

EXTRAORDINARY BOARD
Monday 14 February 2022 17.00-18.00 Boardroom and Teams

Minutes

Board	Independent Governors: Ian Valvona (Chair of Corporation); Sue Kingman (VC); Andy Chew (VC); Jason Jones (acting CEO and Principal); Vincent Neate; Rosh Sellahewa; Mike Sutcliffe; Anderson; John Alex Gallagher; Helen Litvak; Rosemary Scully
In Attendance	Ian Rule (Interim Finance Director); Sheila Fraser-Whyte (Executive Director, Business Development & Innovation); Susanne Davies (Assistant Principal Curriculum and Quality); Chris Dearnley (ESFA) (observer); Sarah Connerty (interim Governance advisor)
Apologies	Alison de Lord (Assistant Principal HR, OD and Estates); Rosh Sellahewa; Rosemary Scully

Item	Item Description	Action
1	<p>Welcome and apologies The Chair welcomed colleagues. Apologies received from Alison de Lord, Rosh Sellahewa, Sue Kingman and Rosemary Scully. Alex Gallagher and Vincent Neate did not attend the meeting. The Chair felt the change to staff contracts is the right thing to do for RuTC but there are risks that JJ will talk the Board through to allow them to make an informed decision. As a secondary feature, the change supports progress towards merger.</p>	
2	<p>Declarations of interest There were no declarations received.</p>	
3	<p>Staff terms and conditions JJ talked the Board through the proposal to consider and agree to enter into negotiations on changing the annual leave in teachers' contracts. Key points included: Proposals – to renegotiate the teaching staffing contract. The most significant proposal is to move from 53 days and 3 closure days plus bank holidays (64 days in total) to a proposed 40 days plus 5 efficiency days and bank holidays (53 days in total). The proposal is to start the consultation on the 8 March 2022. The SLT are proposing to alert the Unions on the 22 February 2022. JJ thanked governors for making themselves available at short notice for this meeting. Rational – the current contract is based on an outmoded GLA contract and holiday entitlement is significantly greater than other providers are. Most are towards the 40 range and some have efficiency days. Most available days in the College calendar are taken up with teaching, which gives a barrier to staff support and student development. Where there are elements of staff engagement that are over and above, such as open evenings, the College is not able to give additional hours for these, and this causes issues for Heads of School in terms of capacity. Risks - If the renegotiation is not done this year, another academic year will start with these impediments and will impact on students. This should have happened some years ago but was not taken forward. Advice early on in the SPA process from the FEC was not to address staffing contracts at this time. If the renegotiation is deferred it would need to be done mid-year which is not ideal. It does present a risk to the ongoing Quality Recovery Plan (QRP). [confidential item] JJ provided an example of a college group in the sector and the animosity post-merger between the two different staffing contracts. JJ explained that this is not about merger and the SLT are proposing to do this because it is the right thing to do. [confidential item]</p>	

Risks identified by SLT are:

- Impact on staff morale and potentially an impact on quality. There is the QRP in place and it could have an impact on traction
- Eversheds have outlined legal risks around dismiss and reengage which the College would want to avoid
- Potential staffing shortages for September.
- Reputational impact
- Union resistance and the potential for strike action and no confidence votes

Mitigations are that the College are currently paying teaching staff lower rates than other FE colleges, including HCUC, particularly at the upper end so there is potential to offset a negative response with a review of pay scales and the SLT are looking at other pay scales in the sector.

AC noted the point about benchmarking on salaries and asked would it not be preferable to present those two in parallel. JJ noted that SLT are looking to do that. Timescales are very tight but SLT could go to the Unions between 22 February and 8 March with some figures for negotiation. AC asked if this is because of timing. IR noted that he would need to look at timing. [confidential item]. JJ noted that the Unions would be alerted on the 22 February 2022. The discussions would formally take place post 8 March 2022.

HL asked if staff will view this as a bolt out of the blue or is it expected. JJ noted that he had asked AdL for a view on this and AdL felt that staff would not be surprised to see it coming.

HL noted that it is the human side and how people will react. HL asked would there be a plan to cover the different effects on people. JJ noted that there is a plan. There will be consultancy support brought in which keeps AdL and the HR team free for the human side of the support. There is a cost attached but in terms of staff relations that is very important.

HL asked SFW if this would be newsworthy. SFW noted that it is a process that affects many people. Usually it would only reach the press if there were a walk out. RuTC has a lower unionisation but it is a risk. SFW reported that it is important for staff to develop and to meet the student experience and there is little scope in the current contracts for this. SFW noted that it would put RuTC staff on the same level as other FE colleges in the region.

JA noted that staff and student governors are not present at the meeting and asked whether this was intended. SC explained that the College's Instruments and Articles detail the parts of Board business where staff and students would withdraw and consideration on staffing pay and conditions is included. The staff and student governors are aware of this position and will be updated as much as the process allows following the meeting in consultation with SLT. JA noted that it can be difficult when staff and student governors are not included in discussions and this should be managed well. SC confirmed that the Board's responsibilities around the extraordinary Board had been run past Eversheds to ensure it was being managed appropriately and the aim was to keep all governors involved as much as possible. JA asked do staff genuinely take all their annual leave or has a complacency kicked in and are there processes in place to understand leave. JJ reported the mechanisms are in place and staff do use their full leave entitlement.

