



Northern Ireland
Assembly

Committee for Employment and Learning

OFFICIAL REPORT (Hansard)

North West Regional College: Review of
Industrial Relations Action Plan

5 June 2013

NORTHERN IRELAND ASSEMBLY

Committee for Employment and Learning

North West Regional College: Review of Industrial Relations Action Plan

5 June 2013

Members present for all or part of the proceedings:

Mr Robin Swann (Chairperson)
Mr Thomas Buchanan (Deputy Chairperson)
Mr Jim Allister
Mr Sammy Douglas
Mr David Hilditch
Mr Chris Lyttle
Mr Fra McCann
Ms Bronwyn McGahan
Mr Pat Ramsey
Mr Alastair Ross

Witnesses:

Mr Richard Kenny	Department for Employment and Learning
Dr Mary Mclvor	Department for Employment and Learning

The Chairperson: Folks, you are all very welcome. Mary and Richard, we ran slightly ahead of schedule for presentations. Thank you for making yourselves available. We are here today to examine the report of the review on the industrial relations action plan in the North West Regional College.

Dr Mary Mclvor (Department for Employment and Learning): I will give you some introduction. The North West Regional College's industrial relations issues have been discussed in Committee on a number of occasions. The last time the Minister was here, on 27 February, he advised the Committee that the McConnell report had just been published. The Committee was interested in the action plan that the governing body would produce as a result of the McConnell report. We are here today to present the action plan that the governing body has provided. It was prepared by a member of the senior management team who was not mentioned in the McConnell report, under the guidance of the governing body and the staffing committee of the governing body in particular. The action plan has now been agreed by the unions, management and the governing body, so all three are now content with what is in the action plan. Its implementation will be led by a newly appointed change manager, which is an external appointment by the college. He has over 30 years' experience in change management, and he joined the college on 3 June. That is a big step forward in the implementation of the action plan.

From the point of view of the Department for Employment and Learning (DEL), we were keen that the governing body produced an action plan that addressed all the McConnell recommendations, and we believe that it does. The governing body has also set up a change team, which comprises the

governing body, the unions and management. We now intend to monitor the implementation of the action plan in detail.

The Chairperson: In the creation of the action plan, the three main players were the governing body, the unions and management. Did the Department have any involvement at all, or was it purely in a monitoring role?

Mr Richard Kenny (Department for Employment and Learning): The Department's main interest was the McConnell report, which the Department commissioned at the request of the governing body. The Department fully accepted the report and handed it over to the college to implement. So the college has collectively drawn up the action plan. We have noted that it includes all McConnell's recommendations, and we will monitor the situation to see how they are implemented.

The Chairperson: Are you content with the fact that all McConnell's recommendations are in here? Are you satisfied that the report will do all that it is meant to do?

Mr Kenny: They have certainly made a good start, in so far as the action plan appears to us to be comprehensive. However, we will monitor it. We want the McConnell report to be implemented, so we will watch closely to make sure that they do that.

The Chairperson: In regard to monitoring to ensure its implementation, a number of issues have a date for completion that has already passed. There is no update in this document.

Mr Kenny: We raised that issue with them, and they made the point that they were anxious to get a move on. Enough time has already been lost. In some cases, those dates represent the start of stage 1, if you like, having been completed. It is important to bear in mind that the action plan was drawn up by staff, unions and the governing body before the change manager came on board. He came on board on Monday and will take oversight of the whole operation. I expect some of those dates to be further refined and that person to start fleshing out more detail in the action plan. We accept that it is a living document. It is not cast in concrete.

The Chairperson: I need clarification. The action plan states dates for completion, and a number of issues are mentioned specifically. Item 25 states:

"Management and UCU should make an initial gesture of goodwill."

The completion date is February 2013. There is no recommendation or update on whether or not that has been completed.

Dr McIvor: The college has advised us that anything in the action plan document that is coloured grey is either completed or almost completed; I hope that members have colour copies of the document. A number of key actions have been completed, such as the action plan, the University and College Union (UCU) and the appointment of the change manager. All those in the North West Regional College who were involved in the regional negotiations for the management have stepped down from those positions. Seamus Murphy will no longer lead the sector in negotiations with the unions, which was a direct McConnell recommendation. As a gesture of goodwill, the union has withdrawn its work to rule, and Seamus Murphy has apologised for comments made at this Committee. Those were confidence-building measures, and they have been completed. The governing body's visibility is also completed, and it has made sure that there is a section on the website with all the pen pictures and more detail about what it does and how it does it. That has all been completed at this stage.

The Chairperson: Sorry, Mary, but the action plan that I have in front of me and that is in members' packs is starting to confuse me even more because, on the transparency of the governing body, which is item 21, the date for completion is down as "completed". You referred to items 23 and 24, which are shaded in grey. One column is headed "Update", and it is completely blank and has no comment on what actions have been taken. Item 25 mentions a suspension of industrial action, and you have just told us that it has been completed. The action plan document states that the date of completion is March 2013. As far as I am concerned, that is not completed because it is neither shaded nor indicated as completed.

Dr McIvor: I agree with you. The update needs to be completed. The governing body wanted the change manager to come in, look at the plan, make sure that those things are completed to his

satisfaction and then update the plan. You are right: things have been done and do not appear in the update column. I will take that point on board.

The Chairperson: When the change manager comes in, will he have the ability or need to completely rewrite the action plan?

Mr Kenny: The change manager cannot change the recommendations. Those recommendations are from the McConnell report and are a given. The key actions have been agreed between management and the union side and the governing body. He might want to refine those further or flesh them out but not change them as such. The change manager will have to visit the dates constantly. As progress is made or fails to be made, those dates will change.

The Chairperson: I am still concerned. You talked about a living document, Richard. If you introduce another player, the governing body and union management, you could open —

Mr Kenny: The living document aspect is primarily the dates. It is not changing anything. It is perhaps elaborating on things that we are committed to, but we regard the recommendations and the key actions as commitments, not as something that is up for debate.

The Chairperson: I just wanted to clarify that.

Mr P Ramsey: Good morning. You said earlier that everyone has agreed to the action plan. Not all trade unions have agreed it. Is that accurate?

Mr Kenny: We can accept that only one lead union in the college — the UCU — represents lecturers. The UCU tells us that it has signed up to the action plan.

Mr P Ramsey: I have read the report. Senior managers and the principal, who is a member of the trade union, have absolutely rejected and dismissed the McConnell report. How do you respond to the press coming from them on the report?

Mr Kenny: I am aware of a union that represents some of the senior management not accepting comments.

Mr P Ramsey: Including the principal.

Mr Kenny: The fact is that everyone in the college tells us that they accept the McConnell report and will implement its recommendations. We will hold them to that.

Mr P Ramsey: Have you challenged them on the formal statement that was issued, rejecting and dismissing the McConnell report?

Mr Kenny: We have challenged anything that comes from their trade union regarding the McConnell report.

Mr P Ramsey: Where is the evidence that you have challenged them?

Mr Kenny: There was correspondence from the head of the senior managers' union regarding the McConnell report.

Mr P Ramsey: He represents the principal and the senior managers.

Dr McIvor: I can assure you that the senior managers and the principal accept the McConnell report. We have discussed it with the principal and the senior management, and you will see that a lot of the actions are to be overseen by them. They have agreed the report. The governing body is the authority, it is the employer of the senior management team and the principal, and it has asked for all these actions to be taken and for many of them to be overseen by the principal. That will happen.

Mr Kenny: It will soon become apparent if any of those individuals are not committed to implementing the report's recommendations and are not doing what they said they would do.

Mr P Ramsey: To play devil's advocate: if I were an employee, such as a lecturer, of the college, and the same people who had been found guilty of creating a culture of fear in the college were the people whom McConnell identified to deliver change, would you have confidence in them?

Mr Kenny: I understand that point. However, McConnell was adamant that senior management, the governing body and the unions all have a joint responsibility to start putting this right. Nobody else can put it right. We are putting a lot of pressure on unions as well, because, if you recall, McConnell made it clear that the confrontation in the North West Regional College did not reflect well on either party. So, they will all have to mend their ways. There is no one else to do it, and McConnell was adamant that they had to collaborate to do it.

Mr P Ramsey: I accept that, and I have read the report. However, I find the report weak when it comes to trying to implement the changes necessary to reverse the trend of what was happening in the college.

This started with restructuring, redundancies and disciplinary action in the college. Those commenced a major problem and a culture of fear and bullying that I have described. Given all those things and given that we have the McConnell report, do you think that it is right and fitting for the Department to examine — putting the McConnell report to one side as a valuable contribution — the retrospective business cases that were presented to the governing body by the principal for some of the restructuring. You are nodding your head, so you accept my point.

