr F, whilst officially representing the Council on the Board.

There is no technical or professional requirement for a secondary and private email address to be used for UTC Board correspondence to Cllr F, as Cllr F already has his official Council

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<sup>1</sup> *this intends to support a restructure of the post-16 education and training sector through a series of area based reviews, which the government hopes will help create more financially stable and efficient providers and improved collaboration across the different types of institution*

email address, which is also used for receiving official communications. It could be interpreted that the reason for the use of private and personal email address was for the information to be used for other 'private business activities' outside of ESBC. That being the case those activities would be unauthorised and may be illegal when considered with Cllr F's position as the official representative for ESBC at the Board Meetings.

*Although Cllr F is representing ESBC on the UTC Board, by receiving emails into his personal / private email account it could be perceived that he is using this position on the Board to secure for himself an advantage in furthering his ambitions as well as the potential for the expansion and collaboration (in line with the Post-16 review) of SSC.*

~~This breaches policy: CoC S3.9 and S3.10~~

Contained within Cllr F's sent items is an email that contains a detailed series of notes which portray Cllr F's perspective on activities within the UTC. These opinions of Cllr F have been accumulated whilst he has held the capacity of the Council's representative on the UTC Board. The email also contains details of an email that Cllr F sent to the chair of the UTC Board. The content of the email starts with:

' Good morning Colleagues, I forward to you an email I sent prior to a UTC meeting I was unable to attend due to a prior meeting elsewhere..... ' It then goes onto provide a summary of discussions within UTC Board Meetings, where Cllr F is acting as the representative of ESBC, and judging by the content in the email contained privileged and confidential information.

This information, which is contained within the email was forwarded to: [REDACTED] on 24 February at 12:53

In summary Cllr F wrote an email regarding the UTC, and as part of that email he was also forwarding an email which he had sent in January from his ESBC account when he was the Council's representative on the Board. This was sent to a non-ESBC account, and contained privileged and private information.

*By sending this email, Cllr F has released private information into a non-secure environment.*

At 14:47, approximately two hours after originally forwarding the email to a private email address, Cllr F forwarded the 'forwarded email onto Cllrs Ackroyd and Grosvenor from 'Sent Items' using his ESBC account.

~~This may breach policy: CoC S3.7 and IT S10.~~

Cllr F has forwarded emails onto South Staffordshire College that were received in his capacity as the representative of the Council.

The emails that were forwarded on contain a 'Skills Audit' form and a 'Register of Interests' form.

It is noted that ESBC does not have any 'official or community business with South Staffordshire College, as none of the campuses are in the borough.

*However as RF is the Chair of the Board of Governors at SSC he has forwarded on emails, received in his ESBC capacity as Cllr F, representing the Council, which may benefit SSC. Therefore it could be perceived that Cllr F is securing an advantage for SCC.*

*This breaches policy CoC S3.10 and IT S10 (confidentiality)*

#### **4. Conclusion:**

This short investigation has found that Cllr F has used the Council's email system in a way that has potentially breached the Members Code of Conduct and the Members IT Policy.

The breaches include:

- Code of Conduct S2.1, S2.2, S2.3.2, S 3.4, S3.5, S3.6, S3.7, S3.9 and S3.10
- Members IT Policy S5 and S10

**East Staffordshire Borough Council**

**Weightmans reference: SG/893911/1**

**Schedule of evidence**

**SG12**

**Weightmans**

**Simon Goacher, Partner  
Weightmans LLP  
100 Old Hall Street  
Liverpool L3 9QJ**



[REDACTED]

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**From:** Cllr R Faulkner <raymond.faulkner@eaststaffsbc.gov.uk>  
**Sent:** 24 February 2016 12:53  
**To:** [REDACTED]  
**Subject:** FW: Shadow Boaed Meeting, Thursday 14th Jan 2016

Good morning Colleagues,

I forward to you an email I sent prior to a UTC meeting I was unable to attend due to a prior meeting elsewhere. I never received any answers to the questions either verbally, electronically nor in any subsequent meeting. I attended the next meeting on 26/01/16 where no minutes of the previous meeting were available. The Chair gave a quick verbal briefing to set the context of the meeting, bullet points were:-

- Chair and Deputy Chair had met with DFE on 22/01
  - [REDACTED] Learners signed up so far.
  - [REDACTED] suggested joining with other Trusts.
  - [REDACTED] has offered to explore an arrangement with UTC, this had caveats. Main problem was the [REDACTED]
  - Headlines identified in which [REDACTED] could assist listing no of pupils from [REDACTED] curriculum offer, lecturers, services. This outlined how the [REDACTED] could work together on a two year apprenticeship programme with the health science curriculum offer from UTC being offered in year 3.
  - Advantages were identified as
    - UTC opens in Sept 2016 and removes competitive problem of [REDACTED]
    - Tried and tested delivery
    - Sharing of o/heads
    - Ability to develop long term.
    - Financial stability. (I questioned this and didn't receive a convincing answer)
      - Issues were identified
        - Due diligence
        - [REDACTED] may say no.
        - Damage to reputation.
        - [REDACTED] and parents perception of change in direction.
        - Governance.
        - [REDACTED] have not commenced work to develop the health science curriculum nor does it have the resource/capacity to do so. (this was identified by their representative during the meeting).
        - Other options open were defer opening for a further year or close.
- Questions were asked by various members around curriculum, finance and governance. Existing students on role and communication strategy discussed. Communication strategy regarding reason for [REDACTED] not being at work, we are asked to tell anyone who asks that [REDACTED] is off ill.
- Chair and Deputy Chair were given authority to continue discussions with [REDACTED]
- No minutes or official record was made at this meeting.
- Meeting 04/02/16
- No minutes nor written record of previous meetings tendered.
  - Chair immediately updated members present (limited number and no record of attendance made) on position with [REDACTED]
  - [REDACTED] vehemently opposed (Chair's actual words).
  - [REDACTED] still would like to try to work with UTC on informal approach. This would include sharing of bus routes, teachers and curriculum (my view is this would be highly dubious ethically and morally and likely end in reputational damage).
  - Chair now aware of [REDACTED] which has several partners including [REDACTED]
  - Chair has approached their Principal who has declared his willingness to help.
  - This would mean deferring opening until 2017.
  - [REDACTED] has pulled strings with DFE (I'm unsure what benefit accrued from this as it wasn't clearly articulated)

- Chair then identified a financial scenario where costs of asset depreciation (building and equipment) were ignored and a break-even level of students necessary to cover marginal costs was offered as a way forward. Upon being questioned upon the wisdom of this strategy he commented 'well they (buildings and equipment) are a given and we have to pay for them anyway'
- This left question marks over staffing and recruitment, [REDACTED] and curriculum development and offer.

[REDACTED]

There was sufficient support around the table to allow Chair and Deputy Chair to continue discussions with [REDACTED] and [REDACTED]

It was at this time I identified to the Board the Further Education Review commencing in Stoke and Staffordshire and possible consequences. No UTC Board Members had been appraised of the review, (I consider this to be either an unfortunate oversight or withholding of information relevant in the circumstances the UTC were in).

After consideration subsequent to the meeting I sent an email to all Board Members voicing my concerns over the lack of Governance at recent meetings.

**From:** Cllr R Faulkner  
**Sent:** 13 January 2016 15:06  
**To:** [REDACTED]  
**Subject:** Shadow Boaed Meeting, Thursday 14th Jan 2016

Good afternoon [REDACTED],

My comments and queries for the meeting tomorrow:-

- I struggle to understand the relevance of stats dating back 4 to 5 years, however I expect that a narrative supplied by John would assist and no doubt he will provide that at the meeting.
- Has [REDACTED] salary and on costs been paid by BSDC, with the payment earmarked in February the repayment?
- Are we confident there will be no recruitment costs nor other on costs involved in the search for [REDACTED]
- There is no budget or cash flow entry for Pension Costs, nothing in the Balance Sheet projection either, do we not anticipate some form of pensions payment?
- As there is an intermittent recurrence of a negative cash balance identified in the cash flow, can we have assurance from BSDC they will offer short term finance? Does this need to have a Service Level Agreement accompanying it?
- The cash flow projections end in August. I know it is not easy to predict but the Board must have a rolling 12 months forecast, we cannot afford to be financially blind in the medium term. Can we arrange for this, please?
- I recall being told we would be recruiting staff prior to September 2016 start, is this correct? If so, there are no financial entries evidenced in the Management Accounts.
- At November Board [REDACTED] produced some financial projections based on break even at certain recruitment levels. I asked if it could be identified when the next increase in spend would be triggered in between these recruitment levels. Are they available?
- What confidence do we have in relation to hitting recruitment targets?

I know there are a lot of questions, if John would prefer to discuss these with me I would be happy to take a call from him.

With regard to CVI have just realised Word doesn't come free on Windows 10, so I may be a little longer

producing it on my Council laptop instead of my mainframe.

Best regards,

Ray Faulkner

Councillor for Winshill

Mob: [REDACTED]

[REDACTED]

---

**From:** Cllr R Faulkner <raymond.faulkner@eaststaffsbc.gov.uk>  
**Sent:** 09 October 2015 10:07  
**To:** [REDACTED]  
**Subject:** FW: DBS check and Skills Audit  
**Attachments:** Skills Audit Form 2015.doc

---

**From:** [REDACTED]  
**Sent:** 08 October 2015 16:14  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** DBS check and Skills Audit

Good Afternoon All

At the Governors Development session, [REDACTED] advised that all Governors required to have a DBS check. You are required to complete a DBS application form, which I will post out to you all. As part of this process, you are also required to provide identity documents for which I will send you guidelines on.

Could you please bring the completed application form and identity documents with you to next week's meeting. At the end of the meeting, a member of our HR department will check the form and forms of identity. [REDACTED], I am aware you have sent your apologies for the meeting, perhaps we can organise a convenient date and time for you to pop over to the College.

Also attached to this e-mail is a Skills Audit form, could you also please complete this form and bring it with you to next week's meeting.

Please do not hesitate to contact me if anything is unclear.

Thanks

[REDACTED]  
[REDACTED]  
*PA to Vice Principal Corporate Services*  
Executive Team  
Burton and South Derbyshire College  
Lichfield Street  
Burton on Trent  
Staffordshire  
DE14 3RL  
Tel Number: [REDACTED]  
Fax Number: 01283 49 4802  
Website: <http://www.bsdc.ac.uk>

[REDACTED]

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[REDACTED] Please consider the environment before printing this email.



Burton and South Derbyshire UTC  
Members' Skills / Experience Audit

The Shadow Governing Body wishes to undertake an audit of the skills and experience of existing members of the Shadow Governing Body. This exercise helps to identify skills balance of the Shadow Governing Body, recruitment requirements and is an important element of the Governing Body's self-assessment process. The Shadow Governing Body has identified the skill areas that it believes are relevant to their work.

Please indicate against each of these areas a response regarding your own skills, experience and knowledge, on a rating of 1 to 5, where:

- 1 - Some awareness but little knowledge or experience
- 2 - Some knowledge and/or experience
- 3 - Sufficient knowledge and/or experience to serve on a committee in this area
- 4 - Substantial knowledge and/or experience in this area of work
- 5 - Qualified and/or substantially experienced in this area and regularly use these skills

The list is not exhaustive and, if there are any other areas of skill or experience that you wish to bring to the attention of the Shadow Governing Body, then please add them to the end of this list in the space provided.

AREA	RATING (see above) (please tick ✓)				
	1 Low	2	3	4	5 High
Business Management					
Corporate Governance / Trusteeship					
IT Management					
Education Management					
Safeguarding					
Equal Opportunities					
Quality Assurance					
Financial Control/Management/Monitoring/Audit					
Forecasting /Risk Analysis					
Law / Legal Services					
Industrial Relations / Union Negotiation					
Personnel Management					
Training and Development					



AREA	RATING (see above) (please tick ✓)				
	1 Low	2	3	4	5 High
Estate Management					
Health and Safety					
Marketing and PR					
Strategic Planning					
Working with Local Communities / Partners					
Working with International Markets /Partners					
Any other: please list					

Any Other General Comments

Signed ..... Date .....

Name.....

Please return to [redacted] PA to the Vice Principal Corporate Services, Burton and South Derbyshire College, Lichfield Street, Burton upon Trent, Staffs, DE14 3RL or email [redacted]

**Hannah Thompson**

---

**From:** Cllr R Faulkner <raymond.faulkner@eaststaffsbc.gov.uk>  
**Sent:** 09 October 2015 10:06  
**To:** [REDACTED]  
**Subject:** FW: Register of Interests  
**Attachments:** interestsformandguidelines 15-16.doc

---

**From:** [REDACTED]  
**Sent:** 08 October 2015 16:33  
**To:** Cllr R Faulkner  
**Subject:** Register of Interests

Hi Ray  
In addition to my earlier e-mail, you are also required to complete the attached register of interests form. There are some guidelines at the end of the document but please do not hesitate to call if anything is unclear.  
Thanks

[REDACTED]  
*PA to Vice Principal Corporate Services*  
Executive Team  
Burton and South Derbyshire College  
Lichfield Street  
Burton on Trent  
Staffordshire  
DE14 3RL  
Tel Number: [REDACTED]  
Fax Number: [REDACTED]  
Website: <http://www.bsdc.ac.uk>

---

**From:** [REDACTED]  
**Sent:** 08 October 2015 16:14  
**To:** [REDACTED]

**Subject:** DBS check and Skills Audit  
Good Afternoon All

At the Governors Development session, [REDACTED] advised that all Governors required to have a DBS check. You are required to complete a DBS application form, which I will post out to you all. As part of this process, you are also required to provide identity documents for which I will send you guidelines on.

Could you please bring the completed application form and identity documents with you to next week's meeting. At the end of the meeting, a member of our HR department will check the form and forms of identity. [REDACTED] I am aware you have sent your apologies for the meeting, perhaps we can organise a convenient date and time for you to pop over to the College.

Also attached to this e-mail is a Skills Audit form, could you also please complete this form and bring it with you to next week's meeting.

Please do not hesitate to contact me if anything is unclear.

Thanks

[REDACTED]  
*PA to Vice Principal Corporate Services*  
Executive Team  
Burton and South Derbyshire College  
Lichfield Street  
Burton on Trent  
Staffordshire  
DE14 3RL  
Tel Number: [REDACTED]  
Fax Number: [REDACTED]  
Website: <http://www.bsdc.ac.uk>

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**BURTON AND SOUTH DERBYSHIRE UTC**

**REGISTER OF CORPORATION MEMBERS' AND MANAGERS' INTERESTS 2015/2016**

**NAME OF CORPORATION MEMBER/MANAGER .....**


**Form to be completed by all Corporation Members/Managers.**

**Each Member is invited to register all business interests, financial or otherwise, which he or she or (so far as he or she is aware) his or her spouse or partner, children or other close relatives may have. Members should inform the Clerk to the Corporation whenever their circumstances change and interests are acquired or cease. Members should also inform the Clerk to the Corporation of:**

- a. details of paid and unpaid consultancies;**
- b. details of gifts and hospitalities offered by outside bodies arising from the person's position as a member of College management;**
- c. honorary positions and other positions that might give rise to a conflict of interest or trust;**
- d. membership of closed organisations.**

Nature of Interest	Date on which Interest was disclosed	Date on which Interest was changed or ceased

**Signature: \_\_\_\_\_ Date: \_\_\_\_\_**

Please complete and return this form to  c/o Burton and South Derbyshire College, Lichfield Street, Burton upon Trent, Staffs, DE14 3RL

## REGISTER OF MEMBER'S INTERESTS

### GUIDANCE NOTES

1. Any interest, financial or otherwise, which is likely or would, if publicly known, be perceived as being likely to interfere with the exercise of a Member's independent judgement should be disclosed to the Corporation. The interest will then be recorded in a **VOLUNTARY REGISTER** which will be maintained by the Clerk to the Corporation. This Register enables Members to disclose relevant business interests in a manner which is open and transparent and demonstrates to the public that such interests have not influenced the Corporation's decision-taking process. Members are reminded that the Register is open to public inspection.
  
2. Members are in the best position to decide what business interests are relevant and should be disclosed. However, they may find it helpful to consider whether any particular interest should be disclosed by reference to the following headings, which are set out as general guidelines:-

Category of Interest	Information to be Disclosed
Paid employment	Name of employer
Self employment	Names of significant customers/clients accounting for more than, say, 10% of income of individual or firm
Directorship of commercial companies	Name of companies
Significant shareholdings	Name of companies in which the corporation members owns, say 5% or more of the issued share capital
Elected office	Name of authority
Trusteeships or participation in the management of charities and other voluntary bodies	Name of body
Public appointments (paid or unpaid)	Name of body
Membership of professional bodies and trade or other associations	Name of body

3. Members are invited to provide the same information, if known to him or her, in respect of his or her spouse or partner, children or other close relatives (eg living in the same household or a dependant). A Member should ask him/herself whether members of the public, knowing such information, would reasonably conclude that the relevant interest might influence his or her judgement.

