



Public Audit and Post-Legislative Scrutiny Committee,

September 2018 : UNISON and Unite trades union joint submission: New College Lanarkshire

UNISON is the largest trade union in Scottish public services. Our members deliver services, pay taxes and also have a wider citizenship interest in how services are provided and paid for. Members have a unique perspective on public service delivery meaning they can make a valuable contribution to the policymaking process.

Unite the Union Scotland represents around 140,000 working people and their families throughout Scotland. Unite is the UK's largest trade union with 1.4 million members in a range of industries including transport, construction, financial services, manufacturing, print and media, energy, the voluntary and non-profit sectors, education, creative industries, local government and the NHS.

Evidence

A. GENERAL

1. The further education sector, in general, has been slow to espouse the Scottish government's principles laid out in Working Together ; ¹ Fair Work² for example there are no trade union seats on FE College Boards. This despite paragraph 61 of the **30 March 2017 Ministerial Guidance** letter :

Fair Work

61. Ministers have been clear that public bodies should lead the way on Fair Work, ensuring access to work that offers effective voice, opportunity, respect, fulfilment and security of employment and income. There are currently 5 colleges and 5 universities, accredited as Living Wage Employers. I ask that you build on this by encouraging more colleges and universities to become Accredited Employers and to promote the benefits of Fair Work, both through their HR functions and more widely to staff and students.

¹ (<https://www.gov.scot/Publications/2014/08/4647>),and Fair Work

² <https://beta.gov.scot/policies/employment-support/fair-work-and-pay/>)

2. There is still a culture in certain quarters that college boards and senior teams operate as if they were quasi private sector bodies and not part of the public sector.
3. National collective bargaining has impacted on the role of local joint negotiating and consultative forums, but there is much which still needs to be done at a local level on local employment issues.
4. Trade unions have a role beyond the bargaining agenda, and should have a 'voice' (as representatives of the workforce 'bottom up') in the wider financial, curriculum/ service development strategy, and workforce planning strategies of any college in the context of the wider political, policy and financial environment in the sector.
5. That this is not a programme of reform and organisational change, it is merely an exercise in cutting jobs under the guise of reform. We envisage considerable pressure on remaining staff and a significant deterioration in student services. There does not seem to be any service rationale underpinning the plan.
6. Proper policies and procedures around organisational change and engagement with trade unions are not followed in the college.
7. Many individual members of staff have taken concerns over the process to MSPs as they feel they do not have an effective voice internally within the college.
8. UNISON and UNITE have general concerns over the operation of voluntary severance in the sector (e.g. individuals are expected to resource 'strain on the fund' costs, unlike in local government where the same scheme pertains)
9. UNISON and UNITE do consider that funding for the FE Sector is inadequate.
10. UNISON and UNITE consider that the overall system of funding (and formulas used) requires review.

B. NEW COLLEGE LANARKSHIRE

11. UNISON and UNITE welcome the scrutiny of the committee in relation to finances at New College Lanarkshire, as well as the opportunity to submit written evidence.
12. It was a cause for great concern that on the 29th November 2017 management launched a voluntary severance scheme (VS) which would see the departure of 34 members of staff (15 support; 19 teaching) with no prior

consultation with any of the recognised trade union representatives. Indeed, on-site representatives received notification of the intention to launch the scheme a matter of hours before an all staff email informed staff that a Scottish Funding Council approved severance scheme would be available, on a voluntary basis, to all staff. We were advised that this was a response to *'the funding challenges and financial pressures that the College had faced in recent years'*. However, this was the first indication management had provided to staff and unions that the college intended to delete posts as a means of addressing a deficit budget position. There was a principal's address in August 2017, where the deficit position was highlighted and there was some mention that voluntary severance might be adopted as a possible measure to address this but no further communication was forthcoming in the intervening period. It is notable that there has been limited impact on Senior Management roles, with members expressing concern that there are too many layers of management.

