



Item 5.1 LB/13/12/18

Minute

The Lanarkshire Board 1st October 2019

5pm 101 Park Street Coatbridge Campus

Present from the Lanarkshire Board: Keith Fulton (Acting Chair), Kenny Anderson, Jean Carratt, John Elliot, Rose Harkness, Moira Jarvie, Andy Kerr, Martin McGuire, Rosemary McKenna, Stewart McKillop, Paul O'Donnell, Claire Paterson (SLC Student President) Professor Robert Pyper, Stuart Reid, Marisa Rose.

In Attendance: Angus Allan (Depute Principal SLC), Iain Clark (Vice Principal -NCL), Sharon Drysdale (SFC), Diane McGill (Board Secretary -The Lanarkshire Board), Keith McAllister (Head of Finance SLC), Penny Neish (Assistant to the Chair of the Lanarkshire Board), Derek Smeall (Vice Principal NCL).

1. Chair's Welcome

Keith Fulton welcomed everyone to the meeting. He informed the Board that he had received a letter from Aileen McKechnie, Director of Advanced Learning and Science at the Scottish Government, on Friday 28th September 2018 confirming that he would be the Acting Chair for a period of up to six months with Linda McTavish taking leave of absence due to a family illness.

Action: Now that confirmation had been received from the Scottish Government, the Chair would draft a communication to all staff at NCL.

2. Apologies

2.1 There were apologies from Board Members as follows: Matthew O'Hare, Ann Stark and David Winning.

2.2 There were apologies from the following attendees; Brian Gilchrist.

3. Declaration of Interest

3.1 There were no declarations of interest.

4. NCL Committee Minutes and Reports

Note: The Chairs of the Lanarkshire Board committees decided at the Chairs' meeting on the 8th February 2016 to report by exception in their report to the Board and where there was a recommendation to the Board the committee chair would ensure that there was sufficient information for the Board to make its decision.

4.1. CSAO Committee Minute 3rd September 2018: Martin McGuire drew attention to Item 5.2 of the minute about the National STEM Strategy and informed the Board that there would hopefully be guidance from the SFC in the coming week about credit activity for STEM and it was hoped that it would now be possible to fund activity in primary schools. Keith Fulton asked about Item 1.3 on Appendix 1 to the minute which notes that the HMI from Education Scotland had raised the issue of variable practice in relation to lecturer professional flexibility working arrangements. Martin McGuire informed the Board that this is an issue with a small number of staff and that management had restated the contractual arrangements with lecturing staff.

4.2 Audit and Risk Committee 3rd September 2018: John Elliot drew the Board's attention to Item 12.2 which refers to NCL's Internal Audit Service and that the committee agreed that the contract should be extended for a final year and that a mini completion would be held expediently for the awarding of the future contract.

4.3 RGP Committee 10th September 2018: Keith Fulton drew the Board's attention to Item 6.2 which reports on the changes to NCL senior staff portfolios following the voluntary severance scheme and to Item 6.3.2 which notes the confirmation given by Stewart McKillop of the SLC position in relation to the implementation of the National Agreement for lecturing staff. Keith Fulton informed the Board that this was relevant to Item 4.5.2 on the Board agenda for this meeting.

4.4 Finance Committee Meeting 10th September 2018: the Chair of the Finance Committee drew the Board's attention to the NCL Finance Report at Item 7.1 which is for the 11 months to June 2018 and that the operating position for the year to date is a surplus of £138k. He noted the on-going efforts of the Finance Team and of NCL staff. He also drew the Board's attention to Item 12 AOB which noted a change to the bad debt procedures at NCL. Current students with bad debt will have computer access denied and be advised to contact the Finance Department before reinstatement of access.

4.5 Special meetings

4.5.1 Chairs Meetings

- **Minute of the meeting 2nd July 2018:** There would be correction of two typing errors at 5.1 and 6.1.
- **Minute of the meeting 10th August 2018:** The wording of the paragraph on P2 beginning "Following staff /union representation..." would be reviewed.
- **Minute of the meeting 17th August 2018:** the action of the Chair to draft a letter from the non-executives to the PAPLs committee chair was noted.
- **Minute of the meeting 3rd September 2018:** The minute reports on the resignation of the staff representative Jacqueline McGarvey, the report to the Chairs on the no confidence vote, the special meeting of the Board set for the 10th September to consider the draft business development plan and the need for the development of a clear plan for improving collaborative working across the region.
- The following non – executive meeting (Appendix 1 to the minute of the 3rd September 2018) was informed about an NCL student complaint which Alex Neil is involved in and it was agreed that Keith Fulton should make a Declaration of Interest to the PAPLs committee about his interest in this matter. The process for expediting the non-executive response to the PAPLs committee was also agreed.
- **Minute of the meeting of the 19th September 2018:** This minute sets out the arrangements following Linda McTavish's leave of absence and the Board noted the arrangements that were set out.