Mr Kenny: No, I am not accepting the point. I know what you are talking about, and that is why I am nodding my head. First, there was a PricewaterhouseCoopers (PwC) examination into the application of redundancy procedures —

Mr P Ramsey: Sorry, Richard. The PwC report was on colleges in Northern Ireland; it was not on the North West Regional College.

Mr Kenny: The PwC report was on the North West Regional College. PwC examined the North West Regional College's application of sector-wide redundancy procedures. It said that the college had applied them correctly but that there were weaknesses in the procedures. When that was finished, a lot of people said that what they really wanted looked at was the business case for the redundancies. The governing body then appointed a subcommittee, which included a representative from DEL and a representative of staff. That subcommittee found that the reason for the redundancies was valid in terms of the figures but noted the tremendous mistrust on both sides. Basically, such was the state of relations between some staff and management that no matter what figures were produced, they would not have been believed.

Mr P Ramsey: My difficulty in accepting Richard's point in good faith is that what caused immediate dissent at this Committee was the so-called curriculum audit that was presented and that we have still not been able to find. I want to ask about consultation because one would presume that it would be necessary not just for trade unionists to be called to a meeting, given a report, and before the meeting was over, an action plan is taken off them.

My understanding — correct me if I am wrong — is that the lecturers received that report only on Monday. Using the language in the report of "tackling and rebuilding trust", one presumes that in order to do that, you need to consult with the lecturers who are affected. I have made it clear at this Committee that not all lecturers are cheerleaders for the UCU, so there is a variance of opinion. A lot of lecturers feel that an action plan was presented by the governors to UCU members, but they were not given the opportunity to consult and get an opinion from their members.

Do you not think that that is a reasonable approach and that there should have been a response from the public, given the magnitude of the McConnell report, and that the emphasis should have been on the board of governors to ensure that there was effective communication between all members of staff?

Mr Kenny: The action plan was drawn up with the unions. It was circulated to the rest of the staff once it was finished.

Mr P Ramsey: On Monday.

Mr Kenny: The Department received it only recently. This has been in negotiation with the unions. That is the normal way in which they conduct business. If there are problems within the UCU, there is not a great deal that the Department or, indeed, the college can do about it. McConnell makes the point that some of the lecturing staff in the North West Regional College saw their union as being involved in a feud with members of senior management, and that feud was particularly concentrated in the Strand Road campus. Some union members, as well as non-union members, are pretty exasperated at the feud, as they call it, that has gone on up there.

Mr P Ramsey: There may be, Richard, and it is unfortunate that you are using that terminology.

Mr Kenny: No; McConnell used the term "feud".

Mr P Ramsey: He did not use the terminology "feud".

Mr Kenny: He did.

Mr P Ramsey: He said there were tensions —

Mr Kenny: No, he said there is a feud, in paragraphs 14 and 15 of the report.

Mr P Ramsey: — and I have challenged the UCU to resolve matters. I want to be in a position to support the action plan, but I fear that that culture of fear is still prevalent in the college.

Mr Kenny: The report does not use the term "culture of fear". Be that as it may, there were certainly feelings of fear.

Mr P Ramsey: The report does not say "culture of fear"?

Mr Kenny: No, the report does not use that term.

Mr P Ramsey: So, I am making that up?

Mr Kenny: No, you may have got that from an earlier unauthorised and unpublished version. The report does not use the term "culture of fear".

Mr P Ramsey: Sorry, I do not understand an "unauthorised version". What does that mean?

Mr Kenny: A draft that was leaked or stolen, and that is what is being quoted from in some cases.

Mr P Ramsey: Are you suggesting that I stole something?

Mr Kenny: No, not at all. I am just saying that however you saw it, it was not the formal report.

Mr P Ramsey: Before I had knowledge of this, the media were carrying the story that there was a culture of fear.

Mr Kenny: I realise that.

Mr P Ramsey: I do not like the reference that it was stolen. I do not know whether —

Mr Kenny: I am saying that there was a draft that disappeared before McConnell had completed his report.

Mr P Ramsey: Disappeared from where?

Mr Kenny: Pardon?

Mr P Ramsey: Disappeared from where?

Mr Kenny: That is what we would like to know. We are trying to investigate.

Dr McIvor: We have a leak investigation going on to determine that.

Mr Kenny: Be that as it may, you are absolutely right that certain people were fearful, whether we call that a culture, feelings or whatever. Certain people were fearful, particularly of the course review meetings. Part of the action plan is to change that whole, as you say, culture.

