**Minute: NCL Resources and General Purposes Committee (RGP)**

**15.00 on 22 May 2023 at Motherwell Campus and via Zoom**

Present: Keith Fulton (Chair), Kenny Anderson, Christopher Moore

Apologies: Ronnie Smith

In attendance: Ann Baxter, Morag Ferguson, William McCallum, John Morrison, Matthew Smith, Elaine Turkington, Diane McGill, Penny Neish

1. **Chair’s welcome**

Keith Fulton (KF) opened the meeting and thanked everyone for attending.

**2. Apologies**

As noted above.

**3. Declarations of Interest**

There were no declarations of interest.

**4. Minutes**

**Minutes of the RGP meeting of 27 February 2023**

The minutes were agreed.

***To accommodate a Principal’s update for all staff at NCL, the content of which could have an impact on discussions in the RGP, the agenda was re-ordered, with items 5 and 6 being deferred until after item 11. This was to ensure that as a member of the RGP the Principal (CM) was able to fully participate in discussion on these items. Without CM at the meeting the RGP would not be quorate.***

**7. College Registrar’s Update**

**7.1 College Registrar’s Report**

Elaine Turkington (ET) spoke to her paper and drew the RGP’s attention to:

* The proposal to open a Voluntary Severance scheme had been approved by the Board and SFC. This was to be advise to staff at the Principal’s update that afternoon (see note above on the reason for re-ordering the agenda).
* The JNC Academic Services had been a straight forward meeting and a number of items covered as set out in her report.
* There was no further update on the employment tribunal position.

**7.2 Information Governance Report**

ET spoke to Lorna Miller’s paper and advised that the Mainstreaming and Equality Outcomes (Interim) Report 2023 has now been published. ET thanked all involved for its preparation and submission, and commended the Comms Team for their work on this.

ET reported that Lorna Miller, (LM), NCL’s Information Governance Lead, which includes the responsibility of discharging the statutory duties of the Data Protection Officer (DPO), has been TUPE transferred into the college. LM has recognised that there is currently no regular internal GDPR Audit as the basis for reports to the Board. Therefore, the data in the 2023 Mainstreaming report will form the start of 6 monthly reports to the Board. ET said that if the RGP required any additional data to be included she would be happy to discuss it. The 6 monthly reports will go through the Executive Board in the first instance, then to the Regional Board. The RGP will be kept in the information loop.

KF commented on Appendix 1 to LM’s paper:

* That the progress column of the Policies and Procedures should read that the ‘Policies and Procedures were put in place in August 2022’, and that
* Although the section on Training is marked as complete, the Board has yet to be involved and while he acknowledged that this is a low risk, he said it was important for Board members to be made fully aware of the requirement of the Data Protection Act 2018 and the UK GDPR and how these impacts on their roles and responsibilities.

***Action: ET to follow up with LM on involving the Board in training on the impact of UK GDPR on the role of Board members.***

The RGP welcomed this development of the Mainstreaming report and the inclusion of oversight of Information Governance into the remit of the RGP.

**8. NCL Estates Update:**

Matthew Smith (MS) said that on 15 April when SFC announced indicative funding for the sector, the capital maintenance allowance was also announced. Following receipt of this information NCL met with SLC to agree the split of capital maintenance based on the indicative figures provided by SFC. NCL met with SFC to get the final approval of the NCL/SLC split and also to confirm digital funding for the academic year.

A spreadsheet on project proposals for 2023/24 Capital Funding for Maintenance was circulated to members and also to Kenny Anderson who was on the Zoom link.

William McCallum, (WMcC), said that the spreadsheet covered high level repairs and maintenance, shown in green, and that the projects listed in yellow were a wish list. This information will be considered by the Executive Board at its next meeting prior to coming to the next meeting of the RGP.

KF thanked MS and WMcC for early sight of these proposals.

