



# **Code of Good Governance: Scottish Colleges**

## **Introduction**

UNISON is Scotland's largest public sector trade union representing over 165,000 people 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**

Democratic structures create public bodies which are open and transparent in their dealings with the public. UNISON Scotland believes that issues of democratic accountability must be among the criteria used when reviewing governance in all public bodies. 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

There must be oversight of how institutions are governed. The Scottish Government should have the the necessary powers to intervene directly where an FE college or regional board is demonstrably failing to meet democratically established policy objectives. While UNISON has raised a range of concerns about changes in the college sector we have always supported improvements in college governance.

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 remain. In a period of budget cuts oversight of financial management needs to be improved. Research undertaken by APSE for UNISON on Napier University found a range of problems with how the university was being run, that the governing body did not seem to be tackling. Departments at Napier had significant and repeated overspends. These would lead to disciplinary action in local government yet the university management have allowed repeated overspends and the court have not challenged this. Our members are concerned that college boards, like universities, are not providing adequate oversight of financial decision making.

We believe that public bodies should as far as possible be directly elected. UNISON is disappointed that this option has been rejected. There should therefore be a statutory duty to engage with service users and the public. Our member's experience is that college management essentially controls the appointment of members of governance bodies. There needs to be 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. UNISON is also disappointed that unlike university boards there will be no trade union representatives. There also needs to be the appropriate range of skills to ensure that the governance bodies are able to hold managers reporting to the boards to account.

It is the experience of our members in colleges that management have too much influence in the decisions of governing bodies. Board members need to have access to all necessary management information held within FEIs. They also need to be provided with appropriate training in respect of being independent, and methods of accountability. Governors require access to appropriate professional support and advice, including finance and audit. It is our experience that HR expertise is often lacking. Boards should ensure that some members bring these skills with them in the first place.

Our members feel they have little or no contact with board members leaving them feeling 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.

There should be representatives of both academic and non academic staff on boards. These members need to have equal status with other members. Currently they are excluded from the parts of meetings where for example staffing issues are discussed. They must also have appropriate time off to attend both meetings and for the workload involved. Some have suggested that that the role of staff director on NHS boards may be a model for staff representation in decision making in colleges. While we fully support the role of staff directors in the NHS it

should be noted that these roles are undertaken in a very different HR environment than that in Scotland's colleges. Partnership working such as that in the NHS in Scotland is essential to make this work. This would mean substantial change in the way college management currently communicates and negotiates with staff. For example the NHS holds regular forums to communicate with staff. We believe that all recognised trades unions in further education should have a representative on governing bodies. This is in preference to staff representatives, as trade union representatives have a mandate and structures in place to hold them accountable to their members.

Members suggest the following as ways to improve the links between boards and staff.

- The board should hold bi-annual staff meetings, allowing for open and frank discussion and to let staff meet the board.
- The board should hold surgeries where staff have access to individual board members.
- A member of the board should "drop-in" on departmental meetings. The staff would then be able to meet the people who employ them and allow the board member to have a better understanding of the college.
- Staff and student board members should have access to the full content of the board meeting
- Representatives from the boards of all colleges should meet on a regular basis to discuss common issues and raise these issues as a sector not as an individual college.
- Board and sub group minutes should be published on the college website.

It is essential that there are appropriate staff governance standards in place. UNISON believes that the voluntary staff governance standard agreed between Scotland Colleges and the STUC provides a basis on which governance could be improved. This is a strategic framework of minimum standards, continuous improvement and ongoing consultation and negotiation between boards, management, staff and recognised trade unions.

Colleges should have a broad range of up-to-date staffing policies. These should be negotiated with all recognised trade unions within the institution and should reflect current good practice. Representatives of the governing body should be required to meet on a regular basis with trade union and student representatives of the respective college to discuss strategic issues.

Good governance standards do not just improve the working lives of staff. They improve the efficiency and effectiveness of organisations. There is a range of evidence to show that involving staff in the design of services will make real and lasting savings and improvements rather than top down initiative or the use of consultants. Robert Gordon University were looking to privatise the IT service on the advice of consultant but the in-house team did their own report and the university is taking that route instead. This is one of many examples of how listening to services users and staff leads to improved services and costs savings.

## **Consultation Questions**

### **Good Governance**

Democratic structures create public bodies which are open and transparent in their dealings with the public. UNISON Scotland believes that issues of democratic accountability must be among the criteria used when reviewing governance in all public bodies. 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 these 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
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### **Relationships and Communication**

It is essential that there are appropriate staff governance standards in place. UNISON believes that the voluntary staff governance standard agreed between Scotland Colleges and the STUC provides a basis on which governance could be improved. This is a strategic framework of minimum standards, continuous improvement and ongoing consultation and negotiation between boards, management, staff and recognised trade unions.