**Hannah Thompson**

---

**From:** Cllr R Faulkner <raymond.faulkner@eaststaffsbc.gov.uk>  
**Sent:** 03 December 2015 17:41  
**To:** DL Councillors-Conservative  
**Subject:** Members upon Outside Bodies briefing document

Colleagues,

Just a short note to update you of what is happening in my area in the world of education.

- The UTC held another Open Day last Thursday. Arising from this a further 3 applications were received with another 4 potential applications. The next Shadow Board Meeting is to be held on 10<sup>th</sup> December and I will communicate new information subsequent to the meeting.
- The Further Education Staffordshire and Stoke Area Review is due to commence in January 2016. This will be Chaired by the FE Commissioner Dr David Collins. Five of the seven Colleges involved have been meeting on a regular basis since September to prepare for this review. Unfortunately Burton and South Derbyshire College have not participated in this preliminary work, mistakenly believing they would not be involved as they belong to GBSLEP. The review will be based upon travel to learn patterns so B&SDC will be involved. I believe the Education Portfolio holder for SCC Cllr Ben Adams is considering allowing the inclusion of School Sixth Forms across Staffordshire. The review will end in May 2016 and the likely outcome will be one merged College for the whole of Staffs and Stoke. Implementation will commence during the summer of 2016.

I would be happy to expand upon the above should any colleague require further information.

Best regards,  
Ray Faulkner  
Councillor for Winshill  
Mob: [REDACTED]

[REDACTED]

---

**From:** Cllr R Faulkner <raymond.faulkner@eaststaffsbc.gov.uk>  
**Sent:** 24 February 2016 12:53  
**To:** [REDACTED]  
**Subject:** FW: Shadow Boaed Meeting, Thursday 14th Jan 2016

Good morning Colleagues,

I forward to you an email I sent prior to a UTC meeting I was unable to attend due to a prior meeting elsewhere. I never received any answers to the questions either verbally, electronically nor in any subsequent meeting. I attended the next meeting on 26/01/16 where no minutes of the previous meeting were available. The Chair gave a quick verbal briefing to set the context of the meeting, bullet points were:-

- Chair and Deputy Chair had met with DFE on 22/01

[REDACTED] Learners signed up so far.

[REDACTED] suggested joining with other Trusts.

[REDACTED] has offered to explore an arrangement with UTC, this had caveats. Main problem was the [REDACTED]

- Headlines identified in which [REDACTED] could assist listing no of pupils from [REDACTED] curriculum offer, lecturers, services. This outlined how the [REDACTED] could work together on a two year apprenticeship programme with the health science curriculum offer from UTC being offered in year 3.

- Advantages were identified as

- UTC opens in Sept 2016 and removes competitive problem of [REDACTED]
- Tried and tested delivery
- Sharing of o/heads
- Ability to develop long term.
- Financial stability. (I questioned this and didn't receive a convincing answer)

- Issues were identified

-Due diligence

[REDACTED] may say no.

-Damage to reputation.

[REDACTED] and parents perception of change in direction.

-Governance.

[REDACTED] have not commenced work to develop the health science curriculum nor does it have the resource/capacity to do so. (this was identified by their representative during the meeting).

- Other options open were defer opening for a further year or close.

Questions were asked by various members around curriculum, finance and governance. Existing students on role and communication strategy discussed. Communication strategy regarding reason for Janak Patel not being at work, we are asked to tell anyone who asks that he is off ill.

Chair and Deputy Chair were given authority to continue discussions with [REDACTED]

No minutes or official record was made at this meeting.

Meeting 04/02/16

- No minutes nor written record of previous meetings tendered.

- Chair immediately updated members present (limited number and no record of attendance made) on position with [REDACTED]

[REDACTED] vehemently opposed ( Chair's actual words).

[REDACTED] still would like to try to work with UTC on informal approach. This would include sharing of bus routes, teachers and curriculum (my view is this would be highly dubious ethically and morally and likely end in reputational damage).

- Chair now aware of [REDACTED] which has several partners including [REDACTED]

- Chair has approached their Principal who has declared his willingness to help.

- This would mean deferring opening until 2017.

- [REDACTED] has pulled strings with DFE (I'm unsure what benefit accrued from this as it wasn't clearly articulated)



producing it on my Council laptop instead of my mainframe.

Best regards,

Ray Faulkner

Councillor for Winshill

Mob: [REDACTED]

## Hannah Thompson

---

**From:** Cllr R Faulkner <raymond.faulkner@eaststaffsbc.gov.uk>  
**Sent:** 16 February 2016 09:04  
**To:** Angela Wakefield  
**Subject:** Fw: BSD UTC Shadow Governing Body Meeting - 11/02/16

Good morning Angela,

Please see the email I sent to Deborah Price (Vice Chair of BSDUTC) in its entirety, not taken out of context, together with earlier emails. With all of this information, you are able to make an informed judgement of my words. As you can see I was more concerned with procedures and protecting individuals acting upon decisions not formally recorded. I was not being defamatory or trying to engineer a position for South Staffordshire College or the Borough Council. I was merely identifying a scenario that MAY happen and possible consequences.

I have knowledge of this information through my work with the Stoke and Staffs Post16 Area Review Process, which got underway on Friday 22nd January with a meeting Everton Burke attended.

I was asked to sit on the UTC Board because of my knowledge, experience and expertise within the sector. I utilised this knowledge to alert Board Members of a possible future scenario. The Board Members had not been made aware of the Post 16 Area Review process and were not informed by the Chair (John Beaty) of the process nor any likely outcomes. I believed it my duty to alert Board Members of the review, as not to do so could be construed as negligence. Whatever the outcome of the review I believe all decisions and actions within the time frame of the review will come under intense scrutiny. I, therefore felt honour bound to write as I did. I believe I was acting in the best interests of the entire UTC Board, allowing them to make decisions with the best knowledge available and ensuring those decisions were recorded.

