

**WALES**  
**CYMRU**

**RESPONSE TO:**

**FRAMEWORK FOR INTERVENTION IN**

**FURTHER EDUCATION INSTITUTIONS**

**CONSULTATION**

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# Framework for Intervention in Further Education Institutions

## Response:

The University and College Union (UCU) represents more than 120,000 academics, lecturers, trainers, instructors, researchers, managers, administrators, computer staff, librarians and postgraduates in universities, colleges, prisons, adult education and training organisations across the UK.

UCU is the largest post-school union in the world: a force working for educators and education that employers and the government cannot ignore.

It was formed on 1 June 2006 by the amalgamation of two strong partners - the Association of University Teachers (AUT) and NATFHE-the University & College Lecturers' Union - who shared a long history of defending and advancing educators' employment and professional interests.

We welcome the recognition within the consultation of the role that governance plays in ensuring effective leadership and management at an institutional level. During the Independent Review of Further Education UCU questioned the ability of a governing body to ensure effective leadership and management. We argued that the emphasis is often placed on financial scrutiny rather than educational provision and standards.

The draft statement purports to support continuous quality improvement. Does the statement of policy ensure that this imbalance in governing bodies, which we identified in our evidence to the review, will be redressed?

Our perceptions are that:

- governors lack educational background or expertise. Too many governors come from business sector with a narrow, one dimensional perspective
- infrequency of corporation meetings, (perhaps only once a term) results in a body who are unable to engage in the 'educational mission' debate
- over-reliance on information, reports, advice from senior managers. It is often difficult for staff and students to get views aired at governing body meetings.
- lack of adequate training for new and existing governors.
- composition of governing bodies appear to be under-represented by women, ethnic minorities and disabled people. Tendency appears to be for these governing bodies to replicate themselves i.e. appoint in their own image.

The addition of two members, as observers, to the board of governors is supported by UCU; clearly the failure of an institution to improve would have significant consequences for learners and our members in that institution.

UCU are concerned that not enough emphasis is being placed by the Welsh Assembly Government in getting it 'right' first time and preventing a situation where intervention would need to be considered.

We would urge the Welsh Assembly Government to consider addressing the issue of the balance between business skills and education and training skills in the composition of Further Education Governors in Wales. Further we would urge the Assembly to commission independent research on the issue of governance within incorporated institutions, to include Post 92 HE institutions.

The policy has been developed as a process framework, rather than a series of procedures to retain an element of discretion and to allow intervention on a case by case basis. The routes to intervention will normally only take place following a lengthy process.

The ongoing dialogue between the institutions, as illustrated in Annex 1, and the Welsh Assembly Government excludes, as far as we can see, any direct route for dialogue with the employees who deliver the education and training to learners. We would like to see a process which enabled the officers of the Assembly or indeed any ASPB officers to engage with the employees of that institution through the national union officials in Wales. We believe that the First Minister, in signing the Social Partnership Agreement in Wales, gave a commitment to engage with unions on such issues where changes would clearly impact on their membership.

Our concerns are that a lengthy process which results in intervention could result in our members facing redundancy because the necessary intervention did not take place at an appropriate time. We believe that recent experience of job losses, through compulsory redundancies, at the Welsh College of Horticulture provides the evidence to support our view.

In section eleven of the guidance it refers to the safety of the learners. We would contend that the sensible approach to ensuring the health, safety and welfare of learners would be to ensure that all colleges complied fully with their duties under the Health and Safety at Work Act 1974 and respect the duties imposed by the Safety Reps and Safety Committee Regulations (1977), particularly those which requires colleges to set up safety committees and allow paid time off to UCU H&S reps to ensure that their work environments are safe. It is our belief that a safe working environment for employees must result in a safe studying environment for learners. UCU currently have safety representatives in 16 of the 20 colleges and are working to appoint in the remaining four.

The failure of an institution to meet the conditions of improvement needs to be considered by the Welsh Assembly Government. At this stage UCU would expect to have a role in the 'agreeing the appropriate action.' Social Partnership, espoused by the Welsh Assembly Government, must become a reality if an institution was to fail in achieving the Conditions for Improvement Notice. Clearly at this stage there will be the potential for job loss and we would expect to have our views and suggestions listened to in debating the future of the institution.

At section 19 the policy requires ministers to write to the governing body, UCU would expect their official in Wales to be provided, in confidence, with a copy of any such correspondence and invited to comment on the content of the notification. UCU would expect to be appraised of any further iteration during the 30 day time frame.

Margaret Phelan  
Wales Official  
Agreed at FESC policy meeting  
5 April 2008