Mr P Ramsey: So give me the evidence where the course reviews are not going to be under a culture of fear — and I will use that terminology.

Mr Kenny: The action plan talks about a whole different way of approaching things in which there will be much more engagement and support of staff rather than constantly holding them to account. McConnell states that management tended towards a controlling style, which made people fearful, was not particularly supportive, and that he saw as entirely inappropriate. That is what we want to change.

Mr P Ramsey: I will finish with one further question. You referred to a change team. Is that change team reflective and balanced, given that, in your words, the difficulties were not only with management but with the UCU? Is there a balanced membership on the change team?

Mr Kenny: We know that the college improvement team will combine senior management and the UCU and, as I understand it, will be chaired by a governor.

Mr P Ramsey: Would it be reasonable to say that there will be seven people from the management team on it and three UCU staff?

Mr Kenny: I do not know the exact mix.

Mr P Ramsey: Do you believe that you should find out about that mix to make sure that there is a balanced approach?

Mr Kenny: We will hear very quickly if the union side feels that it is not getting a fair crack of the whip with representation. I also expect the change manager, now that he is in the college, to take strenuous steps to engage and liaise with staff and all workers, because if he is to lead on change management, the people he needs to change need to be taken along with him.

The Chairperson: Richard, as soon as you are made aware of who is on the change team, how it is structured and whom it represents, will you inform us?

Mr Kenny: We will write to you giving you details about the change and improvement team.

Ms McGahan: Has the Department investigated what caused the breakdown of employee relations at the college? What lessons have been learned, given that it required an external investigation to uncover all those problems?

Mr Kenny: Let us be clear. Difficult industrial relations in the North West Regional College did not begin with this principal, but, as McConnell said, his management style has not helped. It is one of our bigger colleges. There have been industrial relations issues throughout the sector in recent years. Part of it, to some extent, is the fact that we in the Department are putting greater emphasis on performance while colleges' funding has remained static or has even declined. There is a constant pressure on them to deliver more on student achievements and retention. McConnell points out that, to some extent, the difficulties in the North West Regional College are reflective of sector-wide difficulties. Lecturers feel that their new lecturers' contract puts them under a lot of pressure — it does — and that they are being held back on pay and conditions and so on. In the North West Regional College, an element of sector-wide difficulties is being acted out.

McConnell also suggests that some lecturers feel that there is a particular tension — he uses the word "feud" — in the Strand Road campus that is not found in other campuses. We have made it clear to them that we do not build colleges to provide arenas for management and unions to vent their mutual

hostility. We require them, through the action plan — this will be their last chance — to start acting like civilised people and start delivering a service to the north-west, which is what they are there for. I think, through McConnell, that we can draw this around, but we require people to sign up to it. We cannot oblige them to like each other, but we can oblige them to start following procedures.

Dr McIvor: I will concentrate on the issue of whether we have learned lessons. McConnell stated that the negotiating mechanisms between management and staff in the sector were no longer fit for purpose, so we have asked Colleges Northern Ireland, which is the umbrella group that represents the management side of the sector, to review those procedures. We think that part of the issue at the North West Regional College was not to do with individuals but the way the structure is set up. Things get stuck in negotiations for such a long time that everybody gets frustrated. We would like that to change, which will hopefully help industrial relations across the sector. That action is with Colleges Northern Ireland.

Mr Buchanan: Thank you for coming to the Committee today and for the action plan, about which I have my own concerns. You say that it is an ongoing working document, yet there are dates for the completion of specific issues that we have no record of ever being completed. I hope that, the next time the Committee receives a report on this matter, it is more up to date and accurate and that we are clear from what we have in front of us exactly what is happening. It is not clear from this action plan what has taken place and what is happening. I hope that, in future, we, as a Committee, will have something clearer.

What has been done to rebuild trust since the problems were ongoing and there was a culture of fear in the college?

Dr McIvor: I will start and will then ask Richard to come in on some of the detail. I can assure you that the governing body has been extremely active in looking at what it needs to do in engaging with the unions. There have been many meetings with the unions. The Department has met them. The governing body has met them. The unions have presented to the governing body. They have discussed these issues. We see some trust starting to develop.

You asked what actions have been taken. As I said, the unions have withdrawn their work-to-rule position. The principal has made some steps in withdrawing remarks that he made to the Committee. Those are all meant to be first steps towards building trust. McConnell said that it could take three to five years to get to the stage at which there is a trusting environment. Small steps will develop the situation. It will not happen overnight.