---

**From:** Cllr R Faulkner  
**Sent:** 10 February 2016 05:48  
**To:** Price Deborah (RJF) BHFT  
**Subject:** Re: BSD UTC Shadow Governing Body Meeting - 11/02/16

Good afternoon Deborah,

I apologise if you believe I was being critical of yourself or John in my earlier email. Whilst I recognise the UTC is a Company registered as a Charitable Organisation and does have the authority to act as it is doing, I was trying to suggest some form of protection for yourself and John should the worst case scenario happen. As there were a number of board members missing at the latest meeting and the UTC is utilising significant funds from the taxpayer, I believe a written minute identifying in brief terms the decision taken and reasons would be prudent. This then ensures you are able to demonstrate you and John were acting under delegated powers.

Please be aware the Post 16 Area Review is now underway in Stoke/Staffs and although the UTC is not within the remit of the review team, Burton and South Derbyshire College most certainly is. Therefore, it is conceivable in the near future, the College may not exist in its present format, nor with its existing management team. As a consequence the decisions within the UTC may come under intense scrutiny, hence my desire to protect you both from any criticism.

Best regards,  
Ray

---

**From:** [REDACTED]  
**Sent:** 08 February 2016 20:57  
**To:** [REDACTED]  
**Subject:** RE: BSD UTC Shadow Governing Body Meeting - 11/02/16

Hi Ray,

As you are aware both of the latter two meetings were called at short notice with the main objective to agree delegated authority for John and I to carry on a conversation in the first instance with JCB and latterly with the Health Futures UTC to see if there was scope for joint working in order to ensure viability for our UTC.

John as Chair has been very competent at updating the actual SGB formal meeting with updates and confirmation of agreements and this will happen once again at the next meeting.

This will then ensure that there is a full and accurate record of decisions made so that members of the Board are able to fulfil their statutory obligations.

I served as Co Sec for a number of years and am comfortable with this arrangement - it also needs to be remembered that a lot of the conversation was private and off the record.

Happy to discuss at the next SGB if required.

Kind regards,

Deb

Deb Price  
Burton Hospitals NHS Foundation Trust

[REDACTED]  
www.burtonhospitals.nhs.uk

@burtonhospitals

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-----Original Message-----

From: Cllr R Faulkner [mailto:raymond.faulkner@eaststaffsbc.gov.uk]

Sent: 08 February 2016 23:11

To: [REDACTED]

Cc: [REDACTED]

Subject: Re: BSD UTC Shadow Governing Body Meeting - 11/02/16

Colleagues,

I attended the meeting last Friday where a discussion took place around the short/medium term options available for the project to continue. Challenging questions were asked at the meeting and were answered. However, I am extremely concerned there appeared to be no minutes taken and no record of the previous meeting tabled for verification and acceptance. This is not good practise in terms of Governance. For the members of the Board to fulfill their statutory obligations we must ensure an accurate record is kept of every meeting as agreed by all members in attendance. I must, therefore request the minutes of the last two meetings be prepared and circulated as soon as possible to ensure we follow the principles of good governance.

Best regards,

Ray Faulkner

From: [REDACTED]

Sent: 08 February 2016 04:33

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: BSD UTC Shadow Governing Body Meeting - 11/02/16

Good afternoon all

With regard to my e-mail below, at present there are no agenda items for discussion so we are envisaging that the scheduled meeting will not take place this Thursday. However, please keep the time free in your diaries in case a teleconference is required with regard to an update on matters discussed last Friday.

Many thanks



[REDACTED]  
[REDACTED]  
PA to Vice Principal Corporate Services  
Executive Team  
Burton and South Derbyshire College  
Lichfield Street  
Burton on Trent  
Staffordshire  
DE14 3RL

Tel Number: [REDACTED]  
Fax Number: [REDACTED]  
Website: <http://www.bsdc.ac.uk><<http://www.bsdc.ac.uk>>

From: [REDACTED]  
Sent: 05 February 2016 16:09  
To: [REDACTED]

Subject: BSD UTC Shadow Governing Body Meeting - 11/02/16

Good afternoon all

John has asked that you please keep the UTC Shadow Governing Body meeting scheduled for next Thursday 11th February in your diaries for the moment.

We will confirm the early part of next week as to whether the meeting is required or not.

Have a good weekend all.

Regards

[REDACTED]  
[REDACTED]  
PA to Vice Principal Corporate Services  
Executive Team  
Burton and South Derbyshire College  
Lichfield Street  
Burton on Trent  
Staffordshire  
DE14 3RL

Tel Number: [REDACTED]  
Fax Number: [REDACTED]  
Website: <http://www.bsdc.ac.uk><<http://www.bsdc.ac.uk>>

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**East Staffordshire Borough Council**

**Weightmans reference: SG/893911/1**

**Schedule of evidence**

**SG13**

The logo for Weightmans, featuring the word "Weightmans" in white, bold, sans-serif font centered within a black, horizontally-oriented rectangle with wavy top and bottom edges.

**Weightmans**

**Simon Goacher, Partner  
Weightmans LLP  
100 Old Hall Street  
Liverpool L3 9QJ**



**Information and  
Communication Technology  
Usage**

**Protocol and Guidelines for  
Members**

**May 2015**

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## **ICT Protocol for Members**

### 1. Introduction

The Council is committed to the development of Information Technology and will be working over the coming years to increase the range of information which is available to Councillors electronically and to enable Councillors to conduct more of their business remotely. The use of computers can make Councillors much more effective, but there are risks associated with such use.