4.5.2 RGP Committee 18th July and 7th August 2018

Keith Fulton presented the paper issued to the Board and covered the background set out in the paper to the RGP committee's hearing the EIS/FELA trade dispute on National Bargaining Contact Hours.

Decision: After discussion, the Board agreed the RGP committee's recommendation that the EIS/FELA appeal to the RGP/Board is not upheld and that this should be communicated to the union.

5. Board Minutes

5.1 Minute of the Lanarkshire Board 18th June 2018.

The draft minutes of the meeting of the Board on the 18th June were approved subject to a typing error at the date being corrected and noting that Stuart Reid attended the meeting.

5.2 Minute of the Meeting on the 10th September 2018

The draft minute was approved subject to a change to the wording at paragraph 5.4 – the revision would be given to the Board Secretary by Iain Clark.

5.3 Matters Arising

In reference to Item 8.6.5 in the minute of the 18th June 2018, Keith Fulton informed the Board that Linda McTavish had had a meeting with other colleges that have funding issues as a result of national bargaining and that had harmonised at merger. Martin McGuire attended that meeting and has been in subsequent discussion with the Principals.

Action: There will be a further report on this at the next Board meeting.

5.4 SLC Board Minute 29th May 2018

Stewart McKillop highlighted the following from the minute of the meeting:

- Unison Update: national executives are visiting all colleges for a Branch meeting. Unison had made a claim for £1,400 flat rate and this was rejected. Job Evaluation and counter offer awaited.
- Audit Scotland: Update on the ongoing process. The focus is on the three Regions. The Principal and Mr Gallacher were interviewed as part of the process.
- Recruitment: Members noted that enquiries were slightly down on that of this time last year. The Principal stated that this appeared to be the case across the Sector which may well have been a reflection of the increasing number of school pupils staying on to complete Sixth Year. He added that in spite of this he fully expected to meet the annual target. Ms Harkness highlighted that although enquiries were down, the number of unconditional offers is up by 2%.
- Quality Enhancement Group Report: Education Scotland – Andrew Brawley, HMI has made a number of visits to the College throughout April and May. Part of the discussion had been the importance of assigned colleges still maintaining their own self-evaluation processes and final reports. This had helped secure the agreement that South Lanarkshire College would continue to publish its individual report.
- Marketing: there has been an overall reduction in the marketing budget. The College has focussed on advertising/marketing in the areas of previous success. It has been decided to move the College's advertising from Capital to Clyde in order to achieve more coverage.

- Procurement Arrangements – the College is updating its Financial Regulations, including its purchasing procedures and, as an important step in this process, the thresholds for purchasing. The Committee have considered the content and have approved for presentation to the Full Board. After some discussion on detail, the Board of Management agreed for the document to go forward, including an agreement on the thresholds for procurement.
- The Audit Committee 14th May 2018: Mr Ralston stated that this had been the first meeting of the year with Mazars and the arrangements very much mirrored the previous year. He added that the Committee had requested continuity of the Audit Team and this had been agreed. In terms of Consolidated Accounts, the Committee had raised concerns in regard to a possible conflict of interest on the part of the auditors as they audited both SLC's and the Consolidated Regional Accounts. Assurances had been given by the external audit providers that they would ensure that this would not be the case. Two separate audit teams would work on SLC and the Regional accounts. The Committee had stressed that adequate time must be given to SLC to examine the content and narrative of the Consolidated Accounts before they were finalised. There had been issues with this in the previous year. The Auditors had agreed that they would highlight this requirement with Iain Clark of New College Lanarkshire to ensure the same problems did not arise this year. Mr McAllister agreed to monitor this.
- A Cyber Resilience Strategy for Scotland – Public Sector Action Plan – 2017/18 – members were asked to note the content of the report, a copy of which had been included in their pack. The College is working on the requirements at present and the Board will be updated at the Training Day in June and a presentation will be made at the Board meeting in September 2018. Members noted the report and the responsibilities placed upon the Board and management.
- Staff Absence – the Committee remain assured that the system in place is both effective and supportive. Discussion had taken place on the impact of the new MyHR System on absence and it had been noted that staff and managers were finding it an excellent monitoring tool.
- Gender Action Plan – the College remains committed to meeting the ambition set by the Scottish Government that by 2030, no college or university will have a gender imbalance of greater than 75% of one gender. In response to this the College has produced a Gender Action Plan and this has reported positive shifts in some class areas; Level 2 Barbering and HNC Quantity Surveying. Members noted that the College was developing courses to specifically attract specific genders; Women into Construction.
- Retirement from the Board: John Gallacher informed members that it was his intention to retire from the Board of Management. He stated that he had enjoyed being part of the College over the years and had been proud to represent an organisation that had remained focussed in the hardest of times. He wished the College and the Board every good fortune for the future. Members thanked Mr Gallacher for his many contributions over the years and wished him well in his future ventures.

6. Student Associations' Joint Report: The Board heard from both Student Associations (SA) who presented their papers which are published on the NCL website.

6.1 NCL SA Report

The Board was informed by Marisa Rose about the broad range of activities and events that the NCL SA is undertaking including:

- The Student Association Team: the Student Association has changed its structure and there is now a Student President and three Vice Presidents. The Student President is a full time role while the Vice Presidents are contracted for 16 hours per week. Each campus will have a student Vice President based there.
- Learner Engagement Team: The Student Association will continue to work in partnership and volunteer roles will be advertised under the Be Engaged categories. The positions will be advertised as job roles with responsibilities and it is hoped that volunteers will feel more valued and appreciated. The NCL SA attended a BE Engaged event at the Scottish Parliament and talked to a government minister at the event.
- NCL Student Associations Operational Plan and 3 year strategy: the NCLSA have successfully completed their operational plan with support from the NUS and are already taking action on working towards their goals for the coming year. The NCLSA are starting to work towards developing a 3 year strategy and are aiming to have a draft by January 2019.
- The NCLSA helped with student inductions over the summer and this helped students get to know the SA team.
- NUS and SPARQS Training events: SA officers attended the NUS Lean and Change Event in Livingston and the SPARQS Class Rep and the "That's Quality" Training courses.
- The Fresher's Fair ran over three days at each campus.
- The NCLSA organised a meeting for Scottish Student Sport to discuss getting sport groups within their campuses.
- ASSIST Suicide Prevention Training; the NCLSA attended an ASSIST training course to widen their knowledge in mental health and has been working with the Engineering Block to encourage young men to talk about how they feel and engaging in activities with them around mental health. There is also a mental health ambassador.
- Working with organisations – the NCLSA had met with VANL and CLIC SARGENT with the aim of increasing students' employability during their time of study.
- Jordan's funding event: the NCLSA is running events to support Jordan- an NCL student - raise awareness about mental health.
- The NCL SA has promoted a Fitness week

Marisa informed the Board that there is a difficulty with social space in the Engineering block at the Motherwell Campus and asked if space could be provided. Martin McGuire acknowledged the design issue with the Engineering Block.

Action: Marisa Rose will meet with Martin McGuire to discuss this issue.

6.2 Claire Paterson gave the report for the SLC Student Association. She highlighted the following:

- The Student President and Vice President both produced winning election campaigns focussed on building relationships with students and engaging with them on a one to one basis and as a collective group.

- There had been an engaging, informative and well -structured handover period with the outgoing president and vice president.
- Attendance at the NUS “Lead and Change Event”
- Glasgow Pride and Expo: the SLCSA attended Gay Pride on the 14th July 2018.
- safeTALK – the SA President attended suicide alertness training from the Richmond Fellowship.
- The SLCSA will attend the SPARQ “That’s Quality” Colleges event in Dundee and also the NUS “The Gathering”
- Operational Plan: the SA has compiled a draft operational plan based on last year’s plan, the 5 year strategy and NUS visits.
- Learner inductions: the SA is visiting classes, has produced a short video which forms part of the learner induction process and held a welcoming table during the first week of term to present a friendly face to students.
- The college hoodies with an upgrading continue to be very popular
- Healthy Body Mind Award- a meeting has been arranged with Think Positive to discuss this year’s criteria and will try for this award again this year.
- No period poverty: SLC continues to offer free sanitary products to all students and staff. The Scottish Government and the media continue their interest in this campaign.
- Media engagement: in the first few weeks valuable social media content was created and planned content is diarised to maintain engagement throughout the year and there is now the best reach yet attained. A welcome newsletter was produced over the summer.
- Scottish Student Sport Leadership Programme – the SA will work closely with the Scottish Student Sport Leadership Programme with the aim of opening up more sport and leisure opportunities to students.
- Forthcoming events were set out for 2018/19.

Kenneth Anderson congratulated the students on the wide range of activities they were engaged in and raised the issue of Cheree Fleming, the elected NCL Student President, not being able to take up her role as she could not get the university who had offered her a place to keep that place open for a year.

Action: Sharon Drysdale will look at this issue with the SFC.

7. SLC Report to the Board

Stewart McKillop reported from the SLC meeting on the 18th September 2018 to the Board as follows:

- There was a presentation from Steve McIntosh on Cyber Security/GDPR which had been well received.
- Recruitment – the College was 373 over and above its target.
- Paul Hutcheson would take over from John Gallacher
- There was a report on national pay bargaining
- CITB – there has been no uplift in funding for several years with 70% of funds going to the CITB and 30% to the colleges. After a lot of discussion there will be a 14% uplift for colleges but this will be based on last year’s system.
- The Internal Audit plan from Scott Moncrief was approved
- The SLC Board approved the College’s FFR submission.
- An updated 5 year plan was presented to the Board.

The Lanarkshire Board noted the report.

8. Chairs' Report

8.1 Events and Awards: The Chair noted the range of awards and achievements as highlighted to the Board in the NCL Awards and Achievements paper which is included in the Board papers published from this meeting. The Board was informed that Ross Megahy had been selected to represent the UK at the prestigious Euroskills competition in Budapest and that he had won a bronze medal at the competition.

8.2 Lanarkshire Board Recruitment: The recruitment to the Board had been delayed due to the time pressures of dealing with the range of issues as set out in the minutes to the meetings over the summer. The Board is looking for two new non-executive Board Members following the resignations of Ronnie Smith and Douglas Anderson and there will be an election for the academic staff member following the resignation of Jacqueline McGarvey.

8.3 National Committees: The Chair is arranging attendance at the committees Linda McTavish attended and will report on meetings at the next Board meeting.

8.4 NCL Business Scenario Plan:

Wylie and Bisset Review

8.4.1 The NCL Business Scenario Plan had been submitted to the SFC on the Friday 28th September 2018 to meet the deadline and the Chair thanked members of the Board for their responses and final approval of the plan to a tight timescale in the last week as agreed at the meeting on the 10th September 2018. Wylie and Bisset had undertaken a detailed review of the plan looking at the figures in the plan and the reasonableness of the assumptions that had been made and their report was included with the Business Plan. The key findings in the Wylie and Bisset review are as follows:

- The College will be unable to deliver the Plan without full financial support from the SFC. We have not had sight of any correspondence from the SFC to the College providing confirmation of future support. We have received only verbal assurances from College Management that the necessary support will be received.
- There remains the risk that the College will not be able to achieve the same levels of service delivery both in terms of its teaching offering and support services following implementation of the VS scheme.
- Delivery of the VS scheme is likely to have a highly detrimental impact on staff morale with remaining staff fearful of facing unemployment in the near future. The workloads of existing staff will undoubtedly increase which could lead to stress, absence and increased costs for the College. Furthermore, students are likely to see their teaching and learning environment adversely affected as a result of there being a reduced number of teaching and support staff.
- A real term decrease to non-staffing costs is considered to be an unrealistic target when taking into account the country's current economic state. It would be more realistic to increase non-staffing costs at a rate equal to the rate of inflation which is currently 2.7%. Further information is contained within our workings in Section 4.5.2. We have discussed this matter with College management who recognise the risks but believe that through a combination of expected procurement savings and very high priority backlog maintenance funding of £4.8m (reducing the requirement for on-going spend on maintenance) the forecast real term decrease is achievable.

The Board was informed that there had been detailed discussions with the SFC and there was assurance that the SFC would meet the costs of the VS schemes which are key to the plan.

Action: Sharon Drysdale informed the Board that a detailed letter would come from the SFC in response to the plan.

The Chair of the SLC Board had requested that Wylie and Bisset attend this meeting of the Board.

Action: The Chair of the Lanarkshire Board confirmed that Wylie and Bisset would be invited to the next meeting of the Board when the Board would receive a monitoring report on the progress of the plan.

8.4.2 FFR submissions

The Board had received the FFR submissions from both NCL and SLC and this had raised issues which Keith Fulton had agreed should be discussed in a separate meeting with the Chair of SLC and the SFC. The SLC Board approved its FFR submission at its Board meeting on the 18th September 2018 and it had been forwarded to the Lanarkshire Board – the RSB- for submission to the SFC. The SLC FFR had been presented to the Lanarkshire Board along with the NCL FFR for approval. The Board was informed that approval of the SLC FFR sits with the SLC Board. The Board was also informed that, on the other hand, Martin McGuire as Chief Officer for the Lanarkshire Board is accountable for the RSB funds in its role as a funding body. He had only received the SLC FFR on the previous Thursday. He had an issue with a statement in the SLC FFR narrative about assumptions made in the return. He also commented that aspersions had been made that the RSB had disadvantaged SLC with regard to the credit price. In essence, there is an issue of process and assurance of the SLC FFR for the Chief Officer and for the Lanarkshire Board as opposed to the approval of the SLC FFR.

