



## Respondent Information Form

**Please Note** this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:

<https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual  
 Organisation

Full name or organisation's name

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The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name  
 Publish response only (without name)  
 Do not publish response

### Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes  
 No

# **Addition of Trade Union Nominees to the Boards of College Institutions: Consultation Response (January 2023)**

## **Introduction**

Colleges Scotland is the collective voice for the college sector in Scotland, representing the interests of all 26 colleges across 13 regions and their appointed regional strategic bodies, to ensure that they are at the heart of a world class education sector that is recognised, valued and available to all.

Colleges make a vital contribution to improving the education, lives and employability of learners across Scotland. Collectively they employ over 14,000 staff and deliver around 69 million hours of learning to 213,135 learners every year. Their effective governance is fundamental in supporting colleges to deliver high quality learning and teaching experiences and in improving the life chances of their students all whilst securing public value.

Colleges Scotland, on behalf of the college sector, welcomes the opportunity to comment on the policy proposals which will inform the changes to the relevant Acts to include trade union nominees onto boards of management across the college sector. These policy changes will not only bring the college sector in line with the university sector in Scotland but provide an ongoing commitment from the college sector to partnership working with trade unions as per the fundamental principles of the Fair Work Convention's Framework; this includes being visible in the attitudes, behaviours, culture and policies and practices within an institution and providing a stronger role for trade unions.

## **Response**

Colleges Scotland has not commented directly on the proposals in relation to changes to constitution arrangements for boards of management of the incorporated colleges, the Glasgow Colleges' Regional Board, and the Lanarkshire Board, as these institutions are better placed to provide a direct response to the proposals and to highlight any unintended consequences that these may bring. It is important, however, that any policy change continues to reflect best practice in terms of getting the right balance of executive and non-executive members whilst ensuring board members have a diversity of backgrounds and viewpoints, and that increasing in size does not lead to slower decision making, co-ordination, and process problems across boards of management.

Irrespective of how board members are appointed, all board members are required to act in the best interest of the college or regional strategic body, rather than representing any nominating body or third-party interests. As charity trustees, board members are also subject to a duty to avoid conflicts of interest. Although this is the case for all board members, this issue could potentially be more acute or more difficult to manage in relation to trade union nominees. Any change to the composition of boards should not detract from the notion of a board having "collective responsibility" for the decisions it makes. It is, therefore, important that the language used by the Scottish Government when describing these appointments moves away from using "trade union representatives" and uses "trade union nominees". Staff members, regardless of how they are appointed to boards of management, are full members and have the same rights, responsibilities, and obligations as other board members. Staff members are not there as 'representatives' of the staff, they are there to bring knowledge and expertise of the day-to-day workings of the college into board meetings, processes, and decision-making.

The Good Governance Steering Group (GGSG) is the college sector's advisory body on all matters relating to college governance in Scotland and its membership includes key college sector representatives (chairs, principals, board secretaries, finance directors), Scottish Government, Scottish Funding Council, National Union of Students Scotland, Colleges Scotland, College Development Network (CDN), Scottish Trades Union Congress (UNISON/EIS), and the Office of the Scottish Charity Regulator (OSCR). It will be the role of the GGSG to develop and agree a national procedure for the election and appointment of the trade union nominees to the boards of management which will be adopted across the sector by both boards of management and the recognised trade unions and will be critical to how the appointments process is managed. This new procedure will have a clearly defined set of criteria which will allow candidates to apply.

Training for these new appointments will also be important and CDN already provides vital support to boards of management and induction training to new board members, and has a suite of governance training modules available aimed at supporting board members in their work.

In relation to the specific questions in the consultation on the terms of the appointment of trade union nominees onto boards of management, these appointments should be in line with the current term for teaching (academic) and non-teaching (support) staff members to the boards of management which is a fixed-term appointment of four years. In addition, and again in line with other staff member appointments, trade union nominated staff members should vacate office if they cease to be a member of staff at the attributing college.

If trade union nominated board members cease to be a member of the relevant trade union and therefore no longer meet the defined set of criteria for which they were appointed i.e. be a member of the relevant trade union, they should also vacate their position as a board member.

Colleges Scotland  
January 2023