This protocol sets out the conditions on which computers are provided to Members, in order to minimise those risks both to the Council and to individual Councillors.

This protocol is intended to be followed by all Councillors who are provided with ICT equipment by the Authority or who use Council provided facilities such as e-mail forwarding, web pages, etc. It should be noted that e-mails transmitted to an "Eaststaffsbc.gov.uk" address are transmitted via the Council's server and this will amount to use of the Council's ICT facilities, regardless of the ownership of the transmitting source.

The Members' Room contains a personal computer. This facility is available for Councillors to use at no charge for Council business, not for Party political or personal business.

Each Councillor is required to sign a copy of this protocol as a condition of being provided with the computer and must comply with the terms of this protocol. For this purpose, "Computer" means the computer provided to the Councillor by the Council for use at the Councillor's home, together with any equipment, software or materials provided for use with the computer.

Members who fail to adhere to these Guidelines may find themselves in breach of the Members' Code of Conduct, which could result in an investigation by the Standards Board of England or the Council's Monitoring Officer and consequent sanction.

### 2. Security for the Computer

The Councillor accepts responsibility for the safe-keeping of the computer and shall not allow it to be removed from the Councillor's possession by any unauthorised person.

The Councillor shall make reasonable arrangements for the safe-keeping of the computer. Any loss must be reported to the Council's Insurance Officer on 01283 508493

**Note:- The insurance cover is void if the computer is left in an unattended vehicle.**

Access to the Council's information systems via the computer will be subject to password security. The Councillor shall ensure that no-one other than the Councillor is given access to those Council information systems and shall not reveal any such password to any other person.

### 3. Use for Council Business

The computer is provided to the Councillor specifically to facilitate the discharge of the Councillor's functions as an ESBC Councillor. The Councillor must therefore not use the computer in any manner which will prevent or interfere with its use for that purpose.

Accordingly, the Councillor must not:

- (i) Misuse the computer in such a manner as to cause it to cease to function
- (ii) Install or use any equipment or software which may cause the computer to malfunction.

The Council provides the computer together with ancillary equipment and materials required for the Councillor's functions as a Councillor. Accordingly, the Council may decline to provide further equipment or material beyond a certain level where the use of such equipment or material appears to the Council to be required for private (non-Council) use.

Should problems arise with regard to the use of the computer then contact must be made in the first instance with the ESBC ICT Helpdesk on 01283 508356 during normal office hours or the On-call facility on 01283 508314 outside of normal office hours.

### 4. Use for Non ESBC Purposes

The Councillor may make moderate use of the computer for private purposes. This facility is limited to use of the software already installed on the computer.

The Councillor may use the Internet facility within the scope of Item 9 – Internet Usage.

Private use must be limited to use by the Councillor only, use by other family members or any other party is not permitted.

The councillor may not use any ESBC ICT facilities for party political business

The Council accepts no responsibility for such private use of the computer or any loss, costs or liability which the Councillor or any other person may suffer as a result of the use of the computer.

It should be noted that any private use made will still fall within the scope of Item 6. – Inspection and Audit

### 5. Bringing the Council into Disrepute

The Councillor shall not use the computer, or permit its use, in any manner which may bring the Council or the Councillor into disrepute.

Where the Council provides web-sites for Councillors, the Council reserves editorial control of such websites and the right to remove or require the removal of any material which is unlawful, defamatory or likely to cause offence or bring the Council into disrepute.

6. Inspection and Audit

The Council reserves the right to inspect the computer at any time. The Councillor is required to give Council officers access at any reasonable time for such inspection and audit, which may be undertaken without prior notice to the Councillor. Councillors are advised that the computer includes a history file which records its use, and particularly any websites which it has accessed.

7. Return and Recovery of the Computer

The computer remains the property of the Council.

The Council reserves the right to require the Councillor to return the computer at any time and the right to recover the computer from the Councillor. This right also includes situations where it is apparent that regular use is not being made of the computer.

The Councillor is required to return the computer to the Council upon ceasing to be a Councillor.

8. E-Mail Usage

All Members are provided with an e-mail address of '*firstname.lastname@eaststaffsbc.gov.uk*', For any users of the East Staffs e-mail system, whether they are Members or Officers, the following guidelines apply:

**You should be aware that the use of all e-mails is monitored and that there is no guarantee of privacy in relation to communications using East Staffs e-mail addresses.**

The Authority uses automated software to scan all e-mail to check for messages that do not comply with these guidelines and to prevent many of the unwanted advertisements (Spam) reaching your inbox. This form of e-mail filtering is standard practice in many organisations and is used to protect individuals from receiving offensive mail or large quantities of Spam. The filtering is also in place to protect the Authority and maintain good business practices by preventing the receipt of large attachments via e-mail and to prevent e-mails with unsuitable content from being sent under the banner of an East Staffs address.

Any messages that are blocked by the content filter will be advised in an email sent automatically by 08:00 each morning, the blocked message will be held in quarantine for 14 days before being automatically deleted.

If a Councillor has a particularly sensitive or confidential piece of information that they do not want to be subject to these guidelines, they should use their private e-mail addresses instead, so as to by-pass the East Staffs network.

When sending e-mail a standard disclaimer is automatically added to the bottom of all e-mails sent to mail addresses outside of the council, the wording of this disclaimer is reproduced below, any additional text added by the councillor will appear before the standard disclaimer.



