



MINUTES OF THE LOCAL GOVERNING BODY  
MEETING HELD ON  
MONDAY 19 SEPTEMBER 2016  
AT CATMOSE COLLEGE FROM 5.00PM

Present: Andrew Holt (Chair), Judith Gilboy (Vice Chair), Stuart Williams (Executive Principal), Mark Nicoll, Rob Mulvey, Martyn Rhowbotham, Emma Gautrey, Simon Mellors, Paul Denton, Andy Wright, Nicola Fowler, Alex Mould & Nick Quinn

In attendance: Valda Austin (Clerk), Sam Hearth (Trustee), Rob Guthrie (Trustee), Sally Kirkby (Trustee), Kelly Jackson (Head of School Catmose Primary), Natalie Ray (CFO), Virginia Savage (Vice Principal), Jude Macdonald (Vice Principal), John Harrison (Head of School Harington School), Oliver Teasel (Vice Principal) and Sarah Bysouth (Independent Adviser).

1. Apologies for Absence

Apologies were received and accepted from Nicola Tyers (Clerk), Jeremy Simmonds, Chris Howard, Linda Arnold & Nick Wainwright.

2. Declarations of Personal & Pecuniary Interest

Mr Mellors declared an interest in discussions surrounding Catmose Nursery due to his role as Site Manager.

3. Catmose Nursery Incident & Actions

**ACTIONS**

1. In order to ensure that the Nursery continues to remain fully compliant with the Early Years Framework regulations set up a governor scrutiny panel (first meeting: Thursday 29 September 2016 from 4.30pm) that will:
  - Ensure that the Nursery continues to be fully compliant with the regulatory requirements of the Early Years Framework acting on behalf of the governing body;
  - To scrutinise the Quality Assurance arrangements of the Nursery including the action planning and programme Mrs Jackson has drawn up following the incident;
  - To provide support and challenge to the nursery management team to ensure the quality of provision is at least good;
  - To feedback to the full governing body the outcomes of this work.

This committee will be advised by Sarah Bysouth who is independent of the governing body and has substantial Early Years experience. The Executive Principal and SLT link to the nursery, the nursery manager and three governors will complete the panel.



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2. In a follow up meeting, governors would be updated once any disciplinary matters are concluded in order that if there are further actions needed they are taken expediently.
3. Mr Williams to lead a consultation regarding the possible closure of the nursery following the financial report presented by the CFO which indicates that it is not currently financially viable with future prospects looking to deteriorate this position further due to living wage implementation and changes to Early Years funding.

### SUMMARY OF DISCUSSION

Governors confirmed that they were all aware of the recent incident at Catmose Nursery through the information already shared with them (Ofsted warning notice and notice of compliance action). Mr Williams outlined the incident and updated everyone with the information that was available. Governors noted that there was an on-going staff disciplinary which had not yet been heard which would affect the information that could be disclosed at this point.

Mr Williams stated that issues with a permanent supply of water surrounding Catmose Nursery date back to February 2011 before which the Nursery was part of the old Vale of Catmose site. It was previously the intention to move the Nursery to the site where the Harington building is currently under construction however this could not happen due to finances. At this time, the Local Authority did not install a permanent water supply and Catmose Nursery is housed in an old building with no permanent water whereby they had relied on a temporary solution for the past five year by a pipe provided by Rutland Plastics.

The CFO was informed by Rutland Plastics on or around 24 March 2016 that this provision would no longer be available. The CFO put in a request (to the Local Authority) for a permanent supply of water. In mid-June 2016, an email was received from the Local Authority following communication with the Nursery Manager whereby they confirmed the works would require the nursery to move and the manager suggested the Primary might be suitable. The CFO confirmed that she liaised with the Site Manager, Mr Mellors, the SLT link for the nursery, Mrs Jackson, Patrick Logue at Rutland County Council and the Nursery Manager, Kirsty Moss via email traffic to ensure such a move would be appropriate. It was initially thought the move would be for two weeks but in mid-July it was subsequently found to be longer. Mr Williams stated that he was satisfied that the team had done due diligence in reaching the decision to move the nursery to the primary in order to minimise the impact on families. Minor works at Catmose Primary were considered and the Nursery Manager was aware of this and had requested the move which was then also scrutinised by Mrs Jackson. This was subsequently discussed at the Resources meeting on 7 July 2016. Mr Williams confirmed that he had considered that appropriate risk assessments were in place as they had been revised at each of the settings (Primary, Pre School and Nursery) following the inspection in 2015 and was



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therefore satisfied that the Primary would be a safe and secure environment.

