

Item 4.2 CC 4/02/19

**Minute of the meeting of the Chair's Committee of The Lanarkshire Board
10 August 2018 at NCL Cumbernauld**

Present: Linda McTavish, Chair, Keith Fulton, Kenny Anderson, Ann Stark, Dave Winning
Guests: John Kemp and Sharon Drysdale, SFC
In attendance: Martin McGuire and Derek Smeall for the first item only, Penny Neish
Apologies: Diane McGill, Board Secretary

1. Draft Business Plan

Linda McTavish welcomed everyone to the meeting and explained that Derek Smeall would give a short presentation on the Draft Business Plan and that following this both he and Martin McGuire would leave the meeting. The Draft Business Plan is part of a major consultation with NCL staff on the financial position of the college and will be circulated to staff. It was also scheduled to be discussed by the Chairs. It was agreed to take the opportunity of John Kemp's attendance at the meeting to provide an overview of the plan in its current form and the processes it had undergone over the period of its development.

Derek Smeall gave a presentation on the Draft Business Plan 2017/18-2022/23 and after brief clarification of points in the presentation, DS and MMcG left the meeting.

Following the presentation there was a robust discussion with JK about the business plan and SFC's role in supporting its development. The Chairs made it clear that the college had responded to every request from SFC to refine the plan, had met all SFC's deadlines over the past 11 months and were disappointed that SFC did not make the college's efforts known at the recent PAPLS evidence session.

A number of actions were agreed:

- To set up monthly Executive meetings between SFC and NCL to monitor the progress of the business plan: **NCL Executive and SFC**
- To set up quarterly Non-Executive meetings between SFC and the Board to monitor the implementation of the business plan: **Board and SFC**
- To submit additional papers to the PAPLS Committee together with an overarching explanation of the status of the papers being submitted: **Chair and Board Secretary.**

2. Response to the invitation by the Chair of the PAPLS Committee to the non-executive members of the Board to comment on the issues raised at the recent PAPLS evidence session.

The Chairs had a brief discussion and agreed that a joint letter would have more impact than a series of individual responses and agreed to meet again to discuss this in detail.

Actions agreed were:

- To seek additional time for the response to the invitation from the Chair of PAPLS to the non-executives. This action was completed by the **Board Secretary** with the deadline now being 17.00 on 13 September 2018
- The Chairs to meet again on 17 August 2018 specifically to discuss this item
- The Chair to ask Robert Pyper to undertake some preparatory thinking and identify themes and headings for the non-executives' response and to join the meeting on 17 August.

3. RGP Committee Update on EIS/FELA Trade Dispute

The Chair of RGP gave a verbal update on the special meetings with EIS/FELA and NCL Management on a trade dispute called by EIS/FELA. The notes of these meetings will be available once agreed.

Background

At the request of EIS/FELA, the RGP Committee had agreed to hear their concerns about NCL Management's position on the implementation of a National Bargaining agreement on terms and conditions, ratified in November 2017. This had been advised to the sector in March 2018 and had an implementation date of 1 August 2018.

Consultation sessions had taken place, subsequently, with all NCL lecturing staff on several dates in April 2018.

Issue

In their request to meet, the union had stated:

"We call on the Board of Management to immediately settle this dispute by recognising that it is unreasonable to expect lecturers to cover the same amount of teaching in a reduced period of time and implement the nationally agreed maximum of 23 (+1 within constraints) hours scheduled teaching time in good faith."

In presenting their case, EIS/FELA argued that NCL Management had refused to implement an unratified May 2017 agreement on revised teaching hours and that a motion from the branch demanding that the maximum scheduled teaching hours be reduced in the 2017/18 session, had been ignored by the same management.

It should be noted that, within National Bargaining, agreements can only be implemented if they have been ratified by both the employers and union sides.

Following notification of the ratified agreement in March 2018, NCL Management had conducted consultation sessions with staff on several dates in April 2018. At these sessions, Management had also emphasised to staff the difficult financial position the College was and the need to find efficiency savings. A number of options had been presented, all of which reflected the National Bargaining agreement of:

- reducing the number of class contact hours to 23 per week (plus 1 within constraints);
- a maximum teaching commitment of 860 hours per annum; and
- an annual leave entitlement of 62 days per annum.

Following staff/union representation, Management's preferred option was:

- class contact time of 23 hours (+ 1 within constraints) per week within a retained 36 teaching week year (+ 1 flexible week as required) – a total of 851 teaching hours per year

EIS/FELA saw this as a reduction in the time available for each unit taught by a lecturer, thus further increasing what it believes are already unmanageable workloads for lecturing staff. As a result, the union

called a trade dispute over NCL Management's proposal to implement this option, stating that it was not in good faith. It was at this point that EIS/FELA had called on the Board of Management to settle the dispute.

For their part, Management outlined how it had arrived at the options presented to staff at the consultation sessions held in April 2018. In particular, it was explained how, in its opinion, the revised preferred option met the specifics of the National Bargaining agreement and would allow the College to move forward in a financially more stable manner, without detriment to either staff or learners.

RGP's Recommendation

In weighing up the arguments presented by EIS/FELA and NCL Management, the RGP is of the view that NCL Management's proposal to deliver 23 class contact hours (+1 within constraints) within a 36 week (+1 flexible week) teaching environment, both adheres to the national agreement without detriment to staff or students and, crucially, from a governance and financial probity perspective, acknowledges and reflects the financial position that the College finds itself in currently.

As a result, it was the intention of the RGP to recommend to the Board of Management that the EIS/FELA request is not upheld. **The Chairs indicated their agreement with the recommendation made by the RGP Committee.**

The meeting closed.