



# **College Sector Board Appointments Draft Ministerial Guidance**

## **Introduction**

UNISON is Scotland's largest trade union representing a range of workers delivering services across Scotland. UNISON members deliver a wide range of services in the public, community and private sector. In education UNISON members deliver essential services including cleaning, advice, administration, libraries, technical and research support, IT, finance, learning and student support services, security, porter services and management. These employees are often the face of Scottish Colleges and contribute a great deal on the overall student experience, providing the foundations for high quality learning for all. It is essential that the voices of all those involved in education contribute to the debate on its future. UNISON Scotland is able to collate and analyse members' experience to provide evidence to inform the policy process.

## **Response**

While UNISON has raised a range of concerns about changes in the college sector we have always supported improvements in college governance. The new structures offer the opportunity for improvement but we will not achieve this without the right people on college boards. Democratic structures create public bodies which are open and transparent in their dealings with the public. Regional college boards must be accountable to communities which they serve. The Independent Commission on Good Governance in Public Services (2005) laid out 6 principles of governance. UNISON supports these principles as the basis for governance of Scottish colleges.

Those appointed to governance roles should be:

- Focusing on the organisation's purpose and outcomes for the citizens and services users
- Developing the capacity and capability of the governing body to be effective
- Performing effectively in clearly defined functions and roles
- Promoting values for the whole organisation and demonstrating good governance through behaviour
- Taking informed transparent decisions and managing risk
- Engaging stakeholders and making accountability real

The previous Executive's review published in 2007 found that while performance was generally good there was plenty of scope for improvement. Key areas were

- succession planning
- More professional and in depth induction process for members
- The principal is involved in the appointments process in some colleges. This is "bad practice" and needs to be addressed
- Board members need to give a greater time commitment in terms of preparing for board meetings by reading papers and participating in college events
- Improved quality of information given to boards often too much with little attempt to present it in a prioritised and professional manner.

It is our members' experience that these problems have not been resolved. The new guidance must therefore take these challenges into account.

Our member's experience is that college management essentially controls the appointment of members of governance bodies. We have repeatedly called for a much more open appointments system. College management should have no part in the selection of members of their governing body. The current structures in FE

are weak in terms of links to local communities. Regional boards, like all public bodies should be representative of the wider communities. They need to be substantially more diverse than they are currently. An effort must be made to recruit more women, people from minority ethnic communities, people with disabilities and members of the LGBT community. There is a range of equality duties which colleges are subject to and these should be standing agenda items at board meetings.

## **CONSULTATION PAPER QUESTIONS**

### **Regional College Boards**

**Q1. We should welcome comments on the establishment of a relevant committee to nominate appointments and extensions, including identifying skills etc. of existing board members.**

UNISON believes that establishing a committee would be a reasonable way to operate. It is the experience of our members in colleges that management have too much influence in the decisions of governing bodies. We believe that is essential that, as proposed, the Principal does not sit on this committee.

**Q2. We should welcome comments on the skills, knowledge and attributes and experience of board members (essential and desirable), including on representativeness.**

The Independent Commission on Good Governance in Public Services (2005) laid out 6 principles of governance. UNISON supports these principles as the basis for governance of Scottish colleges. Those appointed to governance roles should be:

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Boards therefore need the skills and the access to information to undertake this task. Board members require access to appropriate professional support and advice, including finance and audit. It is our experience that HR expertise is often lacking. We would therefore welcome this being added to the list of skills, attributes and experience of board members included in the guidance (point 5.20).

College boards must be representative of the communities which they serve. A far wider range of people are needed on college boards if we are to meet this aim. This is true of public appointments across Scotland, with the Scottish Review recently publishing an article which showed that:

“despite repeated assurances of greater diversity in appointments to official boards, public life in Scotland is still dominated by a tiny charmed circle”

and

“We found five national bodies – Care Inspectorate, Scottish Fire and Rescue Service, Scottish Police Authority, Scottish Social Services Council, and

VisitScotland – in which a majority of the board are picking up taxpayer-funded fees from at least one other public body”<sup>1</sup>

The new college structures offer an opportunity to involve new people from a wider range of backgrounds into both college boards and to public life in general. There needs to be a concerted effort to change. Boards, like all public bodies need to be substantially more diverse than they are currently. An effort must be made to recruit more women, people from minority ethnic communities, people with disabilities and members of the LGBT community. There is a range of equality duties which colleges are subject to and these must be met when appointing board members and be standing agenda items at board meetings.