Mr Williams briefly reiterated the details of the inspection in 2015 (which governors noted they had scrutinised at the time). It was noted that following this, Mrs Jackson had put in additional training, involved an external consultancy and supported staff including on developing Risk Assessments which had all been agreed and proven to be effective.

The Ofsted inspection of the 23 July 2015 confirmed the Nursery was offering a good quality of service and states in respect to the quality of leadership and management that, "The management team understands the legal requirements of the Early Years Foundation Stage and implements them to a high standard. The management team has reflected on the previous inspection and taken decisive action. This had led to improvements in the overall quality of the nursery and particularly children's safety. The staff team are highly qualified and continue to improve their qualifications and knowledge further through a targeted training programme."

Mrs Jackson leads on quality assurance at the Nursery and had carried out between 30 and 40 quality assurance exercises, learning walks and observations and had received feedback from Mr Williams when improvements were identified. Mr Williams was satisfied that the quality of the provision had been sustained since the inspection and had no reason to doubt their capacity to maintain a high quality provision.

Mr Williams also visits Catmose Primary on a weekly basis and is fully aware of the successful implementation of the risk assessments. Site walks had been carried out along with the Site manager and Mrs Jackson and refined over time to improve security. This had included most recently putting in new fencing with the Risk Assessments being assessed as an on-going concern rather than a static document. Mr Williams confirmed that all the appropriate health and safety checks were in place and the move was considered an operational issue that the team of staff who were responsible for had appropriately considered; he saw no reason for it not to go ahead. The governors noted that in 2014, when the Nursery was redecorated, a similar move had taken place for a few days on two occasions and this was considered a good opportunity to provide the children with more outside space.

It was noted that the first email correspondence was received regarding the potential move on 16 June 2016 and Mrs Ray was subsequently informed that on 12 July 2016 the move would happen in the Summer. On 14 July 2016, the Nursery Manager wrote to parents informing them of the decision to move the provision which was sent shortly after this date.

Mrs Ray outlined the Summer works at the Resources meeting on 7 July 2016 including the Nursery move which was considered usual practice for informing



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governors of site issues.

Having only been confirmed in the last week of term, the move was necessary but everyone involved considered that due diligence had been paid.

The Ofsted Warning Notice issued was circulated at the meeting (it had also been available electronically) and it was noted by governors that Ofsted would not be taking any further action on this occasion. It was agreed by governors however after some discussion, that going forward to ensure the Nursery remained totally compliant with regulations it would be beneficial if the governing body set up a Scrutiny Panel to specifically look at the work of the Nursery management, the quality assurance processes of the senior team and to provide greater involvement of the governing body going forward to ensure that the Nursery continues to be fully compliant with the regulatory requirements of Ofsted. It was unanimously agreed to set up this panel.

Mrs Bysouth was introduced to governors and outlined her background in EYFS and the quality assurance she carries out for the College and Primary. Mrs Bysouth agreed to join the nursery scrutiny panel as an adviser. It was agreed that Terms of Reference would need to be written to ensure that appropriate processes are in place and assure that the nursery continues to fully comply with the terms of EYFS. The draft terms of reference would be reported back to the governors for approval following the first meeting of the panel.

Mr Williams is currently the nominated person as part of his role as Executive Principal. The governors accepted Mr Williams' suggestion that it would strengthen governance of the nursery going forward if a governor with appropriate Early Years experience became the nominated person rather than an officer such as himself.

