

HNC FURTHER EDUCATION CORPORATION

R&P Committee Meeting held on Tuesday 28th March 2023 from 5pm
via Teams



Confirmed Open Minutes

Present: Ms L Summers (Chair), Mr J Dawson and Mr K Webb
(75% attendance)

In attendance: Mr M Smith-Connor, Ms L Paddon and Mr J Flynn

Clerk: Mrs C Coupland

1. Apologies for Absence/ Declaration of Interest

Apologies had been received from Ms R Drury. Ms Summers also explained that Ms C Watterston, who had been expected to attend the meeting as an observer, is now also unable to attend the meeting. It was noted that Mr Webb had advised the Clerk that he was to join the meeting late.

There were no declarations of interest from Committee Members. It was noted that all staff will leave the meeting for agenda item 13 given the nature of discussions.

Ms Summers advised the committee that in light of Ms Drury's recent resignation as an external governor – it was agreed sensible, by the S&G Committee, for Ms Summers to temporarily assume the role of committee chair until alternative long term chairing arrangements have been agreed.

2. Minutes from Meeting held on 24th November 2022

- That these be accepted as a true record of the meeting

Mr Webb joined the meeting.

3. Matters arising

Staff Pay Awards: Update

Operational Staff: National Joint Council (NJC) Support Staff Pay – Statutory Minimum Wage

The committee was informed that on 8th February HNC was notified that an agreement had been reached with UNISON to amend the NJC support staff pay spine to take account of the forthcoming changes to the statutory minimum wage rate. College's were asked to note by the SFCA that the 2022/23 support staff pay agreement, which had been approved by the Corporation, was concluded taking account of the Low Pay Commission's projection at the time of the statutory minimum wage rate of £10.32 per hour from 1st April 2023.

The agreed recommendation and actual increase to be introduced by Government from 1st April 2023 is now £10.42, which means the lowest point on the NJC pay spine, pay point 3, is £20,025 with an hourly rate of £10.38, needs to be increased.

Mr Flynn advised the committee that the NJC subsequently agreed to increase NJC pay point 3 to £20,173, providing an hourly rate of £10.46 per hour. As a consequence of this change and the preference to maintain reasonable pay differentials, additional increases to NJC pay points 5, 6 and 7 were also made. The full amendments to the pay spine were shared with the committee.

The Committee was advised that the College implemented these amendments immediately to ensure that support staff on the lowest pay point on the NJC pay spine continue to be paid above the statutory minimum wage. The committee endorsed this action taken.

National Joint Council (NJC) Teachers' Pay 2022/23 – Joint Pay Statement

Mr Smith-Connor advised the Committee that on 7th March 2023 the college received confirmation that an agreement between the NJC staff side and the Employers' side had been reached for an interim pay award for 2022/23 for all teaching staff. A joint statement had been issued and in turn shared with the committee in advance of the meeting; the statement makes clear that NJC is recommending that colleges uprate teachers' pay with effect from 1st September 2022, in line with the offer made by the Employers' Side however it was clarified that this is not an acceptance of the Employers' Side offer by the teacher unions and that the NJC teacher unions' dispute with the Secretary of State for a fully funded pay increase remains ongoing with an expectation that the pay for 2022/23 be revisited.

Mr Smith-Connor also advised the committee that additional information had been received via email from Graham Baird, SFCA later on 7th March 2023 confirming that the NJC Employers' Side are keen for teachers to receive a pay increase for 2022/23 and that the joint statement with the teacher unions was issued to enable colleges to implement the increase with the full support of the NJC.

The committee was informed that the recommended rates have been increased in line with the previously communicated Employers' Side pay offer, to take effect from the 1st September 2022:

- A 5% to 8.9% pay increase to teachers' on the main pay scale
- A 5% across the board increase for all other teachers, including those on the leadership scale
- A 5% increase to NJC allowances

The headline increase ensures all college teachers receive at least a 5% pay increase, with additional increases for the lowest paid teachers on pay points 1 to 5, as it is recognised that the high level of inflation falls disproportionately on the lower paid. The cost will vary within colleges depending on the distribution of teachers on the main scale, but is expected to be no more than 5.25%.

The email also confirmed that the college will have received the NEU intention to ballot letter, which confirms the NEU's intention to continue with their dispute with the Secretary of State for a fully funded pay increase. The current ballot runs out in early May and so it is necessary for the NEU to re-ballot their members to seek a mandate for action for a further six months into the summer and autumn terms. Clearly it will be for NEU teacher members to decide if they want to continue with national strike action in the sixth form sector beyond May.

The NJC Employers' Side has been clear with the unions that this interim increase is at the very edge of affordability for colleges and it is recognised that some may need to make financial savings elsewhere within their budget to meet this increase.