13. In retrospect, it is clear that this lack of consultation around the deficit budget position and the measures proposed to address this appear to have given rise to a considerable measure of distrust amongst staff and unions. We can only conclude that management were of the view that because this scheme had been approved by the Scottish Funding Council and was a standard scheme, there would be no requirement to consult on matters such as: the business case for job losses ; any alternatives to job losses; selection criteria; the decision-making process; the number of posts that may be affected; implications for workloads; stress risk assessments or anything similar.
14. In December 2017, representatives from the EIS and UNISON jointly approached the Chair of the Board and the independent board member, Keith Fulton to express concerns regarding the lack of consultation, the lack of communication/ transparency, as well as the prospect of unreasonable workloads and associated implications for remaining staff. It was stressed that there would be no undue burden placed on the remaining staff. These views have been made known to Bill Gilchrist, Head of Human Resources. We were also assured that the VS was not a restructure of the college, and that any application that had a destabilising effect on college/faculty would not be granted.
15. However, subsequent instances of what has been referred to as a 'realignment' of duties amongst senior staff and instances of smaller scale restructuring within certain areas following the deletion of posts appears to have given rise to fears of 'backdoor restructuring'. While we have no evidence that the college has not complied with its obligations to the Scottish Funding Council in terms of the requisite twelve month pay back of the VS funding, we are gravely disappointed that the trade unions only seem to have been afforded a very reactive role in respect of what we now

know to be phase one of the business planning and we believe that this, in itself, has had a somewhat 'destabilising effect' in respect of industrial relations.

16. It is our belief that the failure to communicate and consult on a matter of such consequence was a breach of the various Recognition and Procedures Agreements (RPA) for the legacy colleges of Coatbridge, Motherwell and Cumbernauld, on which we still rely due to there currently being no Recognition and Procedures Agreement for New College Lanarkshire post-merger.
17. Despite representations made to the Chair of the Board, there did NOT seem to be any marked improvement in communication from senior management to union representatives – timelines for final delivery of decisions around the VS scheme were postponed and once again, there was no communication forthcoming from management to unions about this. We now know that this is because the College sought additional funding to release more staff. However, there were instances when stewards sent emails enquiring about these delays but unfortunately, no replies were forthcoming. Similarly, there were instances when we received updates pertaining to the ongoing scheme at exactly the same time as the rest of the workforce. This, in turn, placed further strain on the union/management relationship. At various points in the course of our duties to our members, we have had to involve the Principal to ensure that we were eventually conceded our rights under the legacy Recognition and Procedures Agreements.
18. The local Joint Consultative Committee with trade unions in New College Lanarkshire has been ineffective even in these times of crisis. On the occasions where there has been consultation this has been at short notice and therefore far from meaningful. Often members have assumed (wrongly) that trade unions have been consulted.
19. In March 2018, UNISON stewards surveyed members to obtain an authoritative sense of the views of the membership on key issues such as communication, consultation, workload, College policies/procedures. We have included a copy of this survey for the perusal of the committee and hope that the results prove helpful and instructive. Such was our concern about the results of this survey, that on the 24th of May 2018 we sent a copy of the results to Dr Linda McTavish (Chair of the Board) requesting that she share these with the Senior Management Team. We also asked that, in the interest of good governance, the issues outlined be appropriately addressed. There was initially some delay in receiving a response - we had selected the Chair's contact details from the College global address book, unaware that she does not, in fact, use a College email account. However, when this came to light and an alternative email address was provided to us, we re-sent the survey and received a response fairly quickly thereafter. It was indicated by Linda McTavish that a meeting would be set up with the Assistant Principal of Organisational Development, the Chair herself and the

independent board member, Keith Fulton to discuss the survey results. We believe this took place in June/July 2018.