JA noted that communication is going to be key to this as it is likely to be perceived in relation to merger. All corporate arguments around the necessity of doing it now need to be simply and clearly articulated and have considered the cost of living challenge that everyone is facing around staff having adequate pay to survive in a London environment. There is bound to be a negotiation but the Board need to know what the SLT are proposing.

The Chair reported that the Board had agreed a 2% pay rise and there is a narrative around this, which is available to be communicated, and IR is ensuring this is hardwired into future budgets.

SD explained that the 12% drop in achievement is because the teaching, learning and assessment is poor. Staff need to be clear that the current contracts preclude putting proper cover in place for teaching or providing proper CPD for staff. That will have the biggest impact on TLA at the College.

IR noted that there might be a pushback in terms of differential contracts between A Level and technical subjects because there is a different market for those staff.

JA noted the comment from SD about management and staff. The SLT are managing through a number of crises. There is an extraordinary number of challenges. This is going to put pressure on IR for the modelling and there is SD's concern about the relationship between SLT and the staff on the

	<p>ground. JA asked if JJ is comfortable that the resources are sufficient around the delivery of another significant item.</p> <p>JJ confirmed that there is the capability with the team and there is capacity subject to the consultancy support and asked IR to comment. IR noted that he needs to be clearer about what is required in terms of analysis and timescales and benchmarking information is required from other colleges to support this work.</p> <p>JA noted that once the process is opened is SLT's expectation that the execution risk for the final outcome is low, that there will be challenge but at the end of the day rationality and broad comparators will mean the final outcome is reached. Or is there much more to this and with the current level of resource it would be more likely to end with failure rather than success.</p> <p>IR noted that pushback would be the same regardless.</p> <p>JA asked whether the benchmarking will be a response to change and discomfort or if the SLT will need that analysis to deliver. JA suggested that the comment from IR is that it is noise without a strong rationale base.</p> <p>IR noted the difficulty is it is not a typical year. There are changes to expectations with additional teaching. If there is industrial action, even if it is irrational, it will have an impact.</p> <p>JA asked what the plan B and C are. JJ noted that there would always be options for off-ramps, but SLT want to go into the next academic year having sorted out the contracts.</p> <p>There was a discussion about the timing and the merger discussions and it was agreed that it is very important to be clear that this is something that should have been done some time ago and is for the benefit of the students to provide the best student experience. [confidential item]</p> <p>IR added that the timing is important as part of plan B because if the merger does not proceed the College needs to have in place the best conditions for students. JJ explained that SLT are in the process of working through the Plan B scenario. If one element of Plan B is to stand alone the changes will be very important.</p> <p>The Chair asked SLT for their response to AC's point on analysis being in place on entering into the negotiations and proposed that IR takes this action outside of the meeting to specify what is achievable and liaises directly with AC. It was agreed that this is an important point for the Board.</p> <p>AC noted that he felt uncomfortable to go into negotiations with only one part set out in stone. The Board would want to be informed of the boundaries of minimum and maximum levels going into consultation. IR reported that he would need a couple of days after the benchmarking is available to do this analysis. It will not start until next week due to half term holidays.</p> <p>JJ clarified that the initial meeting with the Unions is 22 February but the formal consultation would not begin until the 8 March 2022 which will provide time for IR to carry out this work. [confidential item]</p> <p>The Chair asked when this would come back to the Board. SC confirmed that the Board would approve any proposed changes to staff terms and conditions. It was agreed that an extraordinary Board would be convened for this, in line with the timeline this would be around the 27 April 2022.</p> <p>The Chair asked that the item comes to the Board on the 30 March for update from the SLT on the process and it was agreed it was important to ensure that there is an open item for staff and student governors to give their views and to understand the execution risk and a confidential item for SLT to update on negotiations. SC reported that an update would go back to the staff and student governors after this meeting in line with SLT's view on what is possible at this stage of the process.</p> <p>RESOLVED: The Board agreed to enter into negotiations on changing the annual leave in teacher's contracts.</p> <p>Actions related to the resolution:</p> <p>The Board to be informed of the boundaries of minimum and maximum levels of pay negotiations going into consultation. IR to take this forward with AC before sharing with the Board.</p> <p>Staff and student views are important and staff and student governors should be involved as much as the process allows.</p>	
4	<p>Meetings for 2021-22: 29 March 2022; Extraordinary Board April tbc as 27 or 28 April 2022; 6 July 2022 (all 17.30 starts)</p> <p>Ofsted Board development session - Wednesday 23 February 2022, 18.00-19.30</p> <p>Chair to note</p>	SC/ AdL

5	Any other business No items were raised	
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