Decision 1: There will be a meeting with the Chairs of the Lanarkshire Board and SLC and the SFC to discuss the assurance and approval process around the submission of the FFR's and the role of the Chief Officer. The outcome of this meeting will be reported to the next meeting of the Board.

Decision 2: The Board was asked to approve the NCL FFR submission which is in alignment with and reflects the Draft Business Scenario Plan and the Board approved the submission.

Decision 3: The Chair of SLC will join the Chairs Committee.

8.5 Update from the PAPLS Committee

There have been two meetings of the PAPLS committee with NCL on the agenda– 25th June with NCL Management and the Chair of the Board, the 20th September with the EIS/FELA and on the 4th October 2018 John Kemp from the SFC and the Scottish Government will give evidence about the RSBs. Keith Fulton noted that the questioning from the PAPLS committee on the 25th June 2018 had gone much wider than the Section 22 report. Andy Kerr, Rosemary McKenna and Kenneth Anderson were all of the view that the transcripts from the meetings should be reviewed and any inaccurate or misleading statements that had not been addressed already should be rebutted. Kenneth Anderson also felt that

there should be a document that sets out the history leading to the Section 22 and the meetings of the PAPLS committee.

Action: The transcripts should be reviewed and a response from the Board should be drafted and agreed by the Chairs for submission to the PAPLS committee. A paper should be drafted setting out the history leading to the Section 22 and the requirement to give evidence to the PAPLS committee.

There was discussion about communication with staff and the agreement that there should be a report from staff to each meeting of the Board. There was a view that the staff members would raise issues as needed with the Board and that there was no need for a standing report.

Action: Keith Fulton and Moira Jarvie would meet to revisit this and to discuss what standing report if any would be made to the Board.

9. Auditor General's Colleges' Scotland 2018 Report

9.1 There was discussion about the Auditor General's Report which had found that the Lanarkshire Board was fulfilling its statutory duties but that there were no regional benefits. A list of benefits had been submitted when NCL had received a draft from the Auditor General - including documents that are already in place such as the Regional Strategy - but these benefits which are the same as many of those listed for the two other RSB's were not accepted by the Auditor General. The recommendation in the report is that the Lanarkshire Board produces a regional collaborative working plan. Prof Pyper suggested that the away day should be about regionalisation and the close collaboration needed between both colleges. It was stated that whilst this was desirable there must be progress in this area before that date nonetheless this could be the forum for finalising the prospect of further regionalisation. It was agreed that both colleges would produce a paper highlighting what they considered possible in terms of further regionalisation.

Decision: The current regional plans and documents will be reviewed. The documents that are already in existence will be flagged up to key organisation e.g. the PAPLS committee, the Scottish Government and Audit Scotland. In addition, there will be on going communication about key developments to these organisations. The region needs to be robustly defended and an interim paper mapping out the key documents and a progress report on this will be made to the next meeting of the Board. A framework for the regional collaboration plan with contributions from both colleges will be prepared for the next meeting of the Chairs Committee. Both colleges will then work on the plan and a draft will be brought to the Board Strategy Day in March 2019, which will have regional collaboration as a main topic, for discussion and comment with the plan to be approved at the Board meeting in March 2019.

10. Board Strategy Day

The Board was informed that the date for the meeting will be in March 2019.

Action: The Board agreed that there should be a short term working group of Board Members to set the agenda and format of the Strategic Day. There will be an invitation to the trade unions to attend the day.



11. Board Self Evaluation Update

The Board noted the Board Development Plan and progress to date.

12. Board Dates

Decision: The Board approved the revised dates for 2018 and the dates for 2019.

13. Approved Publication of Papers from the Board

The Board agreed to the publication of the following papers from this meeting:

The agenda

Item 5.1 - The Minute of the Lanarkshire Board of the 18th June and the 10th September 2018

Item 5.3 - The Minute of the SLC Board of 29th May 2018 is published on the SLC website

Item 6.1 - The NCL Student Association Report

Item 6.2 – The SLC Student Association Report and Newsletter

Item 8.1- NCL Awards and Achievements

Item 9 - The Auditor Generals Colleges' Scotland Report 2018

Item 11- The Board Development Plan

Item 12 - Revised Board Dates and the 2019 Board Dates

14. Date of the Next Meeting

The next meeting of the Lanarkshire Board will be on 13th December 2018 at 10.30 am in the Boardroom at the Cumbernauld Campus. Christmas Lunch will follow the meeting.