

JOHN WHEATLEY COLLEGE
JOINT CONSULTATIVE COMMITTEE

Draft Minutes

Minutes of the Joint Consultative Committee meeting held on Friday 24 August 2007 at 2pm in Room MF/15, East End Campus.

1. Sederunt

Ian Graham, Principal (Chair);
Alex Kirk, Depute Principal;
Alan Sherry, Assistant Principal;
Doreen Sneddon, Human Resources Manager;
Peter Gallagher, EIS/FELA;
Patricia Currie, EIS/FELA; and

In attendance:
Annette McKenna (for recording purposes only).

2. Apologies

Graham Thomson, UNISON;
Brian McQuillan, UNISON; and
Russell Boyd, ACM.

3. Minutes of Previous Meeting held on 4 May 2007

The minutes were taken as read. They were accepted and an accurate record of the meeting held on 4 May 2007.

4. Matters Arising from Minutes of Previous Meeting held on 4 May 2007

Item 4 CHASTE

I Graham informed members that Donald Blue from CHASTE had made his presentation to the Board and representatives from the local Trades Union branches on 14 May 2007 as part of the Board's Development Programme.

Item 7 Scottish Funding Council (SFC) – Grant-in-Aid Letter Session 2007/08

The Principal reported that the Scottish Funding Council had informed the College of the following additional funding for session 2007/08:

- £107,979 for additional NEET funding for academic year 2007-08;
- £39,192 for additional funding for employer engagement and knowledge transfer; and
- £60,907 for additional ESOL funding for academic year 2007-08.

He further reported that a condition of grant attached to the NEET funding is that colleges are required to prepare a three year action plan on how they will use their allocation and that these plans are to be with the Scottish Funding Council by December 2007. He informed members that the College would participate in the production of such a plan within the required timescale. He advised members of the Committee of some concerns which the College had in respect of the SFC's proposed 'city wide' approach to NEET.

He also outlined plans to involve the STUC in developing employer links by means of local learning representative and the College's likely approach to the development of 'knowledge transfer'.

I Graham reminded members that the College was scheduled to hold a Strategic Dialogue Meeting with the Scottish Funding Council on 18 September 2007 at the East End Campus.

5. Correspondence

a) ASC – Scottish TUC Welcomes Publication of Colleges' Review Report

Members noted the contents of this correspondence.

b) HM Treasury – Inflation Evidence for Pay Review Body Recommendations

Members noted the contents of this correspondence.

c) Close the Gap – Gender Equality Duty

The Principal reported that Emma Ritch, Project Manager, Close the Gap would be invited to visit the College. Members of this Committee will be informed of the scheduled date in order to enable them to attend if they so wished.

6. RoSCo Review – Core Group Report

The Principal spoke to the contents of this report, which sought to provide members with an appraisal of the Core Group Report produced in respect of the Review of Scotland's Colleges (RoSCo) exercise which was published in July 2007. He informed members that the final report was entitled *Transforming Lives, Transforming Scotland*.

The Principal reported that the Review had concluded that:

- i) the difference that Colleges make is founded on the diversity of the learners they serve and the range of learning opportunities which they provide;
- ii) Scotland needs further expansion of the provision made by Colleges;
- iii) Colleges are central to aspirations to make Scotland smarter, wealthier, fairer, healthier, safer and greener (the new Administration's key policy 'mission'); and
- iv) Colleges are able to make a key contribution to the Executive's agenda as a consequence of 'partnership working'.

The report highlights some specific recommendations in respect of:

a) Staffing and Learning Environments

These included:

- the need of staff in colleges to have a minimum expectation of six (6) working days continuous professional development per annum;
- the implementation of a plan to see all newly appointed teachers commence teacher training with three (3) years of appointment; and
- the need to continue to modernise College estate.

