

## John Wheatley College

### Executive Committee

**Minutes of the Executive Committee meeting held on Wednesday 8 June 2005 at 4.00pm in Room S/09, Easterhouse Campus.**

#### 1. Sederunt

The meeting commenced at 4.00pm and was attended by:

Andy Woolley (Chair)  
Ian Graham (Principal)  
Desmond O'Brien  
Martin Axford

#### **Also in attendance:**

Alex Kirk (Depute Principal)  
Alan Sherry (Assistant Principal)  
Alan Inglis (Assistant Principal)  
James Gow (Chief Finance Officer)  
Roger Stewart (Clerk to the Board)  
Laura Crouchman (Committee Coordinator)

#### 2. Apologies

Helen Ostrycharz

#### 3. Terms of Reference

Members noted the terms of reference of the Executive Committee. It was confirmed that the meeting was quorate with 4 members in attendance.

#### 4. Declarations of Interest

A Woolley declared an interest in *Item 6 – matters arising from the minutes of the previous meeting* as an employee of one of the potential funders (Scottish Enterprise Glasgow) of the College's new build project and as a member of the Scottish Further Education Funding Council (SFEFC) Property and Capital Investment Committee.

I Graham A Kirk, A Inglis and A Sherry declared an interest in *Item 13 – Survey of Senior Postholders Remuneration (2004/05)* as a result of holding senior positions at the College.

I Graham and A Kirk also registered a potential interest in respect of agenda item 9 – Allegation of Possible Misconduct (it was agreed that they would not be present when this item was discussed).

#### 5 Minutes of the Previous Meeting held on 29 March 2005

The minutes were agreed as an accurate record of the meeting held on that date. There were no alterations for accuracy.

## **6 Matters Arising from Minutes of Previous Meeting**

### *Item 8 – East End Campus – Stage One Contractors Tenders*

The Principal apprised members of the outcome of a meeting which he (and Alex Kirk) had had with officers of the Scottish Further Education Funding Council on 25 May 2005.

The purpose of the meeting was to consider the funding package of the College's Capital Project at Haghill.

The outcome of the meeting was a proposal that SFEFC would extend to the Board an advance financial credit facility of up to £350,000 (in addition to the capital grant already confirmed).

The Principal added that the College would pay back this credit facility over a three-year period (from 2006/07) from anticipated in-year allocations (as described in a letter which the College had tabled).

The SFEFC would seek the agreement of a sub-committee of the Council's Property and Capital Investment Committee and would refer the proposal to the meeting of the Council to be held in July 2005.

A Woolley declared a potential conflict of interest at this point (he being a member of the Property and Capital Investment Committee but not of its sub-committee).

Members considered this proposal and agreed to endorse the approach described in the Principal's letter to SFEFC.

They also requested that the College make reference to this arrangement in the College's Strategic and Operational Plan for 2005/06 (which would be considered by the Board at the next meeting on 22 June 2005).

### *Item 9 – Contract relating to Scottish Enterprise Glasgow – Grant towards construction of East End Campus*

A Woolley formally declared an interest in this item as an employee of Scottish Enterprise Glasgow. He advised members that the 'back letter' discussed at the previous meeting should be issued soon.

There were no more matters arising.

## **7 Correspondence**

### **a) SFEFC**

#### **i) Financial Forecast Return (FFR) 2005-06 to 2007-08;**

I Graham confirmed that a detailed paper regarding the College's Financial Forecast Return (FFR) would be considered at the next Board of Management meeting scheduled for 22 June 2005.

He added that the College had recently received a letter from L McTavish (Principal at Anniesland College) in her role as chair of the HN development Group which confirmed the allocation of circa £10k to support curriculum developments for this level of qualification.

**ii) Merger proposals from Scottish further education colleges – revised guidance; and**

Members noted the contents of the correspondence.

**iii) SEP Evaluation of East End Campus Project**

Members noted the contents of the correspondence.