Mr Flynn confirmed that HNC has budgeted for 5% for the full year, the additional cost over and above the 5% assumed in the budget (with associated on-costs) would be £46k. The actual average increase proposed by the SFCA for the interim pay award is considered to be approximately 5.25% across the board, the Committee asked for this to be confirmed.

Given that this is a recommended interim pay award, all present recognised that the final cost of a recommended teachers' pay award may be higher than this dependent on outcome of national negotiations. It was noted that the Operational staff pay award implemented was approximately 5.48% across the board however this will be now different in light of the changes to the Support Staff Pay given the Statutory Minimum Wage.

The committee recognised the unprecedented time and agreed to the recommendation of the interim pay award to the corporation however confirmation of the actual average increase to HNC was needed at the board meeting to better inform Governors' decision-making.

Resolved:

- To note National Joint Council (NJC) Support Staff Pay – Statutory Minimum Wage recommendation had been actioned by the college.
- To recommend to the Corporation the approval of the NJC agreement to date for teachers pay awards 2022.
- For the actual average increase to HNC for the teachers' pay award to be confirmed to the corporation
- For the revised % pay award across the board made to operational staff in light of the changes made given the statutory minimum wage.

Staffing matters :

(R&P members, staff in attendance and Clerk)

4. Gender Pay Gap Report

Mr Flynn reminded the committee that changes to the Equality Act, which came into force on 6 April 2017, made it compulsory for companies in Great Britain (but not Northern Ireland) with more than 250 employees to report their gender pay gap figures at the end of every financial year.

Where there is a need to report, public bodies must report by 30th March and private companies must do so by 4th April in the year following their snapshot date. Organisations are also required to publish the breakdown of men and women in different pay quartiles and details of the proportion of men and women in the company who receive bonuses.

Mr Flynn confirmed to the Committee that for 2022/23 reporting, the College's snapshot date was 31st March 2022. At that time, the College had 249 relevant employees and so falls below the threshold of 250 to publish a report.

For the purposes of gender pay gap calculations, there were 235 full-pay relevant employees – these are employees who received their normal gross pay on the snapshot date. The full-pay relevant employee list excludes, for example, those on maternity or sick leave who did not receive their normal gross pay on the snapshot date.

Mr Flynn confirmed that in terms of trends, there has been a decrease in the Mean average Gender Pay Gap (all staff) of 0.33% (1.05% in 2021/22) since 31st March 2021, increasing to a reduction of 0.97% in the same period if cleaners are excluded. The median Gender Pay Gap has also fallen from 32.40% to 28.60% in the same period. No bonus payments were made in the year or on the snapshot date.

Time was therefore spent for the committee to discuss and better understand the college data presented.

From deliberations, the Committee acknowledged that the median gender pay gap difference of 28.60% (all staff) is largely due to the gender distribution of the 235 staff, and the higher proportion of females in this distribution, as well as to the higher proportion of females in the lower paid service and student facing roles in the distribution. Females make up 59.6% of the College's overall workforce with over 55% of female staff in the lower middle and lower quartiles as opposed to only 42% of male employees.

It was noted that the senior leadership team is now made up of seven staff (including the clerk) of which 4 are female and 3 are male. The highest member of staff in the college, the Principal is now male.

Females are also well represented in the workforce at other levels: heads of faculty – 3 females and 3 males and college operational leaders – 14 females and 10 males. It was therefore recognised that the gender pay gap was not due to a 'glass ceiling' issue. The committee also recognise that there is a set criteria for appointing to the teachers' pay spine and gender is not a set criteria. Likewise for support staff, all roles are subject to benchmarking to similar roles in other sixth form colleges, as detailed in the annual SFCA Workforce report, before being placed on the NJC pay spine. This placing is role specific not gender specific.

Members of the committee however asked for future iterations of the report to make clearer the roles included within each quartile to provide a more accurate analysis of the data. It was also agreed that reference to the higher proportion of females in the part times roles in the gender distribution was confusing for this is not a factor to be considered when analysing or explaining gender pay gaps given that calculations are based on hourly rates (not full pay) which would be the same for all roles regardless of whether it is a full or part time position. The senior leadership team agreed with this observation.

It was noted that although gender pay gap reporting can be viewed as a blunt instrument to measure historic / societal norms or personal choices towards the attractiveness of different type of jobs; the committee was of the view that the report also served as an opportunity to offer insight into any possible recruitment inequalities or injustices which should not be ignored allowing for creative solutions to be considered by the college.

It was therefore deemed necessary for SLT to revisit the structure of this report going forward in order to provide a deeper level of analysis to better address the issues raised given that future iterations may need to be published.