The Compliance Action taken was circulated and that governors would be updated following the completion of the disciplinary investigation and would form part of the first agenda item for the new scrutiny panel to ensure that the Nursery continued to ensure that this and all other aspects of the regulations continue to be adhered to.

Governors scrutinised and gave their full approval of the action plan and quality assurance that had been put in place but asked that further scrutiny of its implementation take place at the governors' first nursery panel meeting.

Mr Holt thanked everyone who had been involved with the incident at the Nursery and recognised the impact on the staff who have dealt with it.

It was noted by the governors following comment by Mr Holt that all staff give due diligence to reduce risks but cannot legislate against every eventuality and human error. A trustee questioned whether anything could have been put in place to reduce the human error on this occasion to which Mrs Macdonald stated 'she had found



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that appropriate policies and training were in place as part of her investigation'. Mr Holt also stated that he had scrutinised the investigation as part of his report and was also satisfied.

A trustee asked whether this incident could have occurred had the Nursery not moved. Mr Williams confirmed that it would have been difficult as a result of the measures already in place at the setting but that the primary setting should have been as secure given the policies and procedures in place.

Governors were asked who would be best placed to join the nursery Scrutiny Panel. The following governors agreed to join this panel offering a wealth of appropriate expertise:

- Sam Hearsh Early Years experience (nominated person)
- Martyn Rhowbotham (previous experience as HMI at Ofsted)
- Alex Mould (primary experience).

It was unanimously agreed that Mrs Hearsh would join the governing body of Catmose College to facilitate this work.

It was noted that the work has now been done to allow the supply of a permanent supply of water which Severn Trent have been back to approve this work which should result in the supply being reinstated shortly. The nursery is currently being supplied from water bowsers which are topped up daily as organised by the LA.

Mr Williams stated that governors would be updated once all evidence had been heard so that any further lessons could be learnt by the organisation.

It was noted that Mr Williams would be joined by two Trustees to hear the disciplinary case which was now scheduled for Monday. It was agreed that Dr Guthrie, Mrs Fowler and Mr Wainwright (reserve) would join Mr Williams in the Disciplinary Panel.

If necessary three Trustees would also be needed to hear any appeal it was therefore important for information pertinent to that investigation not to be discussed further at this time.

The CFO raised the viability of the nursery and proposed that we should consult on closing the Nursery. A Trustee questioned the value of the land but the CFO confirmed that although it did not have significant financial value, it could however make a good space for support services. Mr Williams noted that the Nursery was an attraction to staff when applying for posts within the Federation however there were currently no members of staff with children in the Nursery. Following a question from Mr Holt, it was noted that the pre-school subsidises the Nursery and runs with a current deficit of £38k with an additional £8,900 accumulating since 1



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September. It was noted that this situation will worsen when the Local Authority no longer subsidise the hourly rate and the introduction of the living wage.

Mr Williams outlined the potential redundancy situation and confirmed that some staff would be deployed at the pre-school, others deployed as TA's or other roles and others were near to retirement age.

A trustee questioned whether anyone would want to buy the Nursery. The CFO confirmed that the nursery is making a loss and they could not use the building as it is owned by RDSF which we would need government permission to dispose of. Mrs Ray was asked to outline the ball-park redundancy costs and confirmed that if everyone who is entitled to redundancy takes it (i.e. no deployment) there would be approximately £19k cost to the Federation.

A Trustee questioned the timescale for this and it was confirmed that it was a month with no minimum consultation period and there were some other opportunities for staff that were at risk which would be offered to avoid redundancy if possible.

Mrs Fowler proposed to consult regarding the possible closure of the Nursery on 31 October 2016 to which Trustees voted unanimously. The resources committee would consider responses on the 6 October. Mr Williams was tasked with ensuring all legal requirements were complied with. A Trustee stated that parents should be asked whether anyone wanted to buy the business. It was agreed that parents would also be consulted regarding the potential closure.

Everyone at the meeting was reminded of the need to ensure this matter is kept confidential.