The detail of the action plan, and how staff and middle management will be involved, is not worked out. This will not be sorted out with just senior management, the unions and the top-level people in the governing body discussing it. Everyone realises that staff have to be involved in the process. We hope that the change manager, whom we have not met yet, will start to look at how best to involve staff to build trust.

Mr Kenny: Importantly, the UCU has rejoined the liaison forum in the college. It opted out of that for a number of years but has now rejoined. The regional officer of the UCU regularly meets the chair of the governing body. We mentioned a number of changes to how business is done. Course reviews, for instance, which were a fear for some people, are being changed completely. The college is building on that. As McConnell said, it will take a number of years to build this up. However, the college is taking some important short steps, and we hope to see it build on that.

Mr Buchanan: Richard, in answering a question from Pat, you talked about more engagement with staff. What opportunities were there for staff to engage directly with the consultation on the draft action plan?

Mr Kenny: The action plan was negotiated with staff representatives. The change manager and the governing body will have to try to inculcate that action plan into the whole fabric of the college. It has to be promoted among all staff, and the staff have to buy into what is going on. However, important steps have been taken with the unions; that always had to be arranged first. They will have to start to do their own team building with staff.

You will see from the action plan that McConnell recommended that middle management be given a much greater role in engaging with staff. The feeling that McConnell came away with is that a lot of the tension tended to be at senior management level and, even then, involved only one or two people.

On the other hand, many staff were much more complimentary about their middle managers and heads of department. The action plan that follows McConnell will give those people a much greater say in taking the lead on management issues. We hope that trust will be built in that way.

Mr Buchanan: You stated that the staff must buy into the plan. However, I am still unclear about what opportunity the staff had for direct engagement with consultation on this plan.

Mr Kenny: That opportunity came through their union representatives. The union representatives were going back to their staff at union meetings.

Mr Buchanan: So the staff had no direct engagement.

Mr Kenny: A trade union will not sign up to something if it does not feel confident that it can bring the staff with it.

Mr Buchanan: Leaving the trade union out of it for the moment, the staff had no direct engagement in the drawing up of this draft action plan.

Dr McIvor: The action plan has just been approved —

Mr Buchanan: With all due respect, I would have thought that that is a yes or no answer.

Dr McIvor: Staff will be involved. They have not been involved —

Mr Buchanan: Had the staff any direct engagement in the consultation on and drawing up of the action plan that we have before us today?

Mr Kenny: We do not know to what extent union representatives took the draft away and discussed it with individual staff members.

Mr Buchanan: I will leave it there on that point.

The director of HR and workforce development is jointly responsible with senior management for the delivery of a number of actions in the plan. Does that not leave the plan fundamentally flawed, given that the McConnell report found strong evidence that staff saw HR as the enforcement arm of the senior management team that caused the problem in the first place?

Mr Kenny: McConnell saw a number of problems. He said that some staff felt totally isolated: on the one hand, they felt that they could not go to workforce development because it was not seen as truly independent of management or sympathetic to them; on the other hand, they did not want to go to their union reps because they saw them as too focused on their confrontation with management. McConnell made it clear that the senior management team had to take forward this action plan.

The HR strategy has to be taken forward by the head of HR, but there are quite a number of checks and balances. The HR manager does not take forward the strategy on her own. She is accountable to the governing body. She is also accountable to the college improvement team, which includes union representation. She will do this under the guidance and watch of the change manager, who will liaise closely with the staff. With those checks and balances in place, those people are certainly, if you like, under watch. However, it would be unreasonable to say that you can have an HR strategy that does not involve the HR manager.

Mr Buchanan: Why is the change manager being brought on board only now? Why did that not happen from day one?

Mr Kenny: There had to be an external recruitment process involving advertising, interviews and so on. We are actually quite pleased that at least they appointed him on the right side of the academic year. He is in post as of last Monday and will be fully up and running by the time that the college is back after the summer. He will spend the summer planning and preparing for the new academic year.

Mr Buchanan: OK. I hope that this action plan really delivers for the North West Regional College.

The Chairperson: I want to go back to the recruitment process. Who does the change manager report to?

Mr Kenny: The change manager reports directly to the governing body.

The Chairperson: Is he appointed by the governing body?

Mr Kenny: He is.