**Q3. We should welcome comments on the open recruitment process, including on arrangements for an independent person.**

UNISON welcomes the statement that college staff can apply to become ordinary members of the board. We believe though that while this should be the case for ordinary members of staff, members of staff with executive authority must be excluded. The Board’s role is to hold them to account they clearly cannot scrutinise themselves. UNISON believes that it is reasonable, as proposed, to limit the numbers of people receiving remuneration from the college on the board.

**Q4. We should welcome comments on extending board appointments, including on special arrangements after the migrated period.**

Some of the new boards seem to be carrying on with the entirely same people as before. It’s reasonable to have some continuity during a period of transition but as we will be unable to make the boards more effective or reflective of the communities they serve unless there are new people and new skills on the boards. Boards need people with the right skills to meet the challenges the sector faces. New boards should not be wholly constituted from migratory members for the next two years. UNISON suggests that no more than half of the old boards should be able to stay on after the first year. We would therefore like the guidance to include a limit on the proportion of migratory members on each board after one year and two years as well as the time limits on migratory members currently included.

**Q5. We should welcome comments on any other aspect of the guidance in relation to regional college boards.**

Our members feel they have little or no contact with board members leaving them feeling that the boards have little understanding of the day to day running of colleges and the implications of the decisions they make at board level. Communication with staff is only via line management. This is not always of a high standard with our members in particular excluded. It is often one way i.e. management tell but don’t listen. If board members had more contact with staff they would be better informed, more able to challenge management information at board level and therefore to improve the running of the college. This would also support management to improve their communication with staff and students. Representatives of the governing body should be required to meet on a regular basis with trade union representatives of the respective college to discuss strategic issues, consult and negotiate with them on all issues affecting their members work.

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**Q8. We should welcome comments on the open recruitment process, including on arrangements for an independent person.**

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**Q9. We should welcome comments on extending board appointments.**

Far too many of the new boards seem to be carrying on with the entirely same people as before. It's reasonable to have some continuity during a period of transition but as we will be unable to make the boards more effective or reflective of the communities they serve unless there are new people and new skills on the boards. Boards need people with the right skills to meet the challenges the sector faces. New boards should not be wholly constituted from migratory members for the next two years. UNISON suggests that no more than half of the old boards should be able to stay on after the first year. We would therefore like the guidance to include a limit on the proportion of migratory members on each board after one year and two years as well as the time limits on migratory members currently included.

**Q10. We should welcome comments on any other aspect of the guidance in relation to Regional Boards.**

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**Assigned incorporated college boards**

**Q11. We should welcome comments on the establishment of a relevant committee to nominate appointments and extensions, including identifying skills etc. of existing board members.**

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**Q12. We should welcome comments on the skills, knowledge and attributes and experience of the college chair (essential and desirable).**

As well as the skills and knowledge needed to be a members of the board the college chair must have outstanding leadership skills in order to both chair the board and to hold college management to account for the decision they make.

**Q13. We should welcome comments on the skills, knowledge and attributes and experience of ordinary board members (essential and desirable), including on representativeness.**

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**Q16. We should welcome comments on any other aspect of the guidance in relation to assigned incorporated college boards.**

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## **EQUALITY IMPACT**

**Q17. We should welcome comments on whether the matters covered in the guidance raise any equalities issues that require to be addressed with respect to age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation.**

Board appointments must meet the obligations laid out in the public sector equality duties. UNISON believes that the duties must be at the core of how colleges (and other public sector bodies) operate. They should, for example, be a standing item on all board meeting agendas. This must include both their practice as an employer and the service they provide to the communities they serve.



**Q18. What actions (beyond the issue of this guidance) should the Scottish Government take to support college sector boards achieve diversity?**

The Minister must ensure that colleges fulfil their public sector equalities duties and include monitoring these duties as part of their overall role in holding colleges to account for the public money they receive. The Minister must review their reports produced to meet the obligations of the equality duties and take any action necessary based on those reports.

**Conclusion**

UNISON Scotland represents a range of key staff in further education. UNISON welcomed the review of college governance and despite our reservations on college regionalisation we welcome the opportunity to improve governance of this sector. This requires ensuring that the new boards have members with the skills required to take the sector forward and that they become more reflective of the communities they serve. This will require a proactive search for new people to take on these roles and ongoing monitoring to ensure delivery.

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