

Item 4 RGP 2/03/2020

Approved Minute: Resources and General Purposes Committee (RGP)

15.00 18 November 2019, Boardroom, NCL Cumbernauld

Present: Keith Fulton (Chair), Stewart McKillop, Christopher Moore

In attendance: Ann Baxter, Annette Bruton (for item 11), Iain Clark, Brian Gilchrist, Martin Loy (for item 9), Diane McGill (Board Secretary), Penny Neish

1. Chair's welcome

1.1 Keith Fulton (KF) welcomed everyone to this meeting of the RGP Committee and gave a special welcome to Christopher Moore, new Principal at NCL, who was attending his first meeting of the RGP Committee, Annette Bruton who had offered to attend this meeting to present her report at item 11, and to Stewart McKillop, retiring Principal of SLC, KF extended his thanks for SLC's contribution to the RGP and The Lanarkshire Board.

2. Apologies

Apologies were received from Michael McGlynn, newly appointed Board member who had a prior commitment.

3. Declarations of Interest

There were no declarations of interest.

The Chair proposed that item 11 on the agenda should be taken first. There were no objections.

11. Report from the Interim Principal of NCL re a complaint received

Annette Bruton (AB) presented her full report on allegations regarding New College Lanarkshire that she had highlighted at the previous RGP meeting. AB detailed the background to these allegations and gave a comprehensive account of the investigations she had undertaken which included consulting with senior NCL staff.

AB said that it was important for NCL to demonstrate that it was taking the allegations seriously and that a thorough investigation had been undertaken. AB also spoke to the complainant who expanded on their allegations. The individual was particularly aggrieved about being refused voluntary severance, but AB found that NCL had applied all of the appropriate VS procedures which were in line with the policy and requirements set down by SFC. However, AB did conclude that the behaviour of one manager had not been helpful in the management aspect of the VS application but that this had been clarified by a meeting between the complainant and the appropriate Assistant Principal.

The complainant also was unhappy with some aspects of NCL's handling of Erasmus funding. AB had investigated this in detail and found that the complainant had not had a full understanding of the situation and that NCL had in place appropriate and robust measures in line with EU project guidelines which were robustly audited.

The third area covered by the complainant was the lack of an NCL whistleblowing policy. Following the merger NCL was using legacy policies in some areas and in this case the policy being used was drawn from Motherwell College. Where there have been mergers in the college sector, this is not an uncommon position.

Lessons learned:

- That prior to further VS schemes line managers should be briefed and more fully trained in carrying out the policies and procedures in a supportive way;
- That the current guidelines for student trips are reviewed and staff conduct guidelines issued
- That the pace of drafting and consulting on replacement policies for NCL to replace legacy policies is speeded up to ensure all staff are clear about duties, rights, responsibilities and procedures.

The Chair thanked AB for her thorough and well balanced investigation and commented that in a previous meeting, he and the former Regional Chair, Linda McTavish, had discussed with EIS/FELA the issue of helping those disappointed by being refused VS.

AB advised that she had sent a copy of her report to Martin Fairbairn (MF) at SFC, but not the complainant's letter. MF had sought clarification on some points and intends to discuss the report with Alex Neill MSP once the RGP has had opportunity to consider it. It was suggested that the Chair or the Principal should take this up with MF to ensure there are no misunderstandings which could exacerbate the political situation.

It was further suggested that the Principal should meet with the complainant in the new year and with Alex Neill to re-establish a positive relationship.

SMcK said that the Board should be informed that the RGP Committee unanimously agreed with the findings of the report and the actions recommended. He also said that MF should be kept advised on any developments.

The Chair again thanked AB who then left the meeting.

**Action: RGP Chair and Board Secretary to ensure The Board is advised
Principal to meet with the complainant in the new year and keep MF advised**

4. Minute of the RGP meeting on 9 September 2019

- 4.1 To correct Martin Loy's title to NCL Head of Estates.
- 4.2 The Minute was approved.

5. Matters arising

- 5.1 **Tribunal claim update:** Brian Gilchrist (BG) said that across the sector there were thousands of claims involved in this case about holiday pay. This has been going on for over 5 years. NCL has 2 claims and is trying to engage with the claimants' solicitors to try to move forward but no response has been received to date. The legal costs are beginning to mount up so finalising the claims is becoming more important however in order to proceed NCL needs to know the cost of the claims. Further information is awaited from the claimants' solicitors.

Regional business

6. Progress and Review of NCL Business Plan including workforce deployment and infrastructure

Ann Baxter (AnnB) spoke to the paper and highlighted the progress being made in retention rates in all categories but said that more work was required to achieve and eventually exceed the targets set across all provision. SFC is pleased with the progress being made and update meetings have now been extended to 2 monthly.

Business Plan infographic: KF commented that he preferred the tables and graphs presented previously rather than the infographic style. It was agreed that all the Board Committees need to receive the same information to ensure consistency and that perhaps a mix of the two styles would meet the Board's needs.

It was proposed that this should be discussed at a meeting of the Chairs' Group.

Action: Board Secretary to put on the agenda for the next meeting of the Chairs' Group.

Business Plan KPIs: AnnB said that NCL was showing a positive 4 year trend. HE p/t has had a slight dip in success in 2018/19 however that group represents only 2.3% of college activity. NCL is confident it will achieve its targets. The withdrawal comparison graphs demonstrate significant improvements and staff are working hard to maintain this direction of travel. KF asked about the effectiveness of the 'Step into College' programme. The Board members had raised the previous "Transition to College" programme at the meeting; AnnB said that this revised entry programme had had positive impact. Although at this time of year not all the paperwork is available it is hoped that once all has been processed the overall withdrawal rate will be around 10%.

KF said that a few months ago, he and two other Board members had met with EIS/FELA and discussed a number of issues, one of which was around the 'Step into College' activity. EIS/FELA representatives stated this was a new initiative on which they had not been consulted and would write a report and send to the SMT and the Board. AnnB assured RGP that this was a rebranded programme, having initially been called 'Transition to College'. No report has been received from EIS/FELA to date. KF asked DMcG to send a copy of the report of the meeting with EIS/FELA to the NCL Principal.

Action: Board Secretary to send a copy of KF and Board members' meeting with EIS/FELA to the NCL Principal

7. Update on Lanarkshire Board and Committee members

DMcG introduced the paper 'Meet the Lanarkshire Board 2019' which included the 4 recently appointed members of the Board. KF asked for several amendments to be made to the paper to fully represent the general background and skill set information on each Board member.

Action: Board Secretary to amend the Meet the Lanarkshire Board 2019 paper as directed

Regional College business

8. NCL Organisational Development update

8.1 NCL Organisational Development update

BG reported that an appointment had been made to the vacant **Equality and Diversity Adviser** post and that the role of Payroll Supervisor is being filled through an agency as a temporary measure. HR staff had worked over and above to administer the payroll duties and KF agreed that this should be recognised by the RGP Committee.

National Terms and Conditions for teaching staff agreed prior to the summer break were implemented on 1 August 2019. The new terms replace previous arrangements for professional flexibility and introduce observation of learning as part of a wider move towards professional registration. Discussions with EIS/FELA at NCL on the new contract are ongoing but the union remains discontented with off-site working arrangements.

Stewart McKillop (SMcK) commented that the agreement on working outwith SLC is almost complete. He will share that information once the agreement is finalised.

Action: SMcK to share information from SLC insurers on implications of professional flexibility with NCL.

Professional Standards NCL has set up a Short Life Working Group chaired by AnnB which will look into aspects of professional standards, CPD, evaluation of learning and teaching, observation, etc. Unfortunately, EIS/FELA have withdrawn from this SLWG. AnnB to have further discussions with the union representatives to encourage them to participate.

Action: AnnB to follow up with EIS/FELA on participation in the NCL Professional Standards SLWG

Brian Gilchrist (BG) advised that a draft of the updated **Whistleblowing Policy** will go to the JNC. It will be brought to the RGP once EIS/FELA and Unison have had opportunity to comment.

SMcK said that SLC was also meeting with the college unions on this. Discussions are ongoing.

BG advised that there is now a **Unison FE Branch for Scotland** which will have local stewards. The Chair and Treasurer of the new branch are both NCL employees, Collette Bradley (CB) and Moira Jarvie, respectively. There will need to be consideration of remission time, etc, but no approach has yet been made to NCL by Unison. CB is currently seconded to the Job Evaluation project and this together with her new role will have ramifications for the college.

Employers' Association Colleges Scotland (CS) will be writing to NCL regarding representation at EA meetings seeking nominations. This is because there has been changes at both Chair and Principal positions and CS is seeking confirmation that NCL's representatives to the EA will remain as at present, or not as the case may be. NCL is currently represented by Keith Fulton and Brian Gilchrist. KF said it is important to continue to have HR representation at some of the national negotiations.

Action: Follow up on communication from Colleges Scotland seeking nominations to represent NCL on the EA and its committees.

8.2 NCL Marketing Dashboard

BG reported that there were some teething problems with the new supplier and that despite having gone through the required procurement process, costs were significantly higher than expected. This situation is being closely monitored and will be evaluated in January 2020 and discussed with APUC.

KF thanked BG for this information and asked him to ensure the RGP Committee was kept informed.

The RGP noted the Dashboard information with thanks.

9. NCL Estates update

Martin Loy (ML) spoke to his paper.

Backlog maintenance SMcK sought assurance on the SFC position regarding the 'commitment of funds' as opposed to 'spending' of funds allocated, in connection with the re-scheduling of some elements of High Priority Maintenance and Cyclical Maintenance taking the work from 2019 into spring and summer 2020. Iain Clark (IC) said that he had written correspondence from SFC on this and that he would share it with KF and SMcK.

Action: IC to share SFC guidance on the spending of maintenance funding with KF and SMcK

KF commented on the impact of putting maintenance on hold and that there was a need to prioritise the work needing to be undertaken.

Emergency lighting at Motherwell This is currently ineffective and will require virtually all of the allocated year 2 spend. However, the health and safety of staff and students is of the highest concern so this project will have top priority.

Rain screen cladding defects at NCL Motherwell Following on the full discussion on this at the last meeting of the RGP Committee, ML said he was still awaiting a response after the full external survey carried out at the beginning of October. Gardiner & Theobald advised that they were expecting to receive the report on 20 November which they will discuss with Morrisons and then come back to NCL.

Following a number of reports of leaking windows, the college took immediate action to block them to prevent further water ingress and also cordoned off the unsafe area. This is another instance where health and safety issues for staff and students is of the greatest concern.

KF said that given the serious issues emerging the awaited survey report is taking on greater significance and urged ML to press Morrisons for their findings so that action can be taken to reassure everyone on the safety issues. ML said that the emergency lighting has been replaced in the residences but that the leaking windows remain an issue in this area.

Action: ML to press for the survey on cladding defects at NCL Motherwell

At Cumbernauld Campus Faithful and Gould will undertake a full survey of the roof on 21/22 December following the identification of several fixings which had worked loose causing damage to a roof panel.

KF said that the Board would have to be kept up to date with developments on all estate issues.

10. **NCL Health and Safety Report**

BG drew the RGP Committee's attention to the action identified in the Minutes of the Meeting of the Corporate Health and Safety Committee on 29 October 2019, regarding the HSE weld fume alert and the testing which had been carried out in March 2019 and the additional weld fume assessments which had recently been carried out in the Motherwell workshops. This has been complemented by air quality testing in the Workshop Block at Motherwell. The results should be available shortly. No further guidance has been issued by HSE and current control measures utilising respirators and the LEV system remain in place. The position will be reviewed as soon as the results are available.

11. **Chair's update**

NCL Awards Ceremony: KF reported that the NCL Awards Ceremony held on 15 November at the Glasgow Royal Concert Hall had been an extremely successful and enjoyable event. At the morning ceremony, Linda McTavish had been awarded a Fellowship of the College.

New Regional Chair: Since the last meeting of the RGP Committee the new Regional Chair, Ronnie Smith has taken up his post and attended his first meeting of The Lanarkshire Board in October.

Professor Christopher Moore, new Principal at NCL took up his duties in November.

David Newall Report: the work undertaken by DN on the effectiveness of the Regional Strategic Body and regionalisation in Lanarkshire is now completed. Ronnie Smith (RS) has shared this report with the Chairs of the Board's Committees, Stewart McKillop, Christopher Moore and SFC. RS is drafting a paper on the way forward which he will share with the Board in due course.

The **SFC Review on the Regional Strategic Bodies:** it is understood that this report will be made available to the regional bodies involved on 11 December.

SLC Assigned College business

11. SLC HR Committee 12 September 2019

Stewart McKillop (SMcK) spoke to the Minutes of the SLC HR Committee on 12 September and highlighted the following areas:

Workforce Profile: There has been a slight increase in full time staff due to the recent permanisation process but retaining 12.5 fte of teachers with no permanency allows some flexibility.

TQFE: Participants only get remission time when studying

PDA: the college is currently reviewing plans to support staff through the PDA and Assessor and Verification qualifications in 2019/2020.

Staff development days: SLC would be very happy to welcome NCL staff to join them on these days, 16 and 17 December.

12. SLC Estates update April 2019

SMcK commented on the Estates update paper:

Capital projects and backlog maintenance: Changing to LED lighting has proved very effective and has reduced power consumption.

Water consumption has been reduced because of the introduction of the water harvesting systems.

13. Approval of publication of the papers from this Committee:

Papers for publication:

- **Agenda** for the meeting
- **Minute** of the RGP Meeting 9 September 2019
- **Item 7 Update** on members of The Lanarkshire Board November 2019
- **Item 8.1** NCL Organisational Development Update
- **Item 8.2** NCL Marketing Dashboard
- **Item 10** NCL Health and Safety Report
- **Items 13 and 14** *via the SLC website*

14. AOCB

There being no further business, the Chair closed the meeting.

15. Date of the next meeting: 2 March 2020 at 15.00 at NCL Cumbernauld

1 December 2019