**b) Association of Scottish Colleges (ASC)**

**i) The College of the Future: Promoting Employability and Enterprise Conference; and**

I Graham reported that he and A Woolley would be attending this conference.

**ii) Updating Governance in Scotland's Colleges: Summary of current developments**

I Graham informed members that ASC had produced a summary of current developments relating to governance matters in the FE sector. He added that the document also compared the number of Employment Tribunals in both the FE and HE sectors.

Members noted the correspondence.

**8 Offer of Grant – Session 2005/06**

I Graham spoke to his report and informed members that the Scottish Further Education Funding Council (SFEFC) Letter of Grant Award for academic/financial year 2005/06 required colleges to indicate their acceptance (or otherwise) of the grant assistance offered to them. The Principal reminded members that the Board of Management (at the meeting held in 24 May 2005) had agreed to delegate to the Executive Committee the authority to consider and respond to the offer of grant made to the College by SFEFC. He added that a response required to be sent to the SFEFC by 10 June 2005.

I Graham reminded members that the offer of grant related to an anticipated level of student activity of 32,747 Weighted Student Units of Measurement (WSUMs). He added that the College's previous strategic plan indicated that it wished to increase activity by 2,500 WSUM's in session 2005/06.

The Principal confirmed that as a result, the College would propose it accepted the offer of grant for 2005/06 (based on 32,747 WSUM's) but would request an additional 2,500 WSUM's (provided that they are funded at £182.23 per WSUM).

I Graham further reported that the College's bursary allocation for session 2005/06 was inadequate for the level of full-time further education enrolment target established for the College. He explained that the College's experience of session 2004/05 suggested that the average value of a student bursary was likely to be £1,400. Therefore, if such a student profile was maintained the College would probably be 'short' of £195,400 in student support funding for the next session.

I Graham reported that the College had written to Roger McClure, Chief Executive of SFEFC, to raise this concern (the letter being attached as appendix 1 to the report). He added that a meeting to consider both the issues discussed had been arranged for 14 June, some 4 days after the deadline for the return of the pro forma related to the funding offer.

The Principal also informed members that the College proposed to allocate the one-off non-recurrent capital grant to support the development of the new East End campus. This was detailed in appendix 5.

The Principal highlighted that there may be the possibility of introducing an additional HNC Child Care class in 2005/06 however this would require the transfer of HN places from another college (mostly likely Langside College) due the operation of the sector-wide cap on full-time HN provision.

With no further discussions, members agreed to:

- i) note the contents of the Principal's report;
- ii) agree to the Chair and the Principal accepting the offer of grant for 2005/06 (as described in the report and summarised in appendix 2) and with the caveats intimated in appendix 3;
- iii) endorse the Principal's acceptance of the conditions which apply to the administration of Educational Maintenance Awards (EMAs) for 2005/06 (as indicated in appendix 4);
- iv) endorse the intimation which describes the primary uses of capital and non-recurrent revenue funding for 2005/06 (committing these resources entirely to the East End Campus project) as described in appendix 5; and
- v) request the Principal to forward these returns to the SFEFC within the deadlines indicated in the Council's Offer of Grant.

## **9 Allegation of possible misconduct**

The Chair requested that this item was considered at the end of the agenda.

## **10 Wage Settlement – Teaching Staff 2004/05 and 2005/06**

A Kirk spoke to his report and reminded members that they approved an initial wage offer (related to 2004/05) for members of the College's Teaching Staff at an earlier meeting of the Executive Committee.

The Depute Principal confirmed that the College had held a number of meetings of the Joint Negotiating Committee (JNC) and the negotiations had

led to the formulation of the College's proposed final offer package to Teaching Staff. He added that this package (detailed in appendices 2, 3, 4 and 5) included a salary offer for two financial years 2004/05 and 2005/06 as well as items related to the modernisation of conditions of service for both years.

He added that the modernisation of conditions dealt with maximising class contact time for lecturing staff within the existing contractual arrangements and consolidating the Evaluation of the Learner Experience pilot project within the College's quality procedures.

The Depute Principal requested that members note that the proposed change in salary scale points for 2004/05 resulted in a 7.2% increase with an additional 1.3% increase from August 2005. He also confirmed that due the way that this package was structured the College had observed Treasury Guidance on pay awards for the public sector.

A Kirk stressed that this represented a substantial financial commitment from the Board of Management to teaching staff and supported the EIS/FELA aspiration to keep the Lecturer salary scales in the upper quartile of the further education sector as a whole.

In response to questions the Depute Principal informed members that negotiations had commenced with Unison for support staff but as yet there had been little progress.

I Graham confirmed, in response to members' questions, that the College's absence rate was improving and highlighted that some of the absence figures in the appendices were almost a year out of date.

Following discussion members agreed to:

- i) note the contents of the report and its appendices;
- ii) agree to the terms outlined in Appendices 2, 3, 4 and 5 as the Board's final offer to the EIS/FELA in respect of the College's Teaching Staff for 2004/05 and 2005/06;
- iii) authorise the Principal to settle with recognised representatives on the basis outlined in Appendices 2, 3, 4 and 5; and
- iv) request the Principal to apprise the Board's Personnel and Staffing Committee of the details of this report and its appendices.

## **11 Termination of Service**

A Kirk spoke to the report informing members that after the College's review of its support staff structure in 2002/2003, one employee was unable to secure a position in the new staffing structure. He reported that a voluntary severance application had been received from this individual.

A Kirk reported that this employee had been absent from work for a period of 24 months. During this time the College had met with the employee and their full-time Trade Union representative on a number of occasions. He added that the College's Occupational Health Service has confirmed that the

employee was fit to return to duty. However the person concerned continued to be signed unfit for duty by his/her General Practitioner.

He reminded members that the College takes all practicable steps to enable employees with a medical condition to continue in employment where this was possible including considering deployment in other appropriate posts within the College. This was deemed not suitable given the nature of the employee's personal difficulties.

A Kirk further reported that the College's Solicitor had drawn up a compromise agreement to protect both the interests of the employee and the College. This was attached as appendix 1 for the information of members.

The Depute Principal also informed members that the paper contained details of an Employment Tribunal Application from another employee claiming payment for lieu of notice. He explained that the employee concerned withdrew their availability to carry out work for the College and intimated their intention to resign. The College accepted their resignation and reallocated the hours of work to a permanent member of staff. A Kirk further reported that the employee subsequently requested that they be paid for four weeks lieu of notice since there was no work available. This was refused by the College in accordance with advice given by the College's Solicitor. The individual subsequently submitted an Employment Tribunal Application. A Kirk confirmed that, purely for economic reasons the College agreed to settle the matter outwith the Employment Tribunal System.

A Kirk reported that the Compromise Agreement was attached as appendix 2 for the information of members. It was noted that the College agreed to pay the individual £174.55.

With no further discussion, members agreed to:

- i) note the contents of this report and its appendices;
- ii) note the contents of the attached Compromise Agreements;
- iii) approve the release of the employee on grounds of redundancy;
- iv) agree to the payment of £6,982.07 subject to lawful deductions;
- v) agree to the College signing the Compromise Agreement between it and the employee;
- vi) note the payment of £174.55 in respect of the settlement of the Employment Tribunal Application; and
- vii) request the College to bring this paper to the attention of the Personnel and Staffing Committee.

## **12 Appointment of Full Members of the Board of Management and nominees for vacancies on Standing Committees**

**Senior College Staff left the meeting at this point.**

R Stewart spoke to this report informing members that there would be two vacancies for two full members of the Board of Management, one to replace C McPhie (who resigned during May 2005) and one to replace M Axford when he retires on 31 July 2005. The Clerk to the Board also highlighted that the Committee would also have to consider the co-option of members to standing committees. He reminded members that both M Axford and J Cope had expressed an interest in retaining their links with the College following the completion of their terms of office as full member and that the Board had agreed to co-opt both to appropriate Standing Committees.