It should be clearly stated that the board is an employer and the roles and responsibilities and legal obligations that come with that role. Colleges should have a broad range of up-to-date staffing policies. These should be negotiated with all recognised trade unions within the institution and should reflect current good practice. Representatives of the governing body should be required to meet on a regular basis with trade union and student representatives of the respective college to discuss strategic issues.

- **How should the board ensure that it is well informed of the views of staff and students?**

Our members feel they have little or no contact with board members leaving them feeling 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 colleges. This would also support management to improve their communication with staff and students. If the new boards had union representative, rather than staff representatives, the unions' resources and meetings structures would have provided opportunities to

communicate with staff and their representatives. As this is not the case alternative structures will need to be put in place for both formal consultation and the ability to meet informally with staff so they can raise any concerns or ideas for improvement.

Members suggest the following as ways to improve the links between boards and staff.

- The board should hold bi-annual staff meetings, allowing for open and frank discussion and to let staff meet the board.
- The board should hold surgeries where staff have access to individual board members.
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- Staff and student board members should have access to the full content of the board meeting
- Representatives from the boards of all colleges should meet on a regular basis to discuss common issues and raise these issues as a sector not as an individual college.
- Board and sub group minutes should be published on the college website.
- **What is the role of the Board in relation to trade unions?**

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.

- **The Post-16 Education (Scotland) Act 2013 introduces specific requirements for Regional Colleges and Regional Strategic Bodies in relation to regional planning, consultation and collaboration. How should the Code support these requirements?**

The code must make it clear what it means by these terms and set minimum standards and timetables where appropriate.

### **Leadership and Strategy**

- **What high level principles should apply to the college board’s role in strategic planning (including the development of outcome agreements) and performance monitoring?**

We believe that the six principles that we laid out earlier are as relevant to strategic planning as they are to good governance in general.

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- **What should the Code say about the relationship between the Principal/Chief Executive and the College Board?**

Our member's experience is that college management essentially controls the appointment of members of governance bodies. This must change board members must be independent of the college management team. The role of the regional board should be to set strategic outcomes and hold the principal accountable to achieving those outcomes.

- **What should be included in the Code in relation to the appointment, remuneration, appraisal and succession of the college Principal/Chief Executive?**

College principals should be selected in an open process where the job is widely advertised with a clear job specification and the best candidate selected through a fair and open process. The code should also give guidance on appraisals processes. This must also be in accordance with appropriate equalities duties. UNISON is concerned that the remuneration of college principals currently bears little relation to that of the rest of the staff in the sector. In particular the government and boards should ensure that wage rises for principals and senior managers are in line with those received by other staff.

### **Effectiveness**

- **Ministerial guidance to support appointment of board members will be issued shortly. What fundamental principles should be included in the Code with regard to the recruitment, selection and appointment of board members?**

We believe that public bodies should as far as possible be directly elected. UNISON is disappointed that this option has been rejected. We believe that where direct elections have been rejected there should be a statutory duty to engage with service users and the public. There needs to be 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. College boards need to be made up from a wide range of people to reflect the communities which they serve. Membership needs to become much more diverse. There also needs to be the appropriate range of skills to ensure that the governance bodies are able to hold managers reporting to the boards to account.

- **What should the Code say about the role of the staff and student board members?**

The code must give clear guidance on the roles and responsibilities of staff board members in particular their responsibility to consult other staff members. The code must also be clear that these representatives will need time off to undertake these tasks, resources for and access to facilities to hold meetings with groups of staff or individuals and resources to advertise any meetings they set up. Staff and student members must be full members of the boards and not excluded from any parts of the meetings.

- **What principles do you think could be applied to equality and diversity in governance, which would be both progressive and relevant for the college sector to take forward?**

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 are a range of equality duties which colleges are subject to and these should be standing agenda items at board meetings.

### **Accountability**

It is the experience of our members in colleges that management have too much influence in the decisions of governing bodies. Board members need to have access to all necessary management information held within FEIs. They also need to be provided with appropriate training in respect of being independent, and methods of accountability. Governors require access to appropriate professional support and advice, including finance and audit. It is our experience that HR expertise is often lacking. Boards should ensure that some members bring these skills with them in the first place.

### **Conclusion**

UNISON Scotland represents a range of key staff in further education. As a key stakeholder we trust that the views of our members will be fully considered by the review. The sector is facing enormous challenges and the best route forward is to fully involve both users and staff in designing future development.

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