

Minutes of the 34th Meeting of the English UK Board

Held at: English UK, 219 St John Street, London EC1V 4LY

Date/time: 12:30 on Thursday 14 April 2011

Present: Alison Chambers, Sarah Cooper, Michael Cornes, Jane Dancaster, Caroline Hugo, Sarah Schechter (Chair)

In attendance: Andrew Hjort (observer), Tony Millns, Mark Rendell and Annie Wright.

Constitutional business

1. Apologies for absence

Apologies were received from Sue Edwards, John Barnett, Graham Simpson, Shane Wilkinson, Richard Day, and Kate Cadwgan-Evans.

Due to the fact that only half of the Board were present and considering the importance of the issues to be discussed, it was decided that items 8 and 9 on the agenda be deferred. The Board agreed to meet from 18:00 to 19:30 on 25 May at the English UK Annual Conference & AGM to discuss these items.

2. Declaration of interests (if any) in the business of the meeting

MC explained that English UK's auditors, Buzzacotts, had recommended that English UK introduce a system whereby Board members and Trustees are asked to sign an annual declaration of interests. The English UK Finance Panel recommendation is to introduce a simplified version of the annual declaration and as a standing item on the agenda for each Board meeting, an opportunity for members to express a declaration of interests. TM noted that this could serve as a useful reminder to Board members of the need to consider English UK's overall objectives above domestic concerns.

Nobody declared any conflict of interest in today's meeting.

3. Minutes of the 33rd English UK Board meeting held on 13 January 2011

The Minutes were agreed to be an accurate record of the meeting with the exception of a couple of typographical errors. In item 3 on the agenda 'boardering' should read, 'bordering; and Item 7, 'though' should read, 'through.' The minutes have been amended accordingly.

4. Matters arising and updates

Regions

JD reported that the foundation of English UK London was being hindered by problems encountered in opening a bank account with Barclays and that they would be trying a bank called Metro instead. Around 55 members had joined and there was a possibility of employing, perhaps with English UK South, a part-time employee in due course. A website is also planned.

After futile attempts to set up an English UK East regional group, John Barnett has approached English UK Central on behalf of interested parties in Cambridge.

All Party Parliamentary Group

JD asked if a good mix of parties had been attained in this group. TM responded that English UK had been successful in attracting cross-party representation but that it continued to struggle to recruit enough opposition MPs.

Dates of future meetings

The Board raised no objections to any of the dates scheduled for Board meetings in 2012.

5. Membership of the association

Withdrawals, closures and suspensions

TM spoke to the paper and mentioned that Langside College, Glasgow had refused to cover the additional subscription levied by English UK to fight the recent level B2 judicial review because it had been sympathetic towards the position stated by the UKBA on the issue.

New members

The Board approved the bestowal of membership on all of the seven new applications.

2010 subscription debtors

TM reported that all outstanding subscriptions were settled.

Corporate Members

JD requested the details for Lost in London. AW will send.

Other Membership Matters

It was explained that despite merging Eastbourne School of English and The English Language Centre, Brighton would retain their individual membership. TM drew the Board's attention to the significance of the precedent set by Neath & Port Talbot College, a FE College, in buying out LSI in Portsmouth, an accredited private language school.

6. 2011 AGM arrangements including agenda, resolutions, Annual Report and Accounts

TM spoke to the paper. MC reported on the Annual Report and Accounts and noted that English UK had reported a surplus of around £10K for 2010 excluding the anticipated Judicial Review refund. The Board praised the management of English UK for achieving budget.

MC seconded Mark Lindsay's special resolution for the AGM concerning the collection and reporting by English UK members of data on Student Visitor Visas although he noted that he would not be in attendance on the day.

The Board unanimously approved the annual accounts and the release of the Annual Report to members ahead of the AGM.

The Board considered the auditors' post-audit letter and agreed with English UK's response.

Matters for discussion and decision

7. Review of student visa system changes and implications, including a change to the Rules re accreditation

TM spoke to the paper and the Board discussed the various implications of the recent changes to the student visa system. TM pointed out that he felt there was no realistic prospect of changing the government's mind on its policy towards student visas because of the scale of its majority.

JD commented that the changes were worse than had been expected and was particularly concerned about the interim CAS limit. She added that the number of students coming into the UK was effectively being limited by this measure. Limits will remain in place until centres are re-accredited by a statutory accrediting body.

Such restrictions limit the ability of English UK members to run their businesses as no statutory accrediting body is currently prepared to accredit the ELT sector. Neither Ofsted nor Estyn (Wales) had indicated any interest, the HMIE, the Scottish equivalent, was reported to be investigating, however. It was also noted that a major review of Ofsted was to be published the following week which was expected to be quite critical.

TM confirmed that a formal approach would be made by the British Accreditation Council, British Council and English UK to Ofsted and possibly the Independent Skills Council with a view to addressing this problem but that the preferred option would be for Accreditation UK to gain similar status to the School Inspection Service. Accreditation UK may need to be incorporated if it is to achieve this aim and a stumbling block would be the British Council's reluctance to pursue this avenue and another negative would be the fact that Accreditation UK fees would no longer be collected by English UK.

MC reported from a recent meeting with Jeremy Oppenheim, regional director, North East, Yorkshire and the Humber of the UKBA, that he had understood that instructions had been given to Ofsted to undertake this accreditation. TM was also due to meet Jeremy Oppenheim the following Wednesday and would seek to engage ministers as a matter of urgency.

The Border Force is reportedly unsure as yet how language assessment on student arrivals is going to be possible especially during busy periods. Cambridge ESOL has offered to provide training for border officers but this offer has been declined. JD reports that agents and students are very anxious about the prospect of there being ongoing uncertainty of entry at the UK border.