After discussion members agreed to recommend Rosemary Venditozzi for full membership of the Board as her skills would enhance its operation. Members further noted that this appointment would also go some way to address the gender balance of the Board.

Members decided to defer making a further recommendation until they could consider the matter further.

**At this point M Axford declared an interest in this item. He subsequently remained present but did not participate in this discussion.**

With regard to the co-option of members, the Committee agreed to invite J Cope (former Chair of Board) to accept co-option onto the Financial Control Committee and Martin Axford (after retiral from Board) to accept co-option onto the Personnel and Staffing Committee and Capital and ICT Committee

A Woolley reported that in the absence of volunteers or interest expressed by full members to stand on the Board of Management's Standing Committees he would approach individual Board members informally to explore their interest in filling the vacancies.

It was noted that the members would take up their new posts after this had been agreed by the Board of Management at a meeting scheduled for 22 June 2005. R Stewart agreed to write to R Venditozzi, M Axford and J Cope to advise them of these changes.

Members agreed to:

- i) consider the information contained in appendix 1 as part of the selection process for new members of the Board of Management;
- ii) request the Clerk to the Board to bring forward a report to the next scheduled Board meeting recommending R Venditozzi for full membership of the Board from 22 June 2005; and
- iii) request the Clerk to the Board to bring forward a report to the next scheduled Board meeting recommending the co-option of J Cope to membership of the Financial Control Committee from 22 June 2005 and M Axford to membership of the Capital and ICT Committee and the Personal and Staffing Committee from 1 August 2005.

### **13 Survey of Senior Postholders Remuneration (2004/05)**

A Woolley confirmed that he would consult with J Cope as to how he previously dealt with the remuneration of senior postholders. He would also contact H Ostrycharz (who was absent from the meeting) for advice on this matter.

Following discussion members agreed that this matter would require to be considered further at a future meeting of the Executive Committee.

Members agreed to (as the Board's Remuneration Committee):

- i) note the contents of the Principal's report;
- ii) note and consider the data included in the ASC Remuneration Survey for 2004/05 (attached as an annex to this report); and
- iii) note formally that all members of the College's senior management team have a potential conflict of interest in this matter.

### **9 Allegation of possible misconduct**

A Woolley informed members that this was a paper written by the Principal regarding an allegation by Strathclyde European Partnership that the Principal had 'misled' the Executive Committee in respect of the College's ERDF (European Regional Development Fund) grant application for the East End Campus and the advice given in respect of the project's Value-Added-Tax (VAT) status.

Members agreed that applications for ERDF grants are amongst the hardest applications to make and that the guidance stresses that they should be seen as the 'funder of last resort'. It was highlighted that SEP tends to be more vigorous than most other organisations when it comes to this funding.

Members noted that the College has a 'culture of transparency' with all matters being discussed openly and papers routinely being placed in the public domain. They further noted that all funding application documents are readily available to the Board of Management and considered that the Principal's paper on VAT may have been misunderstood by SEP. It was the view of members that the VAT issue was complex and that the Principal's paper had been appropriate.

Members agreed that it would have been more appropriate if SEP had added the word 'inadvertently' to the phrase 'it would appear that the Executive Committee of the Board of Management of JWC has been misled on this matter' in its correspondence with the College.

Members concluded that there had been no misconduct and that the Principal had not 'misled' the Executive Committee over the issue of VAT status.

It was further stressed that the College and Strathclyde European Partnership must now put this matter behind them and move forward.

Members agreed to:

- i) note the contents of the Principal's report and its appendices; and

- ii) refute the suggestion that the Board had been misled by the Principal.

**14 Closure**

**Senior members of the College staff returned to the meeting at this point.**

The meeting closed at 5.15pm with the Chair thanking all members for their contribution.

**15 Date of Next Meeting**

The date of the next meeting is to be confirmed.

LC/AS  
John Wheatley College  
21 June 2005