The Chairperson: Will the director of workforce development report to the change manager?

Mr Kenny: The director of workforce development is a deputy director, so she reports to the director. You will notice, in the review column, that, for every single action, the governing body and/or college improvement team will review what actions are being taken. So there is no question of the senior management team, at any level, being told simply to get on with it and that nobody will bother them.

The Chairperson: You made a comment that I might have picked up wrongly. I thought that you said that the director of workforce development would report to the change manager. I am trying to get to the reporting structure.

Mr Kenny: The change manager oversees all of this process. Individual managers have responsibility for individual bits of it, but how this action plan in total is delivered is the responsibility of the change manager, who reports to the governing body.

The Chairperson: How often will the Department meet the change manager once he is in post?

Mr Kenny: We are likely to meet him fairly regularly. We will meet him as often as needs be. We do not want to pin ourselves down to saying that that will be every week, every month or every six months. We want to see what progress is made. Initially, we will want to meet the chair and the change manager regularly to make sure that the process is progressing.

The Chairperson: The Department is responsible for ensuring that the work plan —

Mr Kenny: The Department is essentially responsible for ensuring that McConnell is implemented.

The Chairperson: Through this work plan.

Mr Kenny: The action plan was drawn up by the college and is its response to McConnell. We are satisfied that it reflects all the report's recommendations, and we will watch carefully to ensure that it is implemented.

Mr Allister: I do not pretend to have a working knowledge of this issue comparable with that of Pat Ramsey or Tom Buchanan, but some of this morning's comments puzzle me a little. Is it correct that the principal publicly repudiated the McConnell report?

Mr Kenny: No. The head of the union, of which the principal is a member — one of many throughout the sector — wrote to the Department rejecting some of what McConnell said, particularly what he regarded as attacks on his members.

Mr Allister: So the principal is not on record as rejecting —

Mr Kenny: No. Not personally.

Mr Allister: What about through his union?

Mr Kenny: Sorry, the union took it upon itself to comment on the McConnell report. It was not writing on behalf of the principal but on behalf of all its members.

Mr Allister: So how could it be that there is, perhaps, a public perception that the principal repudiated the McConnell report?

Mr Kenny: The union of which the principal is a member is, and was, at loggerheads with the union representing the lecturers. There was no question of individuals coming out and saying, "We reject this report."

Mr Allister: Dr McIvor told us that there was a question over an individual, namely the principal, coming out and accepting this report.

Mr Kenny: Everyone in that college has said that they sign up to McConnell.

Mr Allister: Has there been any retraction of the repudiation of the McConnell report by the principal's union?

Mr Kenny: Not that I am aware of. The principal's union was responding to what it regarded as attacks on its members in the report.

Mr Allister: There is, perhaps, a distinction between responding to attacks and repudiating the report.

Mr Kenny: I have never seen a repudiation of McConnell, by union or individual.

Mr Allister: You seemed to accept my using that language in my initial questions.

Mr Kenny: I have never seen the term "repudiation" used. There were objections to what McConnell said about —

Mr Allister: Let us be clear about this: is the principal who oversees the present management and will oversee the action plan—

Mr Kenny: He will not oversee it.

Mr Allister: — a person who is at one with the McConnell report or in a state of unease with it?

Mr Kenny: Lots of people up there will be in a state of unease about statements made in the McConnell report.

Mr Allister: Let us not play too much with words.

Mr Kenny: Right. They are at one with the McConnell report as far as its recommendations and the action plan are concerned. We accept that people on both sides may still have difficulty with some of what was said about them in the McConnell report. Leaving aside any reservations about statements made about them, they accept the recommendations and the action plan.

Mr Allister: How do we publicly know that?

Mr Kenny: They have given a commitment to the governing body, through meetings with it, that they would implement this action plan.

Mr Allister: The Department knows that through those private meetings.

Mr Kenny: The governing body speaks on behalf of the college. It requires the people whom it employs to sign up to that, and they have done so in every case.

Mr Allister: Has there been any public endorsement of the action plan?

Dr McIvor: The governing body has endorsed the action plan on behalf of the college.

Mr Allister: Has that been done publicly?

Dr McIvor: Yes. It was done when the final McConnell report was published on the Department's website.

Mr Allister: That takes me on to "the final McConnell report". There was obviously a draft of the report that used language such as "a culture of fear".

Mr Kenny: That is right.

Mr Allister: At whose behest was that changed?