TM noted that the Government's target of a 70-80,000 reduction in student numbers will mainly come from the private FE sector, however, HE's stated desire to continue to grow may offset any reduction in real terms. There is concern that if no real changes to student numbers happen in the short term more draconian cuts may follow next year.

In terms of English UK's strategy, TM noted that he felt that the economic argument was not working as politicians believe the electorate is focused on cutting immigration at any cost.

In an assessment of the impact of these visa changes it is estimated that 40% of the current student body are visa nationals and so would be significantly affected. 40% are from the EU and 20% are on visa waivers from countries like Brazil and Taiwan (visa on arrival). Schools are

encouraging more students to come in on an ESVV visa and MC noted that any fall in GSVs will be appreciated by the government. JD noted that the weakness of the pound was still helping the UK to maintain its market position but predicted that those planning to go on to university may simply go straight to university now.

Addition to the English UK Rules

The Board unanimously agreed to change the rules of the Association in the light of the recent changes to the student visa rules and will now permit any centre that is accredited by a body approved by the UKBA for the purposes of access to the Register of Sponsors (Tier 4) to be able to seek membership of English UK.

The Board wished to acknowledge the efforts of TM, in particular, in helping the industry avoid the imposition of a requirement for students to hold a B2 level qualification in order to study English in the UK on a General Student Visa (GSV) and for increasing English UK's standing and profile within the education sector.

8. Strategy 2011-5: key questions

The Board agreed to defer discussion on this point till 25 May 2011.

9. Succession planning: sub-group report

The Board agreed to defer discussion on this point till 25 May 2011.

Matters for report and information

10. 2011 Annual Conference: draft programme

The Board reviewed the progress with the programme for the AGM and made the following recommendations. JD suggested more sessions on general business themes and another session by The Economist Intelligence Unit. Sarah S suggested inviting Mark Powell. The Board recommended inviting Croner Consulting or Peninsula to do a session on employment law issues and Jeremy Oppenheim from the UKBA. Health and Safety and Dealing with Difficult People were also mooted as possible topics as well as panel discussions on the future direction of education and on the Secure English Language Tests (SELT). It was felt to be desirable that a representative from Ofsted and the QAA be invited to attend. TM confirmed that VisitBritain would be delivering an elective session on marketing through new media.

It was also confirmed that Damian Green had accepted an invitation to attend the Parliamentary Reception.

11. Judicial Review costs

The Board were pleased to note that £45K had been repaid to English UK and agreed that the sum be reserved for further campaigning and possible legal action on visa issues.

12. Accreditation UK Executive Board minutes of 1 February 2011

TM confirmed that the future of the Scheme would be discussed at the next Executive Board meeting in light of the announcement that only statutory bodies would be able to accredit centres under Tier 4 of PBS. Accreditation UK will remain very relevant as it is mandatory for centres wishing to attract students on ESVs. TM explained that 86% of accredited centres are currently English UK members and that a list of accredited non-members will be compiled shortly with a view to making a further approach regarding English UK membership. He noted that peer recommendation was a powerful tool.

TM also confirmed that there would be an Accreditation Conference on 1st September 2011 which would be aimed at attracting those with an expertise and interest in accreditation.

13. English UK Enterprises Board Minutes of 8 February 2011

It was noted that recent attendance levels of the sub-boards had been disappointing and that the issue would be considered at the June meeting of the Main Board.

The Board agreed a policy of supporting different charitable activities each year so will not be directly supporting the Oxford Fun Run which it agreed to support the previous year. It was suggested that instead of sponsorship, a trophy be purchased and awarded annually as a prize on a team basis.

14. English UK Accreditation and Professional Services Board Minutes of 15 March 2011

It was noted that the treatment of excellence and publishable statements would feature on the next Accreditation UK Executive Board agenda. MR gave further details of recent CPD initiatives including the formation of a CPD steering committee which is comprised of around 20 industry stakeholders including representatives of several member centres and that it is hoped that significant progress will be made on the CPD initiatives by the end of 2011.

15. Finance Panel Minutes of 7 April 2011

On the ongoing issue of VAT on agent commissions, MC observed that the Finance Panel had been about to approach Deloitte to act on its behalf when Mike Payne, a VAT consultant, approached the panel with what he described as a new position on the issue.

He is currently working on behalf of a client on reverse charging and the Board is awaiting evidence that his client has been successful. If successful, Mike Payne would like to take 20% of any VAT that is saved. MC remains sceptical as a large organisation like Deloitte has not been able to find a solution yet.

Mike Payne also stated that he had been informed that HMRC had rejected the notion of net fees on invoices and JD noted the irony of the situation as this course of action had been his original recommendation. AH stressed that agents in many countries were obliged to declare VAT anyway.

With regards to outstanding debts related to the Judicial Review, JD offered to contact John at Victoria School about his school's outstanding debt. JD suggested that RD contact the Liverpool School of English. TM will also focus on the list of debtors and stressed that expulsion would remain the ultimate sanction. This item will be raised again at the next Board meeting.

Other urgent business

16. Dates of future meetings

2011

18:00-19:30, Wednesday 25 May

10:00-12:30, Thursday 16 June

Thursday 20 October

2012

Thursday 12 January

Thursday 19 April

Thursday 17 June

Thursday 18 October

All meetings will be held at English UK, 219 St John Street, London EC1V 4LY.

17. Any other urgent business

JD informed the Board that Norman Renshaw would be undertaking a sponsored bike ride from John O'Groats to Lands End in aid of prostate cancer and that she could provide the link for sponsorship to anyone interested.

JD requested that the pages of the Board papers be numbered for the next meeting.

The meeting concluded at 14:30.