

Independent review of governance arrangements in further education institutions in Wales

Consultation Response Form

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Responses should be returned by **27 June 2011** to:

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or completed electronically and sent to:

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Question 1: What are your views on 'The purpose of further education', set out in paragraph 12 of the Humphreys report?

The review helpfully provides an overview of the comprehensive role that FE provides in the communities of Wales – they are not only providers of first class education from 14 up but are vitally important for the local economy. FE offers an alternative route for those who are or have been disenfranchised from the traditional route of school education.

It would be preferable if the last bullet point was put first, as putting the learner's interest first is of paramount importance and we must not lose sight of this.

It would be helpful if the employee's interests were mentioned somewhere in the bullet points – they are conspicuous by their absence. This could be incorporated into the second last paragraph.

We would commend the social enterprise model as one worthy of consideration.

Question 2: Do you have any comments on the recommendations of the review which deal with Scrutiny and Accountability (Recommendations R1 - R17)?

R1-ATL/ AMiE welcome the recommendation to revise the regulatory framework within which FE operates. In this regard, we note the First Minister's election pledge to end incorporation. We believe that any revised framework must manifestly improve governance, accountability and efficiency

R2- ATL/ AMiE has reservations about enabling boards to introduce remuneration for the chair and other non- executive directors. It is not proven that remuneration of Governors will assist in the professionalisation of their role, nor in attracting governors. It may be that compensation for any loss of expenses would be sufficient. We are concerned will change the relationship between college management and its board which could have a detrimental impact.

R3-We welcome this recommendation. The present situation has led to overly prescriptive membership categories which can make it difficult to produce a balanced and effective board.

R4-This could be phrased in a different manner. The use of the word 'consider' is a little weak. Should the regional learning partnership be represented in some way to reflect the views of the other partners? If Governors are to be 'shared' between different institutions then the implications of this would need to be teased out during the training of

Governors.

R7-The Search Committee needs to be defined to ensure that it is independent. It should be noted that Coleg Sir Gar have an effective procedure that utilises a 'Search and Governance Committee' comprising of:

- Chair of Corporate Board,
- Deputy Chair of Corporate Board,
- Chair of Audit & Risk Committee
- Chair of Curriculum & Standards Committee,
- Chair of Resources Committee
- Independent Clerk to the Governors
- Principal

If a vacancy becomes available on the Board this group completes an update of a Corporate Board Skills matrix. This matrix clearly identifies the profile of the individual sought. The skills may be financial or require particular sector experience etc. Once the requirement has been identified the College uses various means including advertising but also with 800 staff they benefit from word of mouth – it may be helpful to discuss this with the College.

R13- We would ask for further details to be supplied as at present it is left completely open to interpretation. If the membership body's function is to represent the community and stakeholders then to state in R13 that views and consideration 'should also include wider sets of consultees' seems to suggest that the body is not fully representative. Would it not be preferable to ensure that it was, rather than expect that unnamed others are also consulted?

R15-We welcome the training programme as it is clear that the tasks assigned to governors requires considerable expertise and targeted training. It would be important to deal with the issues that would arise if Governors are 'shared' across institutions.

Question 3: Do you have any comments on the recommendations of the review which deal with Ownership ie the Membership Body and its responsibilities (Recommendations R18 – 35)?

ATL/ AMiE are concerned about the bureaucratic and cost implications of the recommendations of the review which deal with ownership.

R18- It is crucial in that guidance is required regarding setting up the membership body. There needs to be further clarity on the idea of the board and a membership board. To whom should each report (accountability) and to what purpose? Paragraph 77 suggests that the membership body **represents** the interests of the citizens in the wider community and other key stakeholders and paragraph 79 that it acts as a sounding board and challenges the board. This suggests that it is not engaged in setting strategic aims and this suggests that it is of secondary importance to the Board itself. If the Board itself is to challenge management, what is the added value in

having this done again by another set of people?

R21-The membership body needs to be engaged with the setting of the strategic direction and not simply in endorsing it.

R24-Although one can understand the reasons behind it meeting 3 times a year, the fact that the Board meet 6 times may reinforce the secondary importance of this body to the Board itself. We believe that membership bodies should meet no fewer than three times a year to participate in an Annual General Meeting. We are concerned that the membership body will become little more than a rubber stamping exercise, regularly presented with fait accompli.

R25 The framework mentioned needs to be clarified.

R26- The body should consist of not fewer than 25 and no more than 35 members. With more than 35 members there is the danger that they will not be focussed and become 'talking shops' with limited opportunities for members to shape the strategic direction of institutions.

We agree with the membership composition of FEI bodies contained in the consultation document (recommendations 29- 35). We would stress though that there needs to be a minimum of 2 staff of the FEI and that they should be there to represent the views of the whole staff at the FEI.

Members are concerned that there is no reference to locally elected representatives being required to be either board members or members of the wider membership body. This is a serious democratic deficit which cannot be ignored. Paragraph 80 refers to a membership body perhaps relating to a cluster of FEI's – suggesting that one membership body is used to represent the interests of citizens in several FEI's – it is not clear how this can be done in a sufficiently local manner so that there is a sense of ownership of 'our college'. Perhaps a simpler way of managing this would be to have a representation on this membership panel of the relevant regional learning partnership. Given the emerging regional dimension of the education sector as a whole in Wales it is vitally important that some form of Governance is applied to this function.

Paragraph 84 states that the membership body is not an extended board, but will have its own distinct responsibilities and obligations – the differences between the two boards need to be expanded on so that it is clear what the differences are. It is important that the membership body does not deal with issues second hand and at a distance from the main decision making body as otherwise there will not be the effective engagement that will lead to a genuine commitment from stakeholders who may view the body as weak dealing with issues second hand in a second rate body.

Question 4: Do you have any comments on the recommendations of the review which deal with Capacity and Effectiveness (Recommendations R36 – R41)?

R36-Is this necessary? Does the regional learning partnership not fulfil this function at the local level and Colegau Cymru at the national level.

R37- Regional observatories have been piloted in the South West by the Regional Learning Partnership and this may provide coherent and timely intelligence to aid planning across the region.

R39-Refers to governance arrangements for bodies that are making decisions at the regional level – it is important that this is addressed to ensure that these clusters are, in fact, ‘mutually beneficial’.

R40 should then include in the suggested training programme any members of the governance arrangements noted in paragraph 39.

Question 5: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use the space below to report these.

Some flexibility over timescales should be included as some institutions have only just merged and changed governance arrangements and changing again could cause instability.

It is all well and good to talk about need for consultation with other FEI and educational providers (e.g. schools etc) but the tools to eliminate nugatory competition need far closer honing. The Welsh Government must address the funding issues which causes such competition. Some would argue that FEI's be required to have catchment areas where the FEI has more than one main campus to address the offering duplicate courses

We would have liked to see more guidance as to how FEI's should ensure comprehensive lines of communication between staff, students, management, executive and board. Every FEI should be required to have an Academic Board to discuss and report upon all academic and curricular matters, as well as a staff negotiation group to allow representatives of recognised staff associations to discuss and report upon matters to do with pay and terms and conditions of service. Each FEI should be required to have a Partnership and Recognition Agreement in place with the recognised unions/staff associations. Each FEI should be required to have a Student Council as is the case with schools. There is even a case for requiring each FEI to set up representative groups for parents and for employers.

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept confidential, please tick here: