

EXTRAORDINARY BOARD
17 May 2022, 20:00-21:00

Open draft 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; John Anderson; Alex Gallagher; Helen Litvak; Rosemary Scully; Peter Flew Staff Governors: Neal Hook; Cait Orton Student Governors: Yasmin Eltaki; Mohamad Armoush
In Attendance	Alison de Lord (Assistant Principal HR, OD and Estates); Ian Rule (Interim Finance Director); Sheila Fraser-Whyte (Executive Director, Business Development & Innovation); Chris Dearnley (ESFA (observer)); Sarah Connerty (interim Governance advisor)
Apologies	Peter Flew; Cait Orton; Rosh Sellahewa; Yasmine Eltaki; Mohamad Armoush; John Anderson; Alex Gallagher; Helen Litvak

Item	Item Description	Action
1	Welcome and apologies The Chair welcomed colleagues to the meeting. Apologies from Peter Flew, Cait Orton and Rosh Sellahewa. Yasmine Eltaki, Mohamad Armoush, John Anderson, Alex Gallagher and Helen Litvak did not attend the meeting. Chris Dearnley is not attending and has no comment to feed into the meeting as typically DfE colleagues do not comment on staff employment and contract conditions.	
2	Declarations of interest NH declared a conflict as a member of the teaching staff. It was noted that the Board has requested that staff and student governors are kept fully involved in discussions and would be able to vote on this matter. The Chair noted that he had asked the JJ and SC to reach out to the student governors as all of the issues that the College is asking the Board to consider and deliver on need staff and student governor involvement. SC noted that student governors had been contacted but are not present at the meeting.	
3	Proposed changes to the contracts of employment of all teaching staff. The Chair explained that the Board has tried hard to underscore, among all the capital and planning issues, the centrality of excellent teaching and learning. There is a lot to consider and reflect on with this significant change and it is essential that there is value attached to the teaching workforce and the College needs the time to support them in the work that is done. It is an affirmation of the importance of teaching and the time needed from teachers in order to get to where we want to in terms of quality and achievement. AdL reported that the Board have been kept fully informed of the process and business case for the proposals. When the HR team talk to teaching staff about issues around capability or workload the main issue is that staff don't have enough time in the day to do everything expected of them. The College came to the end of the consultation period when no agreement was reached following the extension of a couple of weeks. The Unions are exercised about the S188, dismissal and reengagement and they see it as "hire and fire". The S188 was always a last resort and was included due to the merger delay and the time imperative to get implementation by September 1 which did not allow the College to complete two 45 day consultation periods. There were also cost implications around notice periods. The final position is a reduction to 43 days holiday, a net reduction of eight days which has been compensated 100% for every day lost. Teaching staff can still get four consecutive weeks holiday during	

the summer. At the moment teaching staff do not have any capacity to take time off in lieu (TOIL) so if they do work beyond their hours they can't take TOIL. The proposal supports teachers having more time outside of the teaching timetable to attend INSET days, develop their practice, meet as teams, focus on the individual needs of the students and plan and organise their work. The teachers would book annual leave through the HR system as managers and support staff currently do.

The College have heard and understood the issue of the cost of living rises. The benchmark of the new terms compares favourably with competitors on leave and pay with a teacher at the top of the scale receiving an additional £1531 if full time.

The risks around the consultation were highlighted at the start of the process.

The College has written to all of the teachers and asked them to voluntarily sign a letter to accept the terms by the end of this week. Those that don't will be invited to a consultation meeting where counter proposals will be considered. There is potential to be dismissed and then offered re-engagement on the new contractual terms.

There is the risk that a high number of teachers do not engage and nationally recruitment is difficult.

The UCU campaign has been very vocal with a large number of emails coming through to the governance office for the attention of senior management.

The Board asked about numbers of teachers. AdL explained that there are 127 teaching staff cited in the S188 which includes sessional staff and those on fixed term contracts (who would have a new contract in September), and a number of teachers resigning at this point in the year for other reasons.

The established staff will receive letters and to date a number have signed which is approximately 22%, with more expected in the week. Staff have been invited to have informal consultation meetings and a number of staff have requested this, but they haven't been able to get a Union Rep to join them.

The mood around the College is that a number of people think it is a reasonable deal.

There is a strike next week with 56 people voting for strike action. The College have no way of knowing how many teachers will strike but it is likely to be high and press will be invited in. There is a signing in sheet and pay will be deducted for those who do not sign in.