WMcC introduced his paper outlining recent Estates activity campus by campus and highlighted the following:

* **Motherwell Campus**:
  + Reverse Vending machines were installed in early May across all campuses, however, the return deposit scheme has now been postponed until August 2024. The machines are currently live and accepting plastics and cans with a Thank You message for recycling. Analysis is being carried out on volumes which will translate into savings in current waste stream costs, from which the NCL Foundation can benefit.

***Action: AB to explore with SFC the reclaim of the return deposits.***

* + Estates are introducing a new maintenance management tool called FaultFixers. This will allow any member of staff or students to report a fault to Estates. For statutory and auditing purposes, the system will record, prioritise and produce reports for all campus operations planned maintenance and compliance works. A QR tag has been designed for ease of reporting faults.
  + An Admissions centre and event/recruitment space is being created on the ground floor of the main campus adjacent to reception. Preliminary designs have been produced for the creation of ‘One Stop Shop’ centres at reception areas in all campuses.
  + Electricity price increase in April of 68% and reduction in natural Gas price of 23% (Ave: £0.22/KW/hr Elec & £0.05 KW/hr Gas)
* **Cumbernauld Campus**
  + Various maintenance works carried out at the Easter period including repainting Tech Corridor.
* **Coatbridge Campus**:

Concerns for the structural integrity of the Nursery building have emerged from a recent report commissioned by Estates. These ‘temporary structures’ have been operational for 60+ years and have significantly deteriorated in spite of the best efforts of Estates over the years to sustain operational effectiveness. WMcC had provided to the RGP a detailed report on external structural survey reports and internal inspections by the College Estates staff, a site visit was carried out on Thursday 11May 2023due to the rapid deterioration of the buildings over the past year. *See also item 5.2 of this note on the Nursery Review*.

* Other campus projects in this period include:
* Car Park was re-lined during Easter.
* Dementia Room completed (Estates),
* 101 Roof leak repairs, (Summer Roofing works @£100k)
* Staff covered various late night/weekend opening from Performing Art shows, Open Day and the launch event for the NCL Education Foundation.
* **Hamilton Towers:**
  + Hamilton Towers lease ends in July. Dilapidations reports from South Lanarkshire Council are imminent with requirements to remove all internal partitions and return to the asset to original pre-lease condition (Circa £40K). However, NCL has become aware that the new owner of Hamilton Towers is keen to retain the improvements made by NCL. The RGP recommended that NCL should approach the new owners with a view to doing a deal regarding the changes required by SL Council, as current owners.

***Action: to approach new owner of Hamilton Towers re SL Council’s dilapidations report to remove the improvements made to this property by NCL.***

* **Kirkintilloch Campus**: Business as usual. No updates to report.
* **Broadwood Campus**: The property is currently being maintained to statutory requirements, however; concerns remain regarding future life cycle maintenance and necessary upgrades to the building.

**Sustainability**: KF asked WMcC if he had any update on the SLWG established to address energy management as reported in the minutes of the previous meeting. WMcC said that the SLWG has new members and an energy management audit will be carried out in a couple of weeks. Discussions with Engenera on direct electric feed from Solar Farm in Wishaw are ongoing but that no direct response from the company had been received to date. WMcC added that considerable savings were being made by better management of the energy and that more efficient use of ventilation in the summer would be strongly pursued rather than overuse of air conditioning units for keeping temperatures cool.

KF asked CM if there was any update on the agreement with UWS to share their facility at Blantyre. CM reported that he had paused discussions because of the financial situation at NCL. UWS fully understand the situation and remain willing to partner NCL when appropriate.

**9. ICT Update:**

John Morrison (JM) spoke to his paperin which he updated on the proposals outlined in his presentation to the RGP last year. JM advised that the funding for the proposes projects was coming from the Very High Priority Maintenance Fund as agreed in discussions with SFC by MS and Iain Clark (IC):

Over £4k has been invested in **laptops** to ensure equipment loaned to staff and students is fit for purpose.

The **WiFi infrastructure** is 14 years old. The tender was awarded in March 2023 and the equipment has now been delivered to the contractor and is expected in college in the next couple of weeks. SFC has confirmed that the funding is available until 31 July to enable installation before the next academic year.