Resolved:

- That the report be received as first iteration of the gender pay gap report.
- For senior leaders to share with the committee at its next meeting proposed changes to the report structure to better reframe narrative in future iterations to address areas explored.
- To continue to receive the Gender Pay Gap Report in the spring term, post 30th March, to maximise access to benchmarking data; unless the college hits the threshold of 250 staff and is required to publish the report.

5. Equality, Diversity and Inclusion Annual Report 2022: Update

Ms Paddon advised the committee that this report is produced annually to provide Staff Equality, Diversity and Inclusion data about applicants and staff with suggested actions based upon data, to help work towards a more diverse workforce, where appropriate.

The committee was also advised that the data for this report covers a three year period, from 2018-19 onwards and concentrates on 3 year trend data. Where available, comparative data from our student cohort and the Kirklees Census has been included.

The committee duly noted the following positive outcomes:

- College workforce ethnicity is above the Sixth Form College sector average for operations staff and SLT.
- College workforce ethnicity is similar to the Sixth Form College sector average for teaching staff.

- The overall percentage of ethnic minority staff has increased again this year from 12.3% to 14.1% from the previous year and from 10.9% to 13.3% specifically in teaching.
- Appointments of ethnic minority groups applicants has increased again, year on year from 9% to 12.5% to 20.7%, above Kirklees census data.

Ms Paddon explained that work in progress includes:

- HNC continues to work towards a more diverse workforce and recognise that we may not be able to be as diverse as the community but will continue to try and be as diverse as possible. We will continue to provide training to all staff including Equality and Diversity and Unconscious Bias.
- The College is not representative in terms of Pakistani staff compared against our student intake and district. Where it is not possible to address any under-representation, then the E&D Committee will make sure that this lack of representation does not disadvantage individuals or groups at the College, supportive of our Equality and Diversity Policy.
- HNC will continue to ensure more diverse teaching panels, so that our most highly under represented ethnic minority groups, are represented, to help avoid unconscious bias.
- HR continues to encourage staff to fully complete their personal profiles, in the database self-service function, twice yearly at PDR time.
- Further consideration will also be given as to how existing staff can be made to feel more comfortable disclosing information about any protected characteristics too, to enable a comprehensive analysis of the diversity of the workforce to be made, to determine future priorities for further action.
- HNC will continue to explore how balance within the workforce may be achieved, with ideas from staff and Committee members being progressed, where possible.

The committee welcomed the opportunity to review the information presented although it was agreed that the level of data was now becoming overwhelming for governors; the comprehensive analysis however included within the executive summary was agreed to be exceptionally helpful and informative. Ms Paddon advised the committee that a new HR database was to be installed; it was therefore hoped that data extracted in future would be less dense and most certainly less time consuming – given that data collection currently was undertaken manually by Ms Paddon. The committee welcomed changes to the format of the report in future as long as the context and content was not lost. The committee invited Ms Paddon to share her thoughts on what the report structure should be like once the new database is up and running.

The committee praised the range of actions being explored and taken by the college to help the HNC work towards a more diverse workforce, where appropriate, with ideas from staff being progressed, where possible. However it was acknowledged that the ethnicity gap in staff profile, representative of Kirklees, may further widen once the Kirklees BAME Census data for 2021 is published thus resulting in an increased number of students who may not have a BAME ‘role’ model amongst the college workforce. The Committee saw this as a priority area to continue to be addressed.

Resolved:

- That the report be received
- For future iterations to be less data dense without losing context and content of the report.

6. Policy Reviews

Ms Paddon advised the committee that the following policies had been subject to annual reviews. Ms Paddon also confirmed that copies were sent to the Professional Associations for opportunity to comment; no feedback has been received. Ms Paddon briefed the committee on the following:

- Attendance Policy - A material change made to reduce absence triggers and targets for staff in first 12 months of employment and bring forward the absence notification deadline from 8.30am to 8.00am to help ensure high quality external teaching cover can be sourced. Non-material changes including clarification of management roles following SLT restructure and timescales
- Capability Policy - A non-material change to clarify management roles following SLT restructure and timescales
- Disciplinary Policy - A material change to detail changes to the fact find and investigation process and non-material changes including clarification of management roles following SLT restructure and timescales
- Grievance Policy - A non-material change to clarify management roles following SLT restructure and timescales
- Management of Change Policy - A material change extending trial period timescales for alternative employment and removal of reference to a probation period for this. Non-material changes including clarification of management roles following SLT restructure and timescales

Members asked to record their thanks to Ms Paddon for her time taken in reviewing and updating all HR Policies. The committee endorsed the non-material changes made to all policies and agreed to recommend the material changes for the Attendance Policy, Disciplinary Policy and Management of Change Policy for final corporation approval.