JJ added the following points. Comms have gone out to parents and students informing them of the strike. It expresses disappointment and assurance that the College will minimise disruption for our students. The emails of protest have come in from all over the country. The S188 was put in place on legal advice from Eversheds. The College has consulted, and this is a final option.

AC noted that dismissal and reengage has been branded fire and rehire and the public perception of this sounds confrontational. If that number of staff are going out on strike there is a danger of being branded with the P&O messaging and that seems a sad place to be in. JJ agreed.

MS asked what are the implications for next week if 56 staff have voted out of 127 teachers which is significant. What are the student's activities and where are they likely to be hit? JJ noted that there are exams, and the work has been done to ensure exams are not affected. Some teachers won't be outside the room to support students as they would do in normal circumstances which is disappointing. In terms of the impact on everyday teaching and learning this won't be known until the day of the strike. Heads of School (HoS) do have some knowledge and can pre-empt and plan to a degree. On the strike days it will be HoS, Assistant HoS, SLT, Student Services and other support staff available to ensure that students are doing valuable work and are supported.

AdL reported that the indication from letters coming in is that there are some areas that are more unionised and these include Business, A Levels, Construction and Engineering and Creative Industries.

MS asked whether the College could be proactive in hotspot areas to support students. Students have had a rough time in terms of Covid and deserve all the support available. MS asked is it worth having a two tier approach to get extra staff in as the Board does have a concern about the students.

AdL noted that Caroline Ludbrook has worked closely with the support staff around exams and those areas are covered. If a student is struggling, they will be supported online. There is a significant body of staff who are supporting students.

AC asked for clarification on the terminology. AdL explained that FE colleges will often use dismissal and reengage, but UCU have chosen to pick up P&O terminology and this is more emotive.

Dismissal and reengage is a termination of a specific contract of employment and a new contract with revised terms is then offered.

AC asked why in the UCU press release is UCU able say that terms and conditions are being ripped apart. JJ noted that this is UCUs opinion, and they have chosen not to broadcast that the College is paying in full the lost days. There was also the claim that there was no consultation which is factually incorrect. AdL answered NH's question that if somebody was dismissed and reengaged would it affect their continuous service. There would be no detriment to continuous service.

NH noted that when the new contracts come into effect from 1 September the uplifted scale will be nearer to middle management pay scales and would that be something to be looked at. AdL agreed it does need to be looked at; modelling on pay benchmarks against other colleges is being looked at and, for example, HCUC middle management pay is similar. The College would want to review and keep an eye on this as it wants people to progress and move to middle management.

AC asked if the College is financially compensating the reduction in holiday why is there such a strong feeling against it. AdL explained that UCU note this is because of the way the College has chosen to consult and not about the offer. JJ noted that the S188 has been the sole focus of the union discussions and has been heavily extenuated. The regional UCU rep has commented that why should members negotiate with a gun to their head.

AC felt it is an uncomfortable and exposed position.

RS noted that getting the best possible positioning in public relation terms is critical, but felt that not changing the holiday entitlement is not an option in the best interest of students.

VN agreed that not implementing the change is not an option. The Board needs to focus on the most important thing which is delivering what we want to the students. The amount of leave has been an issue for some time, so the SLT should be praised for taking this up. This is a decision entirely about improving the quality of education for the young people and VN could not understand wanting to disrupt the education of young people at this time.

The Chair agreed. It is possible that there will be reputational damage, but it is difficult to quantify from the materials being posted. The College's press statement shows the College as being reasonable and foregrounding the students and is recompensing 100% the days lost in annual leave. The College is in the middle of a process and needs to get through the process, so it is not advisable to be overly proactive around the business case during this period. Stopping the changes is not an option. It does feel difficult at the moment and the Executive has a job to do to move this forward.

SK agreed and noted that the issue is not the what but the how. It is the right thing to change the conditions for the students. The S188 is the issue. The merger delay and the need to have the changes in place to support the students at the beginning of the academic year, the timing and the costs are the reasons for concurrently running the consultations jointly, but they have caused an issue.

JJ agreed that the position adopted is the right one because it is the right thing for the students. In comms responses it is about the students. Students don't feature in the counter argument. JJ agreed it is not the time to go out on the offensive. The S188 was used following legal advice that it was an entirely appropriate way to proceed given the time imperatives. If the College had been able to commence the consultation before Christmas it would not be in this position but at that point the merger was due to take place by Easter. The Chair noted that the context is important. A 90-day consultation would have caused anxiety for staff, not achieved the additional teacher hours for the start of the new year and would have an additional financial consequence.

AdL explained that the proposals weren't put to the SLT until January, and it was agreed that the College would not be able to carry on for another year standing alone under the current terms and conditions. This is stated very clearly in the proposal.

AC noted that the Board agreed that this is the right thing to do. It is the implications of the S188 and where it has led. The priority is to ensure there is enough teaching time for our students. If someone chooses to try and set an example of RuTC behaving in a way that is confrontational to its staff at the time of a cost of living crisis then the College needs to be prepared for that. AC noted that student numbers could drop.

RS noted that the paid holidays are high in comparison with other colleges and asked if the College is confident in its PR. JJ confirmed that SFW is working with the Marketing team and this is prepared. SFW noted that it is not clear what the next stages will be, but the College is prepared. Staff are in place for the exams and these will go ahead. The students will be looked after, and Student Services will be there for support. If extra support is needed to write press statements it will be arranged. The College has followed external stakeholder's advice not to engage on twitter and other social media.

	<p>Marketing is managing well to date. The statement provided is about the students who are the priority and there is the STEM centre to come. The College has been through bad press before and continues to focus its attention on its students.</p> <p>The Chair thanked everyone for the discussion and it was agreed to see what next week delivers. The Chair asked colleagues to hold on to the reasonableness of this and that it is the right thing to do for the College. JJ has had an exchange with Munira Wilson setting out the granular detail of the issue and the reasonableness was clear and others will look at this detail. To date there has been very limited press and the good journalism does include balance.</p> <p>SK asked whether there should be some professional advice from a comms standpoint and JJ and SFW agreed to discuss offline. VN opposed the idea as it creates work for the College and felt that servicing students who need a good education is the clear point to send out to the public. The Chair noted that any spend on external consultancy needs bearing in mind.</p> <p>MS noted that the Board has not discussed the comms of not approving the changes and the messaging around that because it is about the best student experience and bringing it in line with the rest of the sector to develop the staff. The world is changing and the staff have to keep up to date and are not able to on only three days professional development.</p> <p>There are around 232 colleges in England and currently the College is an outlier in terms of holiday entitlement.</p> <p>MS asked about values and behaviours. JJ explained that teaching staff tend to work in their annual leave periods, and this has been raised by staff and by the NEU, who issued a written statement arguing that point. This is a real issue for teaching staff and the College has recognised it and is financially compensating for it and supporting staff to have an increased salary.</p> <p>MS asked if these points are being made as much as they can be. JJ confirmed that they have been communicated clearly to all staff through the process on a weekly basis.</p> <p>AdL noted that her personal opinion is that it would be wrong to step away from this now. The College has been reasonable all the way through the process, and it is absolutely the right thing to do. JJ agreed and noted that it is the right thing to do to improve the student experience.</p> <p>RS suggested that the reduction in annual leave and 100% financial compensation are always put together during discussions and comms.</p> <p>RESOLVED: The Board considered and approved a reduction of annual leave to 43 days per annum (that is 8 days net) for teaching staff, which will be financially compensated 100% for the number of day of annual leave lost, to take effect from 1 September 2022.</p>	
4	<p>Board schedule 2022-23</p> <p>The SRP agreed to continue as governance as usual during the merger discussions. To allow colleagues to plan diaries Board and Committee dates until Christmas 2022 have been scheduled.</p> <p>RESOLVED: The Board agreed the Board schedule 2022-23</p>	
5	<p>Meetings for 2021-22: 6 July 2022 (17.30 start)</p> <p>Dependent on merger progress a further extraordinary meeting may need to be scheduled.</p>	
6	<p>Any other business</p> <p>There were no items raised. The Chair thanked colleagues for making time for this conversation and thanked SFW, AdL, IR and NH for their work and contributions.</p> <p>[IR, SFW, AdL, NH depart].</p>	
7	<p>Leadership, stability and continuity towards merger</p> <p>[confidential item]</p> <p>The Chair thanked colleagues for their time and noted that he was very grateful to JJ and AdL who are working through some very difficult business at the moment.</p>	

Meeting closed: 21.16