**AV equipment** in all classrooms will be replaced over a 2-year period. Staff feedback from the training sessions is good so far.

The current **phone system** (Cisco VOIP) is being replaced by ‘PBX in the Cloud’ to address issues with current Cisco system and which will integrate with MS Teams and support hybrid working. The new internet-based system will save on phone calls.

An internal review of the college’s **server, storage and backup infrastructure** was completed in March 2023. This will enable the college to create the technical specifications for the procurement of the new equipment required to upgrade the infrastructure.

As previously reported the college re-tendered the contract for **mobile phones** in 2022 and this was awarded to Vodaphone under the Scottish Government Public Sector Framework. At the same time a review of mobile phone use within NCL was undertaken which NCL to reduce the number of contracts in use from 135 to 90 in total. The migration of the numbers from O2 to Vodaphone was completed in January and has resulted in a saving of approx. £12k per annum.

Obtaining approval from SFC to allocate **funds from the Very High Priority Maintenance Fund for ICT infrastructure projects** has allowed the college to bring forward some of projects outlined for 2023/24 into this year, including:

* Upgrading the LAN core switch at the Motherwell campus
* Replace the unmanaged network switches at the Cumbernauld and Kirkintilloch campuses with Power over Ethernet Managed Network Switches.

**Summary of Expenditure 2022/23:** In his paperJM listed the 8 projects undertaken in 2022/2023 totalling £1,019,453.

**Priorities for 2023/24 which will go to the Executive Board for consideration:**

* Continue with annual Desktop & Laptop refresh cycle (working towards 5-6 year replacement lifecycle);
* Continue Classroom A/V refresh/upgrade programme;
* Upgrade the in-house server, storage & backup infrastructure.

**Cyber Security**

NCL successfully achieved Cyber Essentials certification on 3March. Cyber Essentials Plus certification was achieved a short time later on 31 March.

CM commented on the extraordinary programme of advancement and delivery embarked upon by the ICT Team. He said that many good ideas had come from colleagues. CM thanked the team for the game-changing investment this had enabled the college to undergo. CM’s comments of thanks were echoed by KF on behalf of the RGP who acknowledged the significance of the improvements made over the last 12 months.

Kenny Anderson (KA) suggested that a summary should be added to JM’s ICT paper on the impact of the improvements on learning and teaching. He said it would help to evaluate the advances made.

KF endorsed this comment.

**10.** **Health and Safety update**

ET spoke to Robert Curran’s paper and asked the RGP to note that an Occupational Health provider is now in place and that there is an OH nurse on campus.

KF thanked ET for the H&S report and asked for further information on para 10.2.3 on Legal Compliance:

“*Asco visited all NCL campuses and nurseries to conduct a Fire Risk Assessment. The purpose of this Fire Risk Assessment is to provide an informed structured examination of the potential fire hazards, and to raise awareness of any areas of non-compliance with statutory acts or regulations. Each campus received an action plan which puts together all remedial actions required.”*

KF sought confirmation that remedial action is in process where necessary. ET undertook to find out and advise the RGP.

***Action: ET to report back to the RGP on any remedial actions required on the Fire Risk Assessment.***

*CM left the meeting to prepare for his Principal’s update to NCL staff. The RGP Committee was no longer quorate.*

**11. Brand update**

ET commented briefly on the Highlights and Priorities section of the paper which demonstrated the significant effort NCL is making to build up its community links, through a range of free short courses, open days and the development of a new website. ET added that the recent event to celebrate the Apprenticeship Awards had been very well received by students and their families.

KF said that the Brand document was well set out and informative. KA asked if the college was getting the benefit anticipated from the rebranding exercise to which ET commented on the difficulty of demonstrating this. KA said that the Brand Team had done a good job but wondered if it could be more effective through evaluating the events, eg the impact of the community days on enrolments. KA offered to chat online to the Team.