Resolved:

- **For the material changes to the policies to be recommend for corporation approval and immediate implementation.**

7. Staff Framework: Update

Curriculum Faculty Leadership and Management (confidential):

Working Time Directive:

Mr Smith-Connor briefed the Committee on the changes made to the Working Time Document 2023/24 for teachers.

Mr Smith-Connor advised the committee that Staff were informed of the proposed changes to the working time directive for 2023/24 at the staff briefing on 17th March 2023. Initial feedback had been received given earlier consultation with Heads of Faculties and the Professional Associations.

Staff were informed that the main change to the working time directive was an increase in class contact. This was to support the effective delivery of the college's curriculum intent through the allocation of more time to teaching and by including enrichment within directed time.

Mr Smith-Connor further explained that to embed the culture of supportive challenge and consistently high, non-negotiable standards and expectations; directed time has also now been awarded to behaviour management during break times and to tracking, monitoring and reporting at the end of the day.

The committee was advised that the current working time directive directs 99.9% of the 1265 hours. To work within the nationally agreed limits as set out in the Red Book. Staff have therefore been asked to note that the Red Book specifies that undirected time operates in addition to the annual 1,265 hours of directed time.

Other changes highlighted were predominately required to deliver a revised college timetable that had also been shared with staff for comments. Mr Smith-Connor took this opportunity to also brief the committee on the SLTs rationale for the changes proposed to the college's timetable.

As per the scheme of delegation, Directed Time and Contractual Obligations is determined by the Principal.

The Committee agreed however with the rationale behind each of the changes made to the directive and the timetable and the drivers behind the ongoing staff consultation regarding the curriculum faculty leadership and management structure.

Resolved:

- **To receive the update on the Curriculum Faculty Leadership and Management Structure Consultation**
- **To receive the Working Time Directive 2023/24 and the draft timetable changes.**

8. BAF assurance review : Difficulty to recruit and retain high quality staff

The committee noted that the risk was last reviewed by the Committee in March 2022 and was assigned green assurance. Members agreed that the supporting report continued to provide a comprehensive review of the individual risk thus providing the necessary assurance to the committee that the college continues to have an adequate and effective framework for risk management. It was agreed after some discussion however that monthly management accounts and budgetary reports presented to the Finance and Resource Committee and the Corporation did not serve as assurance sources for this specific risk.

Ms Summers also confirmed that the risk for ineffective staff performance, as listed under the agenda, was to be presented at a later committee meeting after the internal audit on this specific area had taken place to serve as additional 3rd level assurance.

Resolved:

- **That green assurance be reassigned to this risk**
- **For the master BAF to be updated by the Clerk.**

9. Any other Business.

There was no other business.

10. Learner Impact Reflection

The impact of discussions and scrutiny of the College's work in improving the outcomes and experience for all learners was considered and the following agreed:

- **Effective senior leadership is critical in enabling HNC to continue to provide the best learning experience and enrichment opportunities for all students and thereby improve their life choices and their life chances.**

- A high performing and efficient corporation is able to support the college to achieve its aims and objectives and secure positive outcomes for students
- A healthy, supported, resourced and successful staff force will reap strong performance for all students which contributes to the college's reputation as a good place to learn and work.
- To ensure that HNC continues to succeed and is able to continue to deliver a high quality of student outcome and experience
- Compliance with Employment Legislation ensuring fair and consistent recruitment and management of employees.
- Assurance of safe recruitment practices and workforce
- Assurance received that the college is aware of and remains compliant with regularity and propriety requirements as per the terms and conditions of funding.
- Assurance received that the college has an adequate and effective framework for governance and has fulfilled its responsibilities to be aware of and address Equality & Diversity in the workplace.

11. Determination of confidentiality

It was determined that the supporting documents for agenda item 8 are to remain confidential as too are the supporting documents for agenda item 7 until actioned by the Senior leadership Team. Parts of minutes for agenda item 7 are also to remain confidential.

12. Date of next meeting: 23rd May 2023 5pm via Teams.

Mr M Smith-Connor, Mr J Flynn, Ms L Paddon and Mrs C Coupland left the meeting at this point

Remuneration matters:
(R&P members only)

13. Mid year review SPHs – Update provided by Chair of Corporation.

Ms Summers updated the Committee on the mid-year reviews conducted with each SPH in March 2023. Prior to the meetings each SPH had completed a written assessment of the activities undertaken against each objective and whether it was on track to be completed. The priorities for the remainder of the academic year had been discussed and agreed in the meetings and, for both SPHs, all objectives are on track to be completed. The Committee welcomed and were satisfied with the update.

Resolved:

- That the verbal updates be received.