

## **EIS Submission to the Education & Culture Committee of the Scottish Parliament: College Reform**

1. The Educational Institute of Scotland, EIS, has over 4600 members working in the college sector as academic staff. The EIS is the sole recognised union for representing lecturing staff within the sector.
2. The Government's college reform programme is complex and multi-layered. The Government announced the regionalisation of the college sector in 2012; this accelerated the rate of college mergers. The Post-16 Education Act (2013) which changed the statutory basis in which colleges are governed and created different types of colleges and regional strategic bodies. The Act also gave statutory basis for outcome agreements and changes in FE funding methodology have followed (a "simplified" model replacing the wSUMs).
3. The ONS reclassified incorporated colleges as public sector bodies in 2010, whilst England and Wales amended their laws to reverse this. The Post-16 Education Act (2013) effectively confirmed the Scottish (incorporated) colleges as public sector bodies, and this status became fully operational in April 2015.
4. In our view the merger programme became rushed and the amount of support from colleges in the late mergers was less than that given in the early mergers, such as the City of Glasgow. This, together with around £50m of voluntary severance funds made available by the SFC, led to some governance failures. These have led to recent efforts to improve college governance, such as the publication of a Code of Good Governance and a Ministerial Task Group looking at Governance.
5. It is clear that a large majority of those EIS members that work in recently merged colleges believe that the intended benefits set out by the Government of merged colleges have not been realised. The EIS College Mergers Report<sup>1</sup> shows that a large majority of serving college staff believe that college mergers that have led to larger merged colleges have yet to deliver better teaching, better student support, increased alignment with regional stakeholders, greater flexibility or improved management. There seems to be no evidence to support the view that merged colleges have delivered an overall positive educational benefit to learners; in practice the educational rationale for merging colleges is weak.

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<sup>1</sup> <http://www.eis.org.uk/public.asp?id=3169>

6. This view is supported by the Audit Scotland Report<sup>2</sup> that found that *“It is also unclear what progress there has been in achieving some of the wider benefits expected from the merger.”*

7. It is difficult to disaggregate the effects of the sustained and severe Government funding cuts to the college sector in recent times from the effect of the mergers, which has had an effect of masking the effects of the funding cuts.

8. The Government believed that college mergers would deliver efficiency savings. Audit Scotland, however, found that there is no evidence that merged colleges have led to any financial savings or efficiencies other than voluntary severances leading to fewer staff. In 2015, college staff numbers have continued to rise. So whilst the Government has repeatedly claimed that mergers should lead to £50m of annual savings by 2015-16, there is no evidence to support this claim.

9. It is worrying that the Government has promoted, encouraged and facilitated a number of college mergers with a clear rationale with predicted benefits that it is now – according to Audit Scotland - unable to measure, subsequent to the mergers. It would seem that the Government and SFC are unable to accurately check whether their policy of college mergers actually delivered the promised benefits.

10. The Post-16 Education Act could have made the college sector simpler and more uniform, but it actually made the college sector more complex. The Scottish college sector currently has the following types of colleges:

- Incorporated Regional College (public body)
- Incorporated Regional College with an assigned college (public bodies)
- Incorporated Assigned College (public body)
- Non-incorporated Assigned (company limited by guarantee (3, non-public bodies)
- Non-incorporated Assigned (company limited by guarantee (1, non-public bodies) without fundable body status
- Council Department (public Body)

11. There are three Regional Strategic Bodies (RSB), although only two are operational, but the struggles for ascendancy between the RSB's and their assigned colleges are incomplete and seem to be favouring the assigned colleges. The Highlands and Islands RSB is becoming under the direct control of the University of the Highlands and Islands, and this body has different statutory powers for the different types of assigned colleges within its region. This makes coordination difficult, and there are on-going governance difficulties in the multi-college regions of Glasgow and the Highlands & Islands.

12. One aspect of college reform that was pledged by the SNP in the 2011 Scottish Parliamentary election was to introduce a national set of terms of conditions for college staff to the sector. This can only be done by a mechanism of national bargaining. The Post-16 Education Act improved the Government's ability to impose national bargaining on the sector.

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<sup>2</sup> [http://www.audit-scotland.gov.uk/docs/central/2015/nr\\_150402\\_scotlands\\_colleges.pdf](http://www.audit-scotland.gov.uk/docs/central/2015/nr_150402_scotlands_colleges.pdf)

13. The Government encouraged the sector's stakeholders to the voluntary NBDG Agreement between all colleges and the recognised unions, which was ratified in early 2014 and led to the national joint negotiating committee for the college sector first meeting in June 2014.

14. Despite some progress, some colleges seem to have repudiated the NBDG Agreement and they consider themselves outwith the national bargaining process and not bound by the outputs of national bargaining. Recently, the Management Side of the remaining rump of colleges broke off negotiations by email – and recommended colleges to impose their final offer. Colleges are now doing so, resulting in a widening gap in pay for lecturers doing the same work.

15. National Bargaining for lecturing staff is now neither national nor bargaining. The Government's failure to consolidate national bargaining despite repeated requests from the EIS tarnishes their only real achievement, in the view of the lecturing staff. This failure is likely to lead directly to industrial action - no other national harmonisation process has been unfunded; eg, the McCrone Agreement for teachers and the NHS Agenda for Change.

16. In conclusion, it is the view of the EIS that it is too early to say whether the college reform process has been a success. There are several elements to the reform process; the merger process to date has failed to deliver the intended educational improvements for teachers and learners; the reformed governance structures have yet to become fully operational or establish effective governance appropriate to a publically funded sector of the education system; and the reform process has singularly failed to make substantive progress in relation to national collective bargaining and equal pay for lecturing staff across the sector.

EIS

25 February 2016