***Action: KA to discuss with ET an informal chat with the Brand Team on evaluating the effectiveness of the brand.***

AB, ET, MF and KA left the meeting to attend the Principal’s update to NCL staff.

The meeting of the RGP was suspended to allow NCL staff to join the Zoom call for the Principal’s update.

CM, AB, ET, KA and Morag Ferguson (MF) returned to the RGP.

The RGP meeting resumed after 30 minutes.

**5. Matters arising from the minutes of the meeting of the RGP 27 February 2023**

**(Deferred item on the re-arranged agenda. See note on page one of this minute)**

**5.1 Update on BTO**

KF reported to the RGP that the Court had extended to 28 June the adjustment period to give the college time to gather witness statements relating to its defence and to consider further the latest adjustments made by Galliford Try. 4 college individuals had been asked to provide statements; one was now complete, a second document was largely complete, the third was at an earlier stage in the process and the final one, relating to an ex-college employee was proving difficult as, currently, the individual was not responding to the college’s lawyer.

As part of their case, Galliford Try is expressing the view that the content of an agreement signed in 2018 by it and the College (around monies retained by NCL relating to problems surrounding the original Motherwell Campus build) meant that the company could not be considered liable in the current case. While acknowledging its argument, KF commented that Galliford Try employees had engaged with the College and the various sub-contractors for a period of over two years after the signing of the agreement. Not once during this time - and for some time after, did Galliford Try mention the 2018 agreement or ever indicate that it saw the 2018 agreement as an “escape clause” for either it or the subcontractors involved. Indeed, in KF’s view, it was much the reverse.

Notwithstanding KF’s view, a response has to be considered and between now and 28 June, the College’s lawyers and Counsel are looking at the possibility of presenting a standalone legal case ie the 2018 agreement has no relevance in this instance. This will determine what happens next.

Costs continue to grow, principally legal ones now and given the current financial predicaments within the College and across the wider sector, KF and others are very conscious of the impact the case is having and will have in the future if continued without resolution. The most recent expenditure figure is £653,521, broken down as follows:

* 74% for scaffolding, netting and to provide the College with analysis and testing of the issues that form the basis of the case laid before the court. 71% of this expenditure relates to the safety and security of learners, staff and visitors to the campus, while the remainder is for the work the college had to engage in because Galliford Try would not share with the College, as promised, the findings of an independent report into the issues.
* The cost of legal advice continues to increase and now stands at 26%, up from 22% advised to the last meeting of the RGP.

KF said that NCL is continuing to engage with SFC and others as required. SFC will be visiting NCL at the beginning of July to discuss, among other things, the cladding issue. KF will be attending this meeting. So far SFC is positive on the action the college is taking and to the use of budgets as agreed.

KF commented that he would like a further update from BTO in the next couple of weeks.

***Action: KF to seek a further update from BTO***

**5.2 Nursery Review**

AB reported that at its last Board meeting, the RSB had agreed to the closure of two nurseries, one at Cumbernauld Campus and one at Coatbridge Campus. AB said that there would be a meeting with staff the next day. The local authority has been advised, as has the Care Inspectorate. The appropriate paperwork will be completed and submitted once the situation is agreed and settled.

As mentioned in the Estates report (see above at note 8), there are serious concerns about the condition of the building at Coatbridge, however the RGP was assured that the building is safe for staff and children. While the Estates Team at Coatbridge have worked hard to ensure this, KF had noted from the survey report provided by MS/WMcC that *“ …. the buildings have rapidly deteriorated, in the medium term they are potentially unsafe, not fit for purpose and should not be used as children’s nursery beyond June 2023.”* ie the end of the current academic year.

**6. AMCOL**

MS advised the RGP that AMCOL had an underlying operational surplus of £200k-£250k to 31 July 2023. He reported that the Service Level Agreement (SLA) has not been found despite extensive searches.

