

## **Further Education Colleges - Review of Governance**

### **Comment by the University and College Union.**

1. UCU welcomes the opportunity to comment on the consultation document issued by the Department of Employment and Learning. We believe that the current governance arrangements are not fit for purpose and require a radical overhaul. The current managerial approach based upon business principles is not appropriate for a community based educational service. This approach has led to an elitist cliques assuming they know what is best for the communities they serve and imposing programmes and delivery mechanisms devoid of any real connection with those communities.

2. The Department is wrong where it states in Para.4 that "the dominant issue...is.....a need for more effective communication and collaboration between the Department and the colleges". That view compounds the elitest "we know best " approach and misses the fundamental point that the purpose of further education is to provide education to our citizens to enable each and every one to achieve their potential. UCU recognizes that concept has to be tempered by the economic reality of available resources but nonetheless an approach which excludes those who seek education provision, and their representatives, from the decision making processes does a great disservice to those citizens and society generally. The so called "Strategic Partnership Board" composed solely of departmental "mandarins" and college Chief Executives reinforces the managerial approach to the detriment of wider social and community engagement.

3. In paragraph 7 the author of the Department's paper writes "there is no common understanding of effective governance and strategic leadership". UCU would not agree with that view. There is an understanding in our society that the further education sector exists to provide educational opportunities to the post-school community outside of full-time higher education to enable them to live fulfilled lives and to advance in their careers. The societal view of further education has a focus upon the learner not upon the delivery mechanisms. The incorporation of colleges has a focus on colleges as a business enterprise when they are in fact no such entity. This disconnect between the real purpose of the sector and the perceived purpose of the elite who have been placed in positions of control and authority is the underlying cause of the weakness of incorporation as identified at Para.12 of the paper.

4. The problems uncovered by the Public Accounts Committee reveal all too starkly what can happen when effective accountability is missing from governance. It is UCU's

experience that in every instance where there have been major failings in the management of colleges the primary reason has been the failure of Governing Bodies to properly hold to account those who have held executive authority for the day to day running of colleges. Our experience is that governance at present exists in concentric circles where real power is held by the director or chief executive and where governors serve solely in a capacity to legitimise whatever policies emanate from that source. The reality of governance at present is that there is no accountability exercised by Governing Bodies upon the executive wing of a college until things have already gone off the rails. Governors rarely ask challenging questions and those that do mainly staff representatives are quickly marginalized or excluded, a herd instinct pervades decision making and a firewall of protective cover is layered around the college director. This is most clearly manifested in the disgraceful and discriminatory practice of excluding staff and student representatives on spurious conflict of interest grounds. Furthermore the systems of internal audit needs to be strengthened significantly with colleges expenditure and resources made available for public scrutiny at all times and written in a format which is readily understandable. The clearest example of the sector-wide lack of accountability and toadying by Governing Bodies is to be seen in the shameful abuse by Governing Bodies of the performance pay scheme which applied to college principals some years ago.

5. UCU agrees that Governance needs reform. We go further – the entire system of incorporation need to be scrapped. We do not view incorporation as a success and would challenge the Department to produce an evidence based analysis to prove that colleges today provide a better service to students and the communities they serve than existed pre-incorporation. The declaration in Departmental publications that incorporation has brought "benefits" to the service is not based upon evidence. Incorporation has turned colleges from being educationally focused to being finance driven. Incorporation has not brought effectiveness to educational delivery –it has worsened the learning experiences of students. Incorporation is wasteful of resources through unnecessary duplication of resources, negative competition and empire building for personal gratification. The proposals for "reform" set out in the department's paper will not address the macro issues which are the real root of the governance of the sector. The Department in its paper sees the problem as one of balancing the "autonomy" of the college with "accountability". We respectfully submit that "autonomy" should not underpin the *raison d'être* of institutions which are publicly funded by the tax-payers for the education of their citizens. That power resides with government.

6. We comment now on some of the recommendations set out in the paper. Those to which we do not directly refer we have no objection to.

Firstly however it must be stated that the recommendations set out in the paper ignore the longstanding wish of the Northern Assembly that the sector should be subject to oversight and powers of the Northern Ireland Ombudsman. We believe

legislation to give effect to that should be enacted as a matter of urgency. Such a measure would allow a light to shine into the inner circles of college decision making.

#### Recommendation 1.

The Department in suggesting a Code of Governance omits to explain what the consequences might be of a failure to abide by that Code and who would exercise authority in that regard.

#### Recommendation 2

We agree the legislative framework should be reviewed. New legislation should enforce co-operative and collaborative arrangements on a sector wide basis and provide for shared sector wide services. We urge the Department to scrap its current mandatory requirements in respect of the business constituency and to institute reforms on the models which apply in England and Wales.

#### Recommendation 4

UCU views the notion of "self assessment " arrangements as laughable. Governing Bodies should be required to publish the attendance records of members along with the minutes of sub-committees. As strategic managers they should be subject to audit by the Education and Training Inspectorate.

#### Recommendation 5.

UCU does not support any measures which would compound the cronyism which is all too apparent in current arrangements. Giving even greater powers to select governors to current Governing Bodies will simply reinforce that trend.

#### Recommendations 7 and 8.

UCU does not support the removal of the Staff Governor and Student Governor. The suggestion that their views could be better relayed via a consultative committee is fanciful. Our experience of college consultative committee arrangements convinces us that such an approach would remove entirely any hope of the views of staff or students ever being heard by Governors. If College Chief Executives, who are also employees are to remain as members of the Governing Body an opportunity should also be available for representatives of staff to have their voice heard also at that forum.

#### Recommendation 12

UCU does not support this approach. Those performance indicators are relevant but performance/contribution should also be measured against the college's development plan and/or wider community educational issues.

### Recommendation 13

UCU does not support this recommendation. As the Costello and Bain Reports argued, colleges must be required to plan in a collaborative manner with other providers such as other colleges, schools or universities, local community and trade union organizations and businesses.

### Recommendation 15

The current Strategic Partnership Board consists only of senior civil servants, Chairs of Governors and Chief Executives. It does not represent a partnership with the governed or the communities impacted by its decisions. It is elitist and exclusive. UCU believes there is a need for a high level strategic planning body which includes the social, educational and business partners.

7. The Department of Employment and Learning and indeed all stakeholders - would see further education in Northern Ireland as being closely aligned to further education elsewhere in the UK. We note that governance arrangements elsewhere in the UK do not attract the same degree of controversy as applies here. One reason for that, we believe is that the Department in Northern Ireland has departed significantly from GB's governance arrangements and that the business focused model it advocates has worked to the detriment of colleges here. Our college governance arrangements would benefit significantly from greater community and trade union involvement. Our suggestion is that DEL abandons its "go it alone" approach and restores governance of FE colleges in Northern Ireland to parity with those which apply in England and Wales.

8.11

February 2011