The Principal indicated that in order to comply with these requirements the College would have to undermine its current commitments in these respects – thereby worsening the position of its staff.

b) Accountability and Governance

The details of this aspect of the RoSCo process were discussed, in detail, at the previous meeting of the Board (held on 21 June, 2007).

c) Colleges' Strategic Future

Recommendations included:

- the aspiration to make colleges the vocational education and training providers of choice for employers;
- the need for colleges to be regarded as key strategic partners in the communities they serve; and
- the need for the Scottish Executive to initiate 'early work' to clarify the position and key role of colleges; to develop regulatory and funding regimes to facilitate those and to strengthen 'adaptive leadership' capabilities.

Following discussion members noted the contents of the Principal's report.

7. Disability Equality Scheme – Feedback from Disability Rights Commission

The Depute Principal spoke to this report reminding members that the College had published its Disability Equality Scheme (DES) and associated Action Plan, as required by legislation, in December 2006. He informed members that the body responsible for enforcing the Disability Equality Duty (DED), the Disability Rights Commission (DRC), had subsequently undertaken a review of 261 Disability Equality Schemes published by Scottish Public Authorities, one of which was the College.

The Depute Principal reported that the College had received a letter from the DRC in July 2007 informing it that its DES did not comply with the DED in that it did not seem to document the *involvement* of disabled people in the formulation of the DES and the priorities contained within associated the Action Plan.

The Depute Principal informed members that the letter required the College to produce a revised Action Plan to remedy the situation and to forward this to the DRC within 21 days of receipt of the letter. He reported that the College had responded to the DRC indicating that the College considered that there had been a substantial involvement of disabled individuals in the formulation of the DES and Action Plan, but that this may not have been documented satisfactorily in the DES. As a result the College intended to document its past action in the revised DES and take a number of additional steps, including the use of external facilitation, to further involve disabled people in the revision of its DES and associated Action Plan. This involvement would result in the College's DES and associated Action Plan being reviewed and revised and the priorities of the Action Plan being amended depending on the outcome of the involvement activities. He further reported that the revised DES and the associated Action Plan would be considered at the October Board meeting. The Depute Principal informed members that the DRC had accepted this revised timeframe.

The Principal reminded members that the College had involved Equality Forward, the sector support agency, in the development of its DES and that this organisation had not identified any substantive areas which required to be revised. In these circumstances the College was seeking a meeting with officers of Equality Forward to consider the contents of the DRC letter further and the quality of the advice which the College had received.

D Sneddon reported that the College was intending to assemble a Disability Action Group within the College and that volunteers from both students and staff are required for the composition of this Group. In these circumstances she requested the support the unions to assist with the recruitment of volunteers from all staff groups. P Currie and P Gallagher agreed to assist with the formation of this group.

The Principal welcomed this offer of support by the EIS/FELA Branch.

Members noted the contents of the Depute Principal's report.

8. Evaluation of the Learning Experience - Session 2006/07

A Sherry spoke to the contents of the report reminding members that in order to further develop the quality enhancement procedures deployed by the College it had been agreed with the EIS/FELA branch that the evaluation of the learner experience methodology successfully piloted in session 2004/05 would be embedded in its quality enhancement procedures from August 2005. Consequently from session 2005/06 all teaching staff were eligible to be included in the cohort which participated in the evaluation of the learner experience.

He further reminded members that an external consultant, Dennis McCartney, had been appointed to conduct the evaluations as a consequence of his extensive experience in the Scottish Further Education sector and that he was currently a part-time HMI in the Further Education Directorate. The Assistant Principal also reminded members that the conduct of this exercise was overseen by a joint Management EIS/FELA Steering Group. The purpose of this report was to apprise members of the outcome of the evaluations undertaken in session 2006/07.

For session 2006/07 all teaching staff were eligible for inclusion in the evaluation exercise, however as with the previous academic year it had been agreed by the Steering Group that the sample would include the following staff:

- a) new entrants to teaching;
- b) staff undertaking teacher training qualifications;
- c) staff undertaking the Professional Development Award: Introduction to Teaching in Further Education; and
- d) staff undertaking Assessor and Verifier awards.

The external consultant produced standard documentation for each evaluation episode which was designed to encourage professional reflection on teaching/learning approaches and to inform the post-evaluation discussion. In total 24 evaluations were conducted during session 2006/07.

A Sherry summarised the key findings reporting that the overall picture which emerged from the lesson evaluations was very positive. The majority of lessons were highly competent and effective, several were outstandingly good and none was unsatisfactory. Almost all of the students were committed to learning, participated actively and were making satisfactory progress. It was the view of the consultant that the majority of younger students were benefiting from the move from school to College, while many of the more mature students had made enormous progress in terms of self-confidence, learning skills and subject knowledge and were optimistic about their future. The report highlighted that learners valued the facilities and the positive atmosphere in the College and valued the way they were treated by staff, the individual help and attention they received and the friendship and support of other students. The consultant's report concluded that the College continued to offer good resources and facilities and these would be further enhanced by the addition of the new Campus at Haghill.

The Assistant Principal informed members that the College was currently drafting an action plan to address the key recommendations contained in the consultant's report and that this would be included as part of the Quality Enhancement Operational Plan for session 2007/08. In addition, the College was currently finalising the programme of observations for session 2007/08.

The Principal informed members that the College's Board of Management had considered the consultant's report and welcomed his evaluation of the high quality of the learning experience.

The Principal noted that this process is a very good example of genuine partnership between management and staff to improve the quality of students' learning experiences. A Sherry also noted that there was further evidence in this latest report of professional reflection by staff and they are identifying targets directly related to learning/teaching process which will further enhance the learner experience. The Principal stated that staff should be thanked for agreeing to participate in this evaluation.

P Gallagher and P Currie opined that a key factor in the success of this process was as a consequence of the approaches adopted by Dennis McCartney in the conduct of the classroom observations and the inclusive approach he deployed to encourage professional reflection.

Members noted the contents of the Assistant Principal's report.

9. Management Structure Review

a) Principal's Memorandum – Management Structure Review: Invitation to Comment

The Principal reminded members that the new management structure has been operational now for one year. He previously stated that after one year, members of this Committee would be given the opportunity to comment on the efficiency of the new approaches.

Mr Graham asked members for their comments.

b) Memo from Patricia Currie EIS Branch Secretary: Comments on Restructure of Management

In response to Mr Graham, both P Gallagher and P Currie highlighted the following that:

- there was no noticeable difference in communications from senior management downwards;
- there was no clear differentiation of roles between senior lecturers and curriculum leaders. Senior Lecturers appear to be expected to carry out the same management tasks but with less time.
- that basic grade lecturers were unsure of the line management due to lack of communication between the managers and who has responsibility for areas; and
- there was a lack of leadership and direction from some line managers.

The Principal, in response, contended that, on the whole, it was the belief of the College's management that the curriculum leaders had been an effective innovation in the management structure. He was, however, disappointed that less use of the mentoring support which had been made by that grade of junior management.

P Gallagher highlighted that there have been some positive comments from curriculum teams who opined that they have been able to work more effectively and had been empowered to take forward new developments. In addition some curricular areas had commented on the improvement in communication since the introduction of the revised management structure.

Nevertheless, it was agreed, that aspects of the College's communication strategy could probably be improved.

After a lengthy discussion by members it was decided that the Principal would meet with Curriculum Leaders and Senior Lecturers to explore how to improve communications within the structure. This, it was anticipated, would help alleviate any future concerns regarding leadership and communication. Such an event would take place after the October holiday.

10. Implementation of the New Management Structure

This item was discussed with Item 9a and 9b as the contents overlapped.

11. OSCR – Outcome of Review of the College’s Charitable Status

The Principal reminded members that the College had agreed to volunteer to participate in the OSCR Rolling Review of Scotland’s Charities. It had, with assistance from ASC, participated in the Rolling Review as a ‘test case’ for colleges in Scotland.

The Principal informed members that The Regulator had concluded that:

- i) the College was able to demonstrate significant ‘Public Benefit’;
- ii) the College’s approach to fees was not considered to be an ‘unduly’ restrictive practice; and
- iii) the College has an ‘exclusively charitable purpose and (that it) provides Public Benefit’.