*This e-mail and files or other data transmitted with it are confidential and intended solely for the use of the individual to whom it is addressed. If you are not the intended recipient, disclosure, dissemination, forwarding, printing or copying is strictly prohibited and you must not take any action in reliance upon it. Please notify the sender immediately and delete the message.*

*Any views or opinions presented are solely those of the author and do not necessarily represent those of East Staffordshire Borough Council unless explicitly stated otherwise. East Staffordshire Borough Council may monitor the contents of e-mail sent and received via its network for the purposes of ensuring compliance with its policies and procedures.*

*East Staffordshire Borough Council does not enter into contracts or contractual obligations via electronic mail, unless otherwise explicitly agreed in advance in writing between parties concerned.*

*The Council believes in being open with its information and the contents of this e-mail and any replies may be released to a third party requesting such information at a future date.*

9. Internet Usage

The Internet facility is primarily provided to assist you in your work for the Council. The accessing of inappropriate websites (e.g. Illegal, pornographic, offensive, discriminatory) is an abuse of the provision of the computer and any such abuse will be referred to the Leader. Members will be liable for any access to chargeable websites.

10. Confidentiality

In the event that future developments allow Councillors to access confidential Council information using the computer, the Councillor is responsible for ensuring the continued security of any such confidential information which they receive, including the security of any storage of such information on the computer. The Councillor is reminded of his/her obligations under the Council's Code of Conduct for Councillors not to disclose such confidential information to any third party.

Some of this information will be personal information relating to individuals. The unauthorised processing or disclosure of such information is prohibited under the Data Protection Act and the Councillor is responsible for ensuring that there is no such unauthorised disclosure from the computer.

11. Restriction of Use

The Council reserves the right to restrict the use of the computer if it has reason to believe that the use of the computer is likely to offend any provision of the Protocol. In particular, the Council reserves the right to:

- (a) Remove or disable any software or equipment;
- (b) Remove any information stored on the computer.

**Signed by the Councillor on receipt of the computer:**

**Print Name:**

**Date:**

**East Staffordshire Borough Council**

**Weightmans reference: SG/893911/1**

**Schedule of evidence**

**SG14**

The logo for Weightmans, featuring the word "Weightmans" in white, bold, sans-serif font, centered within a black rectangular box with a wavy top edge.

**Weightmans**

**Simon Goacher, Partner  
Weightmans LLP  
100 Old Hall Street  
Liverpool L3 9QJ**



Burton and  
South Derbyshire UTC  
A University Technical College

### UTC Special Shadow Governing Body Meeting - CONFIDENTIAL

Date 26 January 2016

Time 0800-0915

Venue Executive Meeting Room, Burton and South Derbyshire College

Present John Beaty (Acting Chair) [REDACTED] (via conference call)  
[REDACTED] Deb Price  
[REDACTED] (Minutes)  
Councillor Ray Faulkner [REDACTED]  
[REDACTED]

Those present at the meeting had no objections to a recording being taken for the purpose of the minutes.

#### Apologies

Apologies were received from John Southwell.

Ray advised governors of the post 16 area review that is taking place in Staffordshire and Stoke on Trent at the moment. The options following this review will be on the table at the end of May. Once the options are decided upon, there is a programme to implement these options immediately. These options may mean that there will only be one college throughout Staffordshire and Stoke on Trent, perhaps at best two, but no more. This means that Burton and South Derbyshire UTC may actually be run by a different organisation altogether. This needs to be tested with John and Dawn as to what their view is as to what is going to happen because sponsors need to be aware as to what is happening and the likely outcomes.

John stated that wasn't relevant at this time and this project should not be driven by this. John's understanding of the post 16 area review is very different to what Ray has outlined and does not think it would be practicable, possible or even in anyone's interest for there to be one college throughout Staffordshire and Stoke on Trent. This was often stated about the Birmingham review but the outcome of this has been very different with the six or so colleges that were involved, there is now talk of two of them potentially merging the rest of them will continue as standalone organisations with some collaboration around things like Apprenticeships. From the perspective of Burton and South Derbyshire College, we are very confident of our position we are doing the right things for our communities and our finances are sound. There FE Commissioner said big is not always beautiful, small can stand alone if you do right by your communities. John concluded by stating that it is an area to watch, but (as we are an Academy) we will fall under the secondary system in which won't necessarily be affected.

#### Date of next Meeting

The next meeting of the Shadow Governing Body will be held on Thursday 11<sup>th</sup> February 2015 at 0800 am.

**East Staffordshire Borough Council**

**Weightmans reference: SG/893911/1**

**Schedule of evidence**

**SG15**

The logo for Weightmans, featuring the word "Weightmans" in white, bold, sans-serif font, centered within a black, rounded rectangular background.

**Simon Goacher, Partner  
Weightmans LLP  
100 Old Hall Street  
Liverpool L3 9QJ**

Dear Simon,

Response to Draft Report.

With the greatest respect I find your findings to be unacceptable and challenge your findings in relation to Allegation 2. I believe there are numerous errors where statements I have made have been ignored, misstated or misrepresented. In relation to your other findings, I am satisfied.

Before going into detail I must point out there is a word missing in my statement of May 1<sup>st</sup>. Point 10 5<sup>th</sup> line .....board, (the word "aware" should be inserted here) of the.....

As for the detail:-

Point 15. You indicate this was held by conference call. This is not true. The meeting held on 04/02/16 was held at B&SDC meeting room. The Chair agreed to update members not in attendance via a phone call later.

I had "major concerns" not merely "concerns". In my email to all members of the Shadow Board on 11/02/16 I identified I was "extremely concerned" about the lack of Governance Principles. May I respectfully submit that I am under a duty to "promote and maintain high standards of conduct"? This is precisely what I was trying to do.

Point 18. The comments are taken out of context. I ask that the whole text of the email is used in the draft report as it commences with the words "I apologise if you believe I was being critical of yourself or John in my earlier email" and concludes "hence my desire to protect you both from any criticism".