KF reiterated his concerns about the seeming lack of an SLA. AMCOL is a wholly owned subsidiary of NCL and the finding or drawing up of an SLA should be accorded an appropriate priority. Last week Ronnie Smith met with John Fairlie (Chair) and Celia Devine (Managing Director) of AMCOL to initiate a close relationship between the two organisations and more regular engagement in the future. RS to be asked to feedback to the RGP on the nature of his meeting with John Fairlie.

KF said that given the impact of the nursery review on staff it was even more important to have an SLA in place. AB will initiate a further search for the SLA.

***Action: RS to feedback to the RGP on his meeting with AMCOL;***

***AB to initiate a further search for the SLA***

**12. NCL College update**

CM reported to the RGP:

1. The senior team at NCL has developed a response to the financial position and the budget; a voluntary severance scheme was announced to staff in his Principal’s update to staff. The scheme will run over the summer months. The deadline for applications is the end of the first week in June. The Professional Services union has informed the college that issues are likely to intensify and that challenges will arise.
2. NCL is collaborating with Smart Works Scotland, a charity which gives unemployed women the clothes, coaching and confidence to secure employment and change their lives. The charity has bases in Edinburgh and Glasgow; they have not worked with a college before and are keen to develop this link. 30 NCL students will attend their sessions in June with additional students being offered the opportunity in August.
3. Admissions Centre at Motherwell Campus: an Admissions and Recruitment hub is being set up in the reception area at Motherwell to make better use of that space and to emphasise the focus on students and courses.

**13. RSB and Assigned College update**

Diane McGill (DMcG) advised the RGP that Ronnie Smith had written to SFC requesting them to revive the Transition Group as it had not met since COVID and both Lanarkshire colleges were keen to proceed with the dissolution of the RSB. So far, no meetings of the Transition Group have been set up. The RGP will be kept updated on any developments.

**14. Chair’s update**

KF said in addition to 5 meetings with BTO and others on the Motherwell cladding and water ingress issues, he had attended 4 College Employers Scotland (CES) meetings.

The biggest issue for CES currently is pay claims. KF said that there had been some movement from EIS-FELA who had revised their claim for £5k per person to £3.5k, but this is still in excess of what the sector can afford. Unison has not changed its stance from £5k per person. The CES has offered 3.5% in each of 2 years which would still challenge sector finances. This has been rejected. Colleges’ options are limited but include the potential to sell-off assets - where questions remain about the level of income that could be retained via such a process - and/or reducing staff numbers. Some colleges have already announced compulsory redundancies.

Unison are progressing their request for revised staff terms and conditions. These include a 4-day working week, green travel, hybrid working for all of which there is a separate working group.

Job evaluation: discussions are ongoing. The analysis of the findings continues to give concerns and, following recent financial announcement from the Scottish Government, there is concern that the £56m the Scottish Government set aside to help meet the cost of JE, may not now be available to the sector. ET said that new jobs had been created in the sector since the JE exercise began and that it was not known how these would be dealt with.

CES managers will be visiting colleges next month seeking nominations for additional sector representatives.

KF advised that the unions had had a meeting with the Minister who had confirmed that there was no more money available from the Scottish Government. This prompted EIS-FELA to move from their £5k claim, but it was noted also that the lecturing and support staff unions seemed to be of the view that colleges had set aside 5% for a pay award. This was not the case and appeared to have emanated from an SFC request to colleges asking what the implications of a 5% award would be. CES’ proposal to the unions to make a joint visit to the Minister remained live.

More widely, an update on GTCS registration, regarding Provisional (Conditional) Registration was given, as was the latest position around revised agreements (in principle) concerning the availability of Facilities Time for EIS-FELA and Unison national representatives. KF noted also that he expected imminently the annual request from CES regarding college representative nominations.

**General Committee Business**

**15. Approval of publication of papers from this committee:**

* Agenda for RGP 22 May 2023
* Minutes of the meeting 27 February 2023
* College Registrar’s Update
* Information Governance Report
* Brand Dashboard

**16. AOB:** no matters were raised

**17.** Date of next meeting: the next meeting of the RGP Committee will be on **Monday 11 September 2023** at 15.00 at Coatbridge Campus and via Zoom.