Further Education Governance Review

Q1.   What are the advantages or the benefits of the current system of governance in FE institutions in Wales?

UCU does not support the current model of incorporation or governance within the sector. It is, in our view, a system which is failing to deliver for students and communities and which impedes rather than strengthens the transformation process.

However, we welcome the Assembly Government commitment to implement the recommendations of the recent stakeholder review into governance in the sector (Responsibility and Responsiveness) and believe this will go some way to strengthening key aspects of governance. In particular, we welcome the recommendations to strengthen staff involvement in the work of Boards of Governors.

Q2.   What are the disadvantages or weaknesses, if any, of the current system of governance in FE institutions in Wales?

The experience of our members working in the FE sector in Wales is that governance is characterised with a number of significant weaknesses, especially when judged against the policy intentions of the Assembly Government.

These key weaknesses are:

-   Failing to deliver genuine accountability, scrutiny and transparency for the use of public funds and for the decisions taken by management. The lines between management and governance are increasingly confused and misunderstood, leading to a failure of strategic leadership and accountability at institutional level;
-   A lack of focus on the educational ethos of the institution. Governance is too often led by finance and not by education and too often the culture is a competitive one driven by institutional need rather than the needs of the students and of the wider community;
-   Marginalisation of staff, students and the wider community in the decision making processes of the institution. Specifically there is a two-tier of governance with staff representatives often excluded from membership of certain committees or from taking part in key decisions;
-   Failing to represent the broad diversity of the communities that institutions serve, including an appropriate gender balance on the governing bodies;
-   Lacking transparency in the appointment of governors and the criteria by which they are selected, as well as in the decisions which they take.

Q3.   Who are the key organisations, groups or sectors that should be stakeholders in governance of FE institutions in Wales?

Crucial to this question is an understanding of the purpose of governance and of governing bodies. They are not – as often seems to be the case – an extension of management or a reflection of it.

Instead they are there to set the educational character of the institution, to represent the wider community, and to provide effective scrutiny and challenge.

To meet these obligations it is essential that governance genuinely reflects the communities that it serves and that it contains the necessary educational expertise to effectively scrutinise proposals and to make informed decisions. This will require a better balance on governing bodies between stakeholders and community representatives.

To achieve this there must be guaranteed places for democratically elected student and staff representatives on all governing bodies. Within the staff representatives there should be specific places for academic and support staff.

The wider community must also be represented on governing bodies. It cannot be a continuance of the 'great and the good'. Consideration should be given to whether the direct election of community representatives would be feasible or whether a system of representation from 'community stakeholders' is a more viable option (for example, drawn from existing community organisations such as Tenants' Associations or voluntary sector umbrella groups).

Additionally, places should be reserved on the governing body for representatives of the Local Education Authorities which the college serves and for appointments made directly by the Assembly Government.

Q4.   What would you change to improve the system of governance in FEIs in Wales to better meet the needs of its learners, customers and stakeholders in Wales, and how would you propose this change is achieved?

A reformed system of FE governance should be built on the principles of transparency, democratic representation and accountability, as well as a commitment to collaboration rather than to competition. To achieve this we recommend the following:

a) Guaranteed representation for staff and student representatives on governing bodies. For the staff section, this should include separate representatives for academic and support staff. Representatives should be directly elected from within the membership of the relevant community. Representatives should also be free to report back to their relevant community in order to improve transparency and the widest possible engagement in the decision making process. In line with democratic principles, co-option of governors – which often only leads to a particular type of person being selected – should be prevented in the future. Co-opted governors have no mandate and are accountable to no one;

b) A commitment to the widest form of community representation, including consideration of direct community elections or representatives to be nominated from local community organisations;

c) An end to two tier governance within institutions by ensuring that staff and student governors are not excluded from key committees or from taking part in specific decisions;

d) Amending the Articles and Instruments so that the remuneration of senior post holders is no longer determined by individual colleges. Pay rises should instead be linked to that of other staff within the sector and consideration should be given to the introduction of a national pay scale for college principles;

e) Introduce a requirement that all vacancies on governing bodies should be openly advertised before new members are appointed. In line with the recommendations of the previous stakeholder review, clear criteria should be established against which the skills of applicants should be assessed;

f) All appointments to the governing body to be made in accordance with the Commissioner for Public Appointments Code of Practice. Consideration should also be given to whether the Chair and Vice-Chair of Boards of Governors should be made by the Minister for Education and Lifelong Learning. This would strengthen their independence from college management and subsequently improve scrutiny;

g) Strengthen national accountability by bringing FEIs under the remit of the Children and Families Measure so that they are required by law to take action to contribute to the eradication of child poverty.

Q5.   Bearing in mind the Terms of Reference for the review, what are your views on Social Enterprise and how might this fit with FE Governance?

We are as yet unconvinced that the social enterprise model would represent a significant departure from the current system. In particular we are also concerned as to how this model would fit with the commitment made by the First Minister in his leadership election to end incorporation in the sector. We will judge the final model for the sector against this commitment.

We require more detail on this model and how it work in practice before commenting further. In particular we would be interested in how the model could embed education-led governance in the sector and how it could strengthen both democratic accountability and community engagement in governance.

However, we would clearly reject any model which worked along similar lines to the 'free schools' scheme set out by the current UK government. This is a recipe for letting market forces dictate the direction of education policy and would be entirely inconsistent with the philosophy and values of the One Wales Government.

Q6.   Are there any models of governance outside the Welsh FE governance model (including examples from outside Wales and / or outside the UK) that you consider it helpful for the review to explore?

The review should consider some aspects of the NHS Wales model of governance. Specifically the review should consider how the NHS Wales model balances engagement and accountability to the community with accountability to the Assembly Government. Consideration should be given to a direct line of accountability from colleges to the either the minister or to the Director of DCELLS

and to the minister appointing the Chair and Vice-Chair of the Board of Governors at individual institutions.

Q7.   Bearing in mind the Terms of Reference for the review are there any other proposals you want to raise with us in regard to FE governance?

One of the key weaknesses of the current system is that it remains fragmented and dominated by institutional self-interest.   Boards of Governors are driven by the financial position of the institution and not to the wider educational needs of the communities they serve.   A key characteristic of this is the lack of national terms and conditions for staff or a statutory framework for the setting of pay. These matters remain, even with agreed pay scales for lecturers, matters for individual Boards of Governors. This reinforces the competitive model of incorporation and undermines quality.

UCU Cymru remains committed to seeing the end of incorporation of the further education sector and we welcome that the First Minister shares this commitment also. As a first step towards this, UCU proposes a commitment to introduce national terms and conditions for staff working in the FE sector, coupled with the introduction of a statutory regulation for the pay and conditions. The governing body of an institution would remain the employer, but pay structures and the terms of the contract would be regulated in the same way as is currently the case for teachers. The regulatory framework should apply to all senior post holders and remove this function from the remuneration committees of Boards.