Nevertheless OSCR confirmed that the College was unable to meet the Charities Test in as far as its Constitution (which is pronounced by the Charities Regulator to be the Further and Higher Education [Scotland] Act 1992) enables Scottish Ministers to be directly involved in the College’s governance (which is explicitly prohibited by the Charities and Investment [Scotland] Act).

Mr Graham reminded members that it would not be possible for the College to effect the conditional changes which OSCR required, since they would require action on behalf of the Scottish Executive or the Scottish Parliament. He informed members that only Ministers could ‘exempt’ colleges from the provisions of the Charities Legislation which related to Ministerial powers of intervention. However, this was not the College’s preferred approach, since it would suggest that the College sector would have a ‘debased’ form of Charitable Status, since colleges would not be able to demonstrate that they met the conditions which all others have to meet.

The Principal reported that the loss of Charitable Status would mean the loss of pecuniary benefits and might exclude the College from making applications to a number of funding bodies. The College had 21 days from 17 July, 2007 to appeal against the Regulator’s decision. I Graham opined that the College should not lodge an appeal, since it would involve legal costs and would represent a major opportunity cost on the College’s management at the start of the new session. He suggested that it would be more appropriate for the Association of Scotland’s Colleges (ASC) to lead on the sector-wide implications of this decision. He reported that he had already written to the Chief Executive of OSCR in this respect.

The Principal informed members that the East Centre and Calton Community Planning Partnership Board had agreed to send a petition to the Scottish Parliament Petitions Committee, regarding OSCR’s decision and that staff members may wish to support this petition.

The EIS/FELA Branch officials agreed to assist in gaining support from members for such a petition.

The Principal further informed members that this issue has been now been discussed in the Scottish Parliament on 3 occasions to date.

Following discussion expressed concern at the outcome of the OSCR review but noted that the Regulator had concluded that the College has an 'exclusively charitable purpose and (that it) provides Public Benefit' and that the College was not able to alter the Statutory framework within which it operated.

Members noted the contents of the Principal's report.

12. SFC - Strategic Dialogue Event – 19 September 2007

The Principal informed members that the Scottish Funding Council Strategic Dialogue Meeting with John Wheatley College will take place on the afternoon of Wednesday 19 September 2007.

He requested that members note that the College will, in advance of the meeting, be expected to:

- forward to the SFC five further copies of its Strategic Plan for sessions 2007/10;
- nominate a topic which it wishes to consider as part of the 'dialogue'; and
- make presentations at the Dialogue Event in respect of the College's approach to Governance, the College's response to the SFC's Corporate Plan and in respect of the College's approach to 'Employability';

The Principal informed members that it was expected that the College would be represented at the event by:

- the Chair;
- at least three other members of the Board;
- the Principal; and
- other appropriate members of the College's management teams.

The Principal reported that the College proposed that:

- the event be staged in the East End Campus;
- the College nominated topic be 'the Challenge of Social Exclusion'; and
- the College's management will select the students to be involved in the discussion.

In response to questions the Principal informed members that it was anticipated that staff Board members would participate in this meeting.

He also agreed to provide, at a future meeting, the agreed summary of the dialogue event.

Members noted the contents of the Principal's report.

13. Avian Flu Continuity Plan

The Principal and the Depute Principal spoke to the contents of the Plan, which was designed to respond to the specific challenges anticipated as a consequence of an Avian Flu Pandemic and which was provided for information purposes only. He reported that preparation for a Flu Pandemic included the purchase of dispensers for anti-bacterial/anti-viral hand gels and non-latex protective gloves if necessary.

He informed members that flu vaccinations will be available to all staff at the College in October 2007.

He further informed that the Human Resources section will be writing out to all staff members to update staff personal information, for example, next of kin and contact telephone numbers as part of the preparations for a possible pandemic.

P Gallagher welcomed the pro-active approach which the College was taking to prepare for a possible pandemic and offered the support of the EIS/FELA branch where appropriate. He informed members that he would highlight the Avian Flu Continuity Plan at the next scheduled Branch meeting. The Principal thanked P Gallagher for the support of the EIS/FELA branch with this matter.

Members noted the contents of the Plan.

14. SFC Consultation on Governance Matters

The Principal spoke to the contents of the report, which sought to apprise members of the outcome of the SFC's consultation in respect of Governance Matters. It also outlined the Council's proposed actions to overtake the issues which the consultation exercise sought to address.

He informed members that these issues arose as a consequence of the report by the Scottish Parliament's Audit Committee into concerns about the quality of governance and financial management at Inverness College.

He further informed members that the College's Board considered its response to the SFC Consultation paper which related to the undernoted three Governance-related issues at the Board meeting held on 22 February 2007. These were:

- a draft statement of the duties of Principals/Chief Executives of Colleges;
- a draft statement related to the provision of Board development activities; and
- proposals to support College Boards of Management when they make senior staff appointments.

The Principal requested that members note that, in response to response made to the Consultation Paper, the Council:

- had made some minor amendments to the statement of Principals'/Chief Executives' Duties;
- had agreed to a minor amendment to the proposed statement which will require to be made annually in respect of the Board's Development Activity (which stresses the enhancement of the collective effectiveness of Boards); and
- had included, as the College suggested, in that 'statement of assurance' that Principals have been formally appraised and that they have undertaken appropriate Continual Professional Development (CPD).

Members also noted that there was general support for a facility (paid for by individual Boards) which might assist in the selection of senior staff. However, there is an acknowledgement that this should not be mandatory and its use should be voluntary and determined by individual assessments by Boards of their own needs.

P Gallagher expressed some concern as to the proposed involvement of external 'experts' in the selection of senior staff. He opined that such 'experts' were unlikely to be familiar, or supportive of, the College and its particular mission. The Principal informed members that this proposal was not mandatory and would be left to the discretion of individual Boards.

Members noted the contents of the Principal's report.

15. Schedule of Meetings for Session 2007/08

Members noted the contents of the Schedule of Meetings for Session 2007/08 for information.

16. Risk Management - Risk Issues to be considered as a consequence of the consideration of the above agenda

Members agreed that no additional risks have been identified as a consequence of the above agenda.

17. A Woolley – Scenario Planning: Developing Strategic Foresight

Mr Graham informed members that the College's Board of Management will be involved in the first of two scenario planning exercises on Friday 16 November 2007. The Board members will be given 2 scenarios to work through. The objective of these events will be to enable the College to produce a 'Blue Skies' Plan which might be used, for example, to make bids for additional resources or new estate in the medium or long-term.

The Principal invited a representative from each of the recognised trades unions to attend the scenario planning event. P Gallagher agreed to attend on behalf of the EIS/FELA branch.

18. Benchmarking Human Resource Management Consultation Response

The Principal informed members that the College welcomes the opportunity to comment on the Scottish Funding Council's proposals to Benchmark Human

Resource Management in Colleges and Higher Education Institutions. The College does not, however, welcome these proposals. The College is a little concerned that the proposal as there is no indication of the direct and opportunity costs to both the Council and those institutions who will be benchmarked. It is, in these circumstances, difficult to determine whether such a proposal would be value for money.

I Graham informed members that D Sneddon had compiled this report over the summer vacation in anticipation of this exercise which sought to evidence the steps the College had undertaken to meet the HR agenda as identified by the Council. He further informed members that this report will be considered at a future Board of Management meeting. In addition he reported that senior managers had concluded that such a report should be produced on an annual basis and would as a matter of routine be considered by the JCC.

19. Closure

As all business had been discharged, the meeting closed at 3.55pm, with the Principal thanking all members for their attendance.

20. Date of Next Meeting

The next meeting of the Joint Consultative Committee is scheduled to be held on 9 November 2007.

IG/AS/AMcK
John Wheatley College
September 2007