

John Wheatley College

Board of Management

Executive Committee

Minutes of the meeting of the Executive Committee held on Wednesday 30 September, 2009 at 3.30 pm in Room MF12/14, East End Campus.

1. Sederunt

A Woolley (Chair);
E MacArthur;
B Rooney;
Prof A Allison; and
I Graham (Principal).

In Attendance

A Kirk (Depute Principal);
J Gow (Chief Finance Officer);
D Sneddon (Human Resources Manager);
R Stewart (Clerk to the Board); and
L McEwan (for recording purposes).

2. Apologies

H Ostrycharz (Vice Chair); and
A Sherry (Assistant Principal).

A Woolley welcomed members to the meeting and proposed that items 18 (Performance Appraisal of Principal and Depute Principal for Academic Year 2008/09) and 19 (Terms and Conditions of Employment of Senior Management Team Members) be considered after item 22 (Risk Issues . . .). Members endorsed this proposal.

In the absence of H Ostrycharz, the Chair proposed that A Allison act as Chair of the Remuneration Committee. Members endorsed this proposal.

3. Terms of Reference

Members noted the terms of reference for the Executive Committee. It was confirmed that the meeting was quorate with 5 (five) members in attendance.

4. Declarations of Interest

There were no declarations of interest expressed at the meeting of 30 September, 2009.

5. Minutes of the Previous Meeting held on 23 June, 2009

The minutes were accepted as an accurate record of the meeting held on 23 June, 2009.

6. Matters Arising from the Minutes of the Previous Meeting
Item 7: Scotland's Colleges – Election for Board of Directors 2009

I Graham confirmed that S Dawson and S Brannigan had been elected to Scotland's Colleges Board of Directors.

Item 11: Potential Reductions in Public Expenditure – Initial Contingency Planning

I Graham confirmed that he would write to all staff in respect of Contingency Planning and would make available the report considered by the Joint Consultative Committee (JCC) on the Staff Section of the College's Intranet.

7. John Wheatley College

a) Issues related to SFC Internal Audit

The Principal spoke to the contents of his letter to Mark Batho of the Scottish Funding Council (SFC) which sought to apprise members of the College's response to issues raised by the SFC's Internal Auditors.

He confirmed that the College's response was considered at the most recent meeting of the Board's Audit Committee (which was held on 8 September, 2009) and subsequently reviewed by the College's Internal Auditors (Wylie & Bisset).

Members were provided with a copy of the College's response and the 'letter of assurance' from Wylie & Bisset.

Members of the Executive Committee agreed to note the contents of the correspondence and its annexes.

b) Letter from Principal to Executive Committee members following Board Development Event

The Principal spoke to the contents of his draft correspondence to Executive Committee members which sought to suggest a means by which Chairs might be more closely involved in the establishment of future agenda of meetings (should they wish this role).

Following a lengthy discussion, members agreed that the establishment of future agenda and the need for a pre-meeting with the Chair of each Standing Committee should be flexible to each Chair. Members endorsed the proposal by A Woolley that Chairs would contact the member of Senior Management Team (SMT) whose area of responsibility lay with their Committee, should the need arise.

8. Scotland's Colleges

a) Draft Strategic Plan 2009-2012

The Principal spoke to the contents of Scotland's Colleges Draft Strategic Plan for Sessions 2009-2012.

He expressed the College's profound reservations in respect of the document and members endorsed this comment.

The Chair informed those present that *Ashbank Research and Consultancy* had called all Chairs of Boards for comment and the overall consensus of opinion was that the document was "weak".

In addition, the Principal added that following the resignation of Chris Travis (former Chief Executive, Scotland's Colleges), the document had been largely drafted by staff, many of whom, he opined, would be content to work with the Plan in its current format.

Members of the Executive Committee agreed to note the contents of the document.

b) Scotland's Colleges and Vocational Education

The Principal spoke to the contents of the document which sought to apprise members of the forthcoming conference entitled *Vocational Education in Scotland: A Driving Force for Growth in Tough Economic Times* which would take place on 8 October, 2009 in the Radisson SAS Hotel, Glasgow.

Members of the Executive Committee agreed to note the contents of the document which was provided for information only.

9. SPSO – Appointment of Jim Martin, Scottish Public Service Ombudsman

The Principal spoke to the contents of the correspondence from Jim Martin, the Scottish Public Services Ombudsman (SPSO) which sought to apprise members of a formal change of practice to speed up the time taken to respond to complaints.

He informed those present that there would now be only *one* opportunity to respond to the SPSO about any factual inaccuracies on a draft report. In addition, the Ombudsman would not consider any new evidence being brought forward unless he was '*convinced that it was both new and material to the decision under review.*'

Members of the Executive Committee agreed to note the contents of the correspondence.

10. Scottish Government – College and University Roundtable Forum: Minutes of Meeting held on Tuesday 9 June, 2009

The Principal spoke to the contents of the first minute of the College and University Roundtable Forum which was provided for the information of those present.

He added that the John Wheatley College report entitled *An Introduction to Teaching – An Innovative Response to the Economic Downturn* – would be considered at the next meeting of the Roundtable Forum.

Members of the Executive Committee agreed to note the contents of the minute.

11. Institute of Directors Scotland – ‘Championing Professionalism in the Boardroom’ Course

The Principal spoke to the contents of the document which sought to apprise members of various seminars to aid professionalism in the Boardroom.

I Graham informed members that many of the events were provided free of charge through the College’s Board Development Sessions.

Members of the Executive Committee agreed to note the contents of the document.

12. EIS – Democratisation of College Boards of Management

The Principal spoke to the contents of the document which sought to apprise members of the composition of College Boards of Management from an EIS / FELA perspective. He reminded those present that the College had more than 1 (one) staff representative on its Board.

Members of the Executive Committee agreed to note the contents of the document which was provided for information only.

13. Succession Planning – Replacement of Principal

A Woolley spoke to the contents of his report which sought to propose the steps which the College would take to replace the Principal in October 2011 (within the policy which the Board had already put in place for this purpose).

Members were provided with a copy of the procedures which had already been agreed by the Board for information.

A discussion followed on the *requirements* of the Executive Committee which were noted as follows:

- review the current job description and person specification for the post of Principal;
- consider the nature of the contextual information which should be provided to candidates;
- decide on an advertising strategy for the post;
- consider whether or not external consultants should be involved (and, if so, the exact role which they might play in the process);
- decide the nature of the external advice which members might require (recalling that the current Principal’s role in this respect is constrained by ‘best practice’ Governance guidance. The Principal may not, within the terms of that guidance, be directly involved in the selection of his successor);

- decide the nature of the selection procedures which will be employed;
- consider the 'hand-over' processes which will facilitate a smooth transition of strategic leadership in the College in October 2011; and
- consider how the successful candidate for the post of Principal can be appropriately engaged in planning and budget formation for academic/financial year 2011/12.

Several suggestions for the format of the next meeting of the Executive Committee were considered and the Principal offered his advice in respect of the process should it be required.

Members of the Executive Committee agreed to:

- i) note the contents of the Chair's Report;
- ii) note the Board's procedures for the Appointment of a new Principal;
- iii) establish an action oriented time line for the Appointment of a new Principal from October 2011 at a specific meeting of the Committee;

14. Nomination for membership of the Board of Management (from Glasgow City Council)

The Chair spoke to the contents of his report which sought to apprise members of the nomination received from Glasgow City Council to replace Bailie Catherine McMaster (who retired from the Board following the meeting held on 16 June, 2009).

Members noted that, at its meeting on 10 September, 2009, Glasgow City Council agreed to nominate Cllr Ruth Simpson to serve on the College's Board of Management.

A Woolley reminded those present that he had delegated authority to seek a nominee with particular knowledge of policy and development in Secondary Schools to complete the co-opted compliment on the Board and as a consequence, Ms Margaret Doran (former Director of Children and Families, Glasgow City Council) had been approached in this respect.

The Chair proposed that both Cllr Simpson and Ms Doran be separately invited to meet representatives from the Executive Committee over lunch in one of the College's Training Restaurants. Members approved this proposal and A Woolley requested L McEwan to make the appropriate arrangements for both lunches and to liaise with members in this respect.

- i) note the contents of the Chair's report;
- ii) note that the College has received, from Glasgow City Council, a nomination to replace Cllr Catherine McMaster (who retired from the Board at the June 2009 meeting);

- iii) note that the City Council has nominated Cllr Ruth Simpson as a member of the Board;
- iv) note that the Principal on behalf of the Chair had contacted Ms Margaret Doran, who had subsequently intimated her willingness to be considered as a co-opted member of the College's Board;
- iv) agree to meet Cllr. Simpson and Ms Doran prior to making a final recommendation about their membership of the Board (at an appropriate future meeting); and
- v) request the Clerk to the Board to assist members in this process (members recalling that the Principal is excluded from this process).