Point 22. Where did the Minutes of 26/01/16 come from, SG 14 refers? If these exist, may I have a copy? In Dr Price's response to my first email she clearly states no written record is made and minutes are given orally at the next meeting by the Chair. As no written record was made at the next meeting on 04/02/16 how can minutes in written format exist? If written minutes had been produced I would not have written the two emails which are the subject of the Complaints.

Points 26 and 33. If the Burton & South Derbyshire UTC is not managed by Burton & South Derbyshire College who is it managed by? I submit the following as evidence:-

- Principal Sponsor B & SDC.
- Acting Principal/Chair of Shadow Board; B & SDC Vice Principal.
- All statutory accounts and accounting is carried out by B & SDC personnel.
- All administrative duties carried out by B & SDC personnel.
- All Marketing duties carried out by B & SDC personnel.
- Secretariat duties carried out by B & SDC personnel.
- Day to day activities carried out by B & SDC personnel.
- Meeting place B & SDC.

The other sponsors have members upon the Shadow Board and offer support. Dr Price also offers support to the Chair when he is carrying out duties of Acting Principal including negotiations with other bodies.

Point 30. It is suggested I was acting more in the role of South Staffs College member. In questioning Governance principles and identifying scenarios relating to Governance I was acting in my role as

Outside Body Representative for ESBC and requesting the high Nolan standards be respected. I found it impossible not to question the Governance Standards without compromising my role and reputation. These concerns were not addressed in Dr Price's original response, I was also endeavouring to protect her in the event of scrutiny.

Point 32. It is identified the discussions were of a highly confidential nature. I do not dispute this, however I point out that Minutes recorded at meetings can and are classified as Confidential, ensuring they are not disclosed. I, therefore fail to understand the reasons why confidential issues cannot be recorded?

Points 33 and 26. This is the first time I have been made aware during discussions and written statements from yourself that I was being disrespectful to John Beaty. I refer to this at the end of my comments.

Point 37. I sent my report to Councillors Ackroyd and Grosvenor from my personal email not my Council email. The email from my Council laptop identified I was forwarding the report from my personal email and the reason for this.

Points 42 and 43 (also relevant to Points 15 and 41). There is no reference to my extreme concern in relation to the informal approach to the [REDACTED] or ongoing discussions. It had been already identified by the Chair and Vice Chair that [REDACTED]

There is no note relating to my concern over the lack of a Service Level Agreement between BSDUTC and B & SDC being available for the Shadow Board to agree.

There is no note of my concern relating to the funding negotiations with the DfE and the lack of integrity and ethics with the stance to be taken by BSDUTC.

Point 51. My email comments are again recorded out of context. I request the entire contents of my email be recorded when identified within your report.

Point 62. At no point in my discussions and exchange of emails did the allegation of lack of respect get mentioned. If there had I would have contributed the final part of my report to my statements. I also have the following question. If I was being seen as disrespectful to Mr Beaty the Vice Principal of B & SDC would I not be seen as disrespectful to the Principal of B & SDC? If so, why has the Principal not made a complaint alongside the Chair of B & SDC?

Point 61. I refer to the question of respect or lack of respect. I categorically affirm I have the utmost respect for the role of Chair of any organisation, even though respect is implied in the title. In my 39 years of experience sitting upon boards of private and public bodies I have never before been accused of being disrespectful.

However, although the role of Chair has explicit respect, the individual carrying out the role must earn respect through their behaviour, values and standards. Whilst I have the utmost respect for the role of Chair, Mr Beaty's behaviour and values have not attained (in my view) the standards expected within the Nolan principles.

The reasons I believe Mr Beaty has failed in his duty to aspire to the highest standards of the 7 principles are as follows:-

- The original Principal Designate (PD) employed by Mr Beaty was recognised by Mr Beaty and the Board to be failing in his role. It wasn't until the DfE insisted the PD be removed prior to

any further negotiations relating to funding be commenced that the necessary action was taken. This displayed a lack of Leadership.

- An interview with a [REDACTED] was proposed to be held in a Service Station Café on the A50. This displayed a lack of Leadership, Integrity and Judgement. Although Judgement is not one of the seven principles, the idea of holding an interview in such an establishment raised serious questions in my mind as to what standards Mr Beaty had as well his judgement in deciding upon appropriateness of the location.
- The proposal to continue informal discussions with the [REDACTED] [REDACTED] a lack of Honesty, Integrity, Openness and Leadership.
- Subsequent to an email submission of questions relating to the finances of the UTC from myself, I received no response. This displayed a lack of Openness, Accountability and Leadership.
- After a request to see a Service Level Agreement between B & SDC and BSDUTC none was forthcoming. This displayed a lack of Openness, Accountability and Leadership.
- More than three months after the [REDACTED] no satisfactory communication had been prepared to explain to interested parties the lack of a PD. This displayed a lack of Openness, Accountability and Leadership.
- In relation to the subject of negotiations for further funding from the DfE, Mr Beaty's proposal to adopt the stance that: [REDACTED] [REDACTED]. He suggested the DfE would not want to be associated with this waste of taxpayers' money and would relent. This displayed a lack of Honesty, Openness, Integrity, Accountability and Leadership.
- The very fact minutes of meetings were not recorded, confidential or not, raised extreme concerns regarding Governance. This displayed lack of Openness, Accountability, Honesty and Leadership.

Notwithstanding the above reservations relating to Mr Beaty, I still held the position of Chair in the highest respect, hence my wording at the start of my second email to Dr Price. I also deliberately did not send this email to anyone else.

Challenging people in positions of power within an organisation is surely the role of representatives on a board. The fact some people did not like the facts or the possibilities does not make those comments disrespectful.

I have not enjoyed this investigation, particularly when I sincerely believe I have done nothing wrong. However, I thank you for your patience and the calm manner with which you have approached your task. I look forward to an amicable conclusion in the near future.

Best regards,

Ray Faulkner