

Performance & Resources Committee Meeting

Date of Meeting	Monday 16 March 2020
Paper Title	Trade Union Regional Reporting to GCRB
Agenda Item	11
Paper Number	PRC3-I
Responsible Officer	Penny Davis, Board Secretary
Status	Disclosable
Action	For consideration and agreement

1. Report Purpose

- 1.1.** To facilitate Committee consideration of the suggestion of introducing a Trade Union standing item to Board agendas further to the introduction of Trade Union Members to college sector boards from August 2020.

2. Recommendations

- 2.1** The Committee is invited to **consider** the information provided and **agree** a recommendation to make to the Board at its meeting on 30 March 2020.

3. Background

- 3.1.** The Scottish Government announced in early 2019 that it would be introducing a requirement, most likely through secondary legislation, for college sector Boards to include two Trade Union Members in addition to the two Staff Members that currently serve on boards.
- 3.2.** The date for the revised legislation coming into effect is August 2020 (confirmation has been sought from the Scottish Government that this is still the case as the anticipated guidance on implementation has yet to be issued).
- 3.3.** GCRB invited Trade Union representatives to attend Board meetings as observers from 28 October and it was agreed at that meeting that consideration should be given to whether Trade Union Members should have a standing agenda item in the same way as the Student Members/Glasgow Colleges Regional Student Executive have an opportunity to provide a report to each meeting of the Board.
- 3.4.** The Performance & Resources Committee was asked to consider the matter and bring a recommendation to the Board.
- 3.5.** The following paper sets out, briefly, some information that may assist the Committee in its deliberations.

3.6. Trade Union Regional Reporting to GCRB

- 3.6.1. The basis for the Government’s introduction of Trade Union Members, under the heading Partnership Working, has been to align college sector governance with that of universities, further to the Higher Education Governance (Scotland) Act 2016, which introduced two Trade Union Members to university governing bodies.
- 3.6.2. Boards will continue to have two Staff Members elected by the staff body, in addition to the two members nominated by the Trade Unions (one teaching staff, one support staff).
- 3.6.3. Staff Board Members are not regarded as representatives of the staff body in legislation or guidance. While it is likely that they will hold Trade Union offices, the new members will be required, like all Board Members, to adhere to the Model Code of Conduct for Members of Devolved Public Bodies, ie, to act in the interests of the public body and in accordance with its key functions, and to take decisions solely in terms of public interest. (The Code of Conduct is currently under review by the Standards Commission – there will be an opportunity to discuss the Code and related issues at GCRB’s June meeting, when the Chief Executive of the Standards Commission will attend and give a presentation.)
- 3.6.4. GCRB itself is the employer of only a small number of staff, and it is required to respect the Assigned Colleges’ role as employers. The Financial Memorandum states that GCRB “must not substitute its judgements for those which are properly at the discretion of the College”. Therefore, GCRB must not intervene in dialogue which is properly a matter between a College and its staff.
- 3.6.5. However, under its founding legislation, GCRB must plan and exercise its functions “with a view to securing the coherent provision of a high quality of fundable further education and fundable higher education in the localities of its colleges”. GCRB should, therefore, ensure it has sufficient understanding of factors impacting on the effective delivery of education across the college region and, from that perspective, might wish to be apprised of relevant factors at a regional level from a staff perspective in the same way as it might from a student perspective.
- 3.6.6. Provision has been made on GCRB Board agendas for students to report via a standing item. These reports are via the Glasgow Colleges Regional Student Executive and relate to regional activity, and the whole student body, as opposed to individual Colleges or Students Associations.
- 3.6.7. The Good Governance Steering Group is currently considering election/nomination procedures for the new Trade Union Members and it is possible that that group, or the Scottish Government directly, will publish further information in due course that will provide further guidance.

4. Risk Analysis

- 4.1 The are no specific risks associated with this report.

5. Legal Implications

- 5.1 There are no specific legal issues associated with this report.

6. Resource Implications

6.1 There are no specific resource implications associated with this report.

7. Equalities Implications

7.1 There are no specific equalities implications associated with the report.

8. Regional Outcome Agreement Implications

8.1 There are no specific implications for the Regional Outcome Agreement associated with this report.