15. Glasgow North East By-Election

The Principal spoke to the contents of his report which sought to remind members that, in October 2009, there would be a by-election in Glasgow North East (for the seat vacated in the UK Parliament caused by the recent resignation of the Speaker – Michael Martin MP). It further sought approval of the College's response to the probability that candidates may ask to visit the East End Campus (which is located in that constituency).

Members noted the need for the College to be strictly impartial in the election process and as a consequence the Principal proposed that the College send information to **all** formally declared candidates which:

- described its operational context;
- offered, if feasible, to meet requests for visits; and
- referred them to *Scotland's Colleges* for more information about the wide role which Colleges play in economic development and social regeneration.

Members were provided with draft correspondence in this respect (including its enclosure) and noted that this approach was consistent with the one adopted by the College during the Glasgow East By-Election in 2008.

In response to a request from a member the Principal stated that if he had time he would prepare a 2 (two) page Executive Summary of the enclosure which would replace the draft enclosure circulated to those present.

Members of the Executive Committee agreed to:

- note the contents of the Principal's report and its appendix; and
- endorse the College's approach to responding to issues related to the Glasgow North East Parliamentary By-Election (as outlined in the report and its appendix).

16. Freedom of Information – OSCI Assessment Report on Queen Margaret University

A Kirk spoke to the contents of his report which sought to apprise members of the Office of the Scottish Information Commissioner (OSCI) Assessment Report of Queen Margaret University and consider its implications for John Wheatley College.

Members were provided with a copy of the OSCI report for their information.

The Depute Principal took members through each of the OSCI recommendations in light of practice in the College and indicated the outcome to members.

In response to a question A Kirk confirmed that the maximum amount that the College could charge for information under the Freedom of Information Act was £40 and therefore the College would continue not to impose a charge for such information.

In addition, the Depute Principal confirmed that in all future responses by the College to Freedom of Information requests, a statement which detailed the rights of review in responses to requests where there are reasons for anticipating that the applicant may wish to query the response would be included.

A Kirk confirmed that the College was satisfied that its systems were sufficient to meet the requirements of the recommendations made in respect of Queen Margaret University.

Members of the Board's Executive Committee agreed to note the contents of the report and its appendix.

It was noted that the Executive Committee would now act as the Board's Remuneration Committee and, as per its Standing Orders, would from this point in the agenda be Chaired by Prof Arthur Allison in the absence of Ms Ostrycharz, Vice Chair.

17. Survey of Basic Grade Lecturer Remuneration – September 2009

The Principal spoke to the contents of his report which sought to apprise members of the findings of the most recent Survey, commissioned on the Sector's behalf by Scotland's Colleges, into the remuneration made to basic grade lecturers (as at September, 2009)

Members noted that as was usual practice, the College contributed the Survey which was conducted by GM Associates.

I Graham stated his concern in respect of some Colleges signing 2 (two) or 3 (three) year deals, which he opined, were very risky.

Members of the Executive Committee (acting as the Board's Remuneration Committee) agreed to note the contents of the Principal's report and its appendix (the GM Associates Survey of the Remuneration made, in

Scotland's Colleges, to basic grade lecturers) and agreed that the appendix would not be placed in the Public Domain (for reasons of confidentiality).

20. Wage Settlement – Teaching Staff 2009/10

The Depute Principal spoke to the contents of his report which sought to apprise members of progress in negotiations with the EIS / FELA, (the recognised body in respect of College Teaching Staff) to reach a final wage settlement in respect of Session 2009/10.

Members recalled the initial offer made to staff representatives of the College's EIS / FELA Branch and following a meeting with the College and the Joint Negotiating Committee (JNC) a final wage offer was formulated for Teaching Staff. Members were provided with a copy of the initial and subsequent final wage offer for their information.

Members noted that the proposed change in salary scale points for 2009/10 resulted in a 1.5% increase. This was a 0.2% increase on the original offer and would be paid as flat rate for all scale points.

Members of the Executive Committee agreed to:

- note the contents of the report and its appendices;
- agree to the terms outlined in the Board's final offer to the EIS / FELA in respect of the College's Teaching Staff for 2009/10;
- authorise the Principal to settle with recognised representatives on the basis outlined in the Board's final offer to the EIS / FELA in respect of the College's Teaching Staff for 2009/10; and
- request the Principal to apprise the Board's Personnel and Staffing Committee of the details of the report and its appendices.

21. Support Staff Pay Offer – 2009/10

The Depute Principal spoke to the contents of his report which sought to remind members of the wage offer (agreed at the previous meeting of the Executive Committee) which would be made in respect of the College's Support Staff for session 2009/10.

Members were provided with a copy of the wage offer for their information.

Members noted that the College's UNISON Branch (which represented Support Staff) had essentially been moribund for over a year and had effectively ceased to function.

The Principal informed members that a brittle exchange of correspondence had taken place between the College and the UNISON Branch which had resulted in a request from the Branch for full time Regional Officials to be brought in to negotiate on behalf of the UNISON Branch. The request had subsequently been refused by the College as it was not contained in the RRPA.

The Principal reminded members of the steps taken by the College to resurrect the UNISON Branch and members noted that the College had tried everything possible to assist in the process.

Members of the Executive Committee agreed to:

- i) note the contents of the Depute Principal's report and its appendices;
- ii) note the moribund nature of the College's UNISON Branch;
- iii) note the response (appendix 2) from the College's UNISON Branch which apparently accepts the offer to Support Staff in respect of 2009/10 on behalf of UNISON members; and
- iv) request the College to implement the wage offer made to its Support Staff in respect of 2009/10 (as outlined in appendix 1) with immediate effect.

22. Risk Issues to be considered as a consequence of the consideration of the above agenda

Members of the Executive Committee agreed that there were no risk issues to be considered at the meeting of 30 September, 2009.

I Graham, A Kirk, and J Gow; left the meeting at 4.35 pm to allow the remainder of the agenda to be considered.

18. Performance Appraisal of Principal and Depute Principal for Academic Year 2008/09

The Chair recalled that the Executive Committee had approved that the College recognised that a Performance Management Cash Bonus Scheme was a way of rewarding its senior managers for higher performance.

He further reminded members that the Principal's salary was of a low level when compared with other Principal's salaries and members noted that I Graham was the second lowest paid Principal in Scotland.

In response to a question A Woolley confirmed that *all* targets set for the Principal and Depute Principal had been met and in some cases, had been overtaken.

Following considerable discussion members of the Executive Committee acting as the Board's Remuneration Committee agreed to:

- i) note the contents of the report; and
- ii) endorse the Chair's decision that cash bonuses are paid in full to the Principal and Depute Principal for performance in Academic Year 2008/09.

19. Terms and Conditions of Employment of Senior Management Team Members

The Chair reminded members that it had been agreed to open discussions with the Senior Management Team (SMT) to explore the possibilities for modernising their terms and conditions of employment.

Members noted that this would realign terms more with ones used throughout the College and would become apt for FEDRA (Further Education Development and Role Analysis).

The Executive Committee acting as the Board's Remuneration Committee delegated the Vice Chair and Chair of Board of Management to pursue discussions. H Ostrycharz and A Woolley had completed their dialogue with the SMT over the summer and their conclusions would be discussed forthwith.

Those present noted that members of SMT performed at a high level in leadership and management of the College as validated in their annual performance appraisals and further noted that the Board was highly appreciative of their considerable commitment to the College which the Vice Chair and Chair assured them formed the basis to modernising the terms and conditions of their contracts of employment.

Members further noted that their current contracts were over ten years old and did not reflect current good employment practices and align with the review of roles within the College which is progressing through FEDRA.

The Chair and Vice Chair proposed that the current percentage link of salaries of the Depute Principal and Assistant Principal to the Principal's salary could no longer be sustained. This was accepted as part of agreeing an amended package to reflect roles and responsibilities, which would be further evaluated through FEDRA. It was not expected that any significant changes would be recommended following the FEDRA review.

The Chair informed those present that it was stressed by SMT members that they worked as a team and expected that the Board would continue to recognise this. They were assured that this would continue to be the case and that negotiations and discussions with the Board in future years would be on a collective basis.

A number recommendations were reviewed.

E MacArthur stated that a significant move away from the past was needed but stressed the importance that the team must be encouraged to continue to operate well. She further opined that the principles in the 'scheme of consolidation' must be consistent. Following considerable discussions it was agreed that amendments to contracts can be recommended, subject to some changes which Chair and the Vice Chair would include in correspondence to the SMT members.

Members of the Board of Management's Executive Committee acting as the Board's Remuneration Committee agreed to:

- i) note the contents of this report;

- ii) formally submit the recommendations agreed by the Committee, to the Depute Principal, Assistant Principals and Chief Finance Officer;
- iii) note that the Performance Management Cash Bonus Scheme would be brought to an end;
- iv) instruct the College's employment solicitor to draw up amended contracts of employment effective from 1 August 2009; and
- v) bring a note back to the Executive Committee on completion of the amended contracts.

It was agreed that the paper would not be put in the public domain.

23. Closure

The meeting closed at 5.15 pm with the Chair thanking all in attendance.

24. Date of Next Meeting

The date of the next meeting would be confirmed in due course.