20. Subsequently, we met on 17th of August 2018 with the Chair of the Board who expressed disappointment that we had not shown the survey results to the Senior Management Team in the first instance. We expressed the view that our decision had been justified, proportionate and appropriate in the circumstances.
21. The meeting was challenging and at times, it seemed difficult to persuade the Chair that the views of our membership needed to be taken seriously. It was highlighted to us at one point that the College was not a co-operative. We are under no illusions regarding this but we are mindful that the College is a public body with recognised trade unions and also of the Scottish Government's Fair Work Agenda and how this ought to define the culture of the college and set the tone of industrial relations.
22. There was some level of agreement reached despite quite a difficult exchange and the Chair did concede that receipt of our survey had been helpful. We were given assurances that work was already under way to improve communication (e.g. a staff workshop took place in June), that training for line managers would be discussed with the Principal, that the College may source an appropriate pensions advisor for staff and that the lack of policy at New College Lanarkshire would be addressed now that an Acting HR Manager was in place. We expressed disbelief that a personnel issue within HR seemed to be the excuse given for the lack of policy at the college some four years after merger. The Chair also highlighted that she was open to meeting again and that an invitation to the next board strategy day could be extended to us, as union representatives.
23. It is notable that since the last public audit session on the 28th of June there has been some degree of improvement in general consultation with staff and unions, particularly around the business scenario planning the College has been engaged in with the Scottish Funding Council. We have encouraged our members to participate in these sessions, although there is a strength of feeling, and a degree of cynicism, that engagement has come too late in the process. Members have also reported being fearful of speaking up and have little confidence their feedback and concerns will be taken seriously. Some members as a consequence have taken the decision not to engage with the process which is seen as ticking a box and too little too late.
24. We remain concerned about the absence of a recruitment policy and the extent to which the College continues to recruit externally, while the taxpayer funds voluntary severance. For the 12 months from August 2017 up to the 3rd of August 2018, only 30% of all vacancies (6 from 20) for support staff were restricted to internal applicants only and 27% of all

vacancies (10 of 37) were restricted to internal applicants only. These percentage figures were supplied by the Assistant Principal of HR and Organisational Development and relate to all applications that were posted through My Job Scotland (which allows both internal and external advertisement).

25. We are anxious to ensure that our role as elected representatives is acknowledged, respected and taken seriously at New College Lanarkshire. We welcome the scrutiny of the committee and hope that any appropriate measures are taken to ensure that the effort to find savings is not simply a focus on job losses. We hope that the crucial role played by support services in the learner experience and the achievement of key performance outcomes (including student recruitment and retention) will not be overlooked in the ongoing bid to reduce the deficit budget. A good quality learner experience and value for public money cannot be delivered at New College Lanarkshire without adequate staffing in the support areas that perform vital functions for the benefit of our learning community.
26. UNISON and UNITE have not submitted a vote of no confidence in the senior team and Board in NL College and Region. We are aware of an anonymous survey in the College in support of college management which we do not support.
27. UNISON recently ran a staff survey which we shared with the Board Chair Linda McTavish on 24 May 2018 (copy attached). It showed that :
 - (a) 76% of staff did not feel well informed about financial difficulties in the College
 - (b) 69% of staff did not feel that Management kept Staff well informed during Severance Scheme
 - (c) 45% of staff are concerned at the workload implications of lost jobs

This also reflects feedback received at UNITE meetings of members. Lack of communication and low staff morale have been long term concerns in New College.

28. We are concerned at the jettisoning of staff in a sporadic fashion as the main lever for organisational change. We envisage considerable pressure on remaining staff and a significant deterioration in student services. There does not seem to be any service rationale underpinning the Plan.
29. Proper policies and procedures around organisational change and engagement with trade unions are not followed in the College.

30. Many individual members of staff have taken concerns over the process to elected MSPs as they feel they do not have an effective voice internally within the college.

Conclusion

UNISON is Scotland's largest public sector trade union representing a range of public sector workers including a range of staff in Scotland's further education sector. UNISON Scotland is able to collate and analyse member's experience to provide evidence to inform the policy process. We therefore welcome the opportunity to submit written evidence to the committee and would welcome the opportunity to further participate in the scrutiny process.

Unite is the UK's largest union representing workers across a broad range of industries including public services and in higher and further education. Unite has engaged with our members within New College Lanarkshire to inform this response. We recognise that scrutiny by the committee is necessary however hope that any measures taken to implement savings acknowledges the hard working, commitment and dedication of the workforce and does not result in job losses.

For further information, please contact:

UNISON

John Gallacher j.gallacher@unison.co.uk
Kay Sillars: k.sillars@unison.co.uk

Mike Kirby, Scottish Secretary
UNISON Scotland,
UNISON House,
14, West Campbell Street,
Glasgow
G2 6RX

UNITE

Alison Maclean: Alison.maclean@unitetheunion.org

Pat Rafferty, Scottish Secretary
Unite Scotland
John Smith House
145-165 West Regent Street,
Glasgow
G2 4RZ

11 September 2018