Mr Kenny: The Minister always made clear that the McConnell report was entirely objective and independent. Indeed, that was the only basis on which McConnell would have been prepared to undertake the assignment. When he produced an initial draft, he discussed it with us. He thought that some of what was being said should be referred to the people mentioned. He felt that they should be allowed to comment and, if they wanted to do so, provide additional information. Their comments and additional information were sent to the author, without comment. On that basis, McConnell decided that he should reflect some of that new information in his report.

Mr Allister: So the McConnell report was watered down on foot of representations from those of whom it was critical?

Mr Kenny: All sides were asked to comment on what he had said.

Mr Allister: The phraseology, for example, of a culture of fear was, presumably, something that the principal objected to.

Mr Kenny: No, I do not recall who objected to that term, if anyone did. I think —

Mr Allister: If no one objected, it would hardly be taken out.

Mr Kenny: Yes, it would. McConnell himself, in reading the whole thing —

Mr Allister: Was the Department anxious to water down the report?

Mr Kenny: No, not at all. We were anxious to get whatever he thought should go into the report —

Mr P Ramsey: Chair, may I clarify something? On 27 February, at this Committee, the Minister accepted — it is recorded in Hansard — that there was a culture of fear in the North West Regional College.

Mr Kenny: I am happy to look at that, Mr Ramsey. I think that you put to the Minister that the report referred to a culture of fear. The Minister had no reason to presume that you were not quoting it accurately.

Mr P Ramsey: The Minister said very clearly that he "accepted" that there was a "culture of fear" in the college.

Mr Kenny: You told him that that was what the report said.

Mr Allister: I am anxious to understand at whose behest the report was watered down in that respect.

Mr Kenny: At the author's behest because the author —

Mr Allister: The author was the author of the original draft.

Mr Kenny: The author wrote the draft report, and it was sent out in confidence for comments and any additional information that people wanted to provide.

Mr Allister: Mr Kenny, you hardly expect us to believe that the author wrote something in the original drafting that he did not think was justified. On writing it, he obviously thought that it was justified.

Mr Kenny: Yes, what happened —

Mr Allister: He then had his mind changed.

Mr Kenny: No. He changed his mind when he saw the comments and the additional information supplied. It was up to him whether he felt that any changes were necessary. We were quite happy to put the report out as it was originally drafted — he was not.

Mr Allister: You seem very tetchy about the fact that the original report got out.

Mr Kenny: Yes, because there ended up being a lot of misleading comments and misunderstanding about a report that had not been written in that way. That was unfair to everybody concerned.

Mr Allister: Was the Department in the business of trying to keep a lid on this?

Mr Kenny: No, far from it. However, we think it reasonable that we discuss the report as written, not a draft.

Mr Allister: As ultimately written?

Mr Kenny: Yes.

Mr Allister: Not as first written?

Mr Kenny: We felt —

Mr Allister: You were anxious not to discuss it as first written.

Mr Kenny: No, we felt that we should be discussing the report that the author decided to put out.

The Chairperson: Jim, I do not think —

Dr McIvor: We felt that it was important to allow individuals named in the report a right of reply, and there were a number of ways of doing that. We decided to ask the individuals to reply and to provide additional information that they had not provided to McConnell. We then sent that directly to McConnell. He looked at it and decided to amend parts of the report.

It must be said that his recommendations did not change. The phrase, "a culture of fear" was mentioned. McConnell said that some participants had told him that there was a "sense of fear". I think that the Minister was accepting that there are issues in the college to be sorted out, whatever label you put on that. There is no point in our getting into a debate about whether there is or is not a culture of fear. Some parties had a perception or sense that there was, and I think that we accept that.

Mr F McCann: Thank you for the presentation. I want to pick up on some earlier remarks. You said that the report had been given to people on Monday.

Mr Kenny: Sorry, do mean the action plan?

Mr F McCann: Yes. Do you not think that, within three days, it is very difficult to negotiate with trade unions, allow them to go back to their members and have the opportunity of having an —

Mr Kenny: My understanding is that the governing body issued the action plan to the whole college on Monday. However, that was after it had been negotiated and agreed with trade unions.

Mr F McCann: Do you know whether other members of staff were consulted? Obviously, there are a number of sides to what happened, but, in all of this, everybody is concerned about the impact on students and their level of education.

Even though I joined the Committee probably three quarters of the way through the discussion of this issue, having picked up on the debate, I can see, on the basis of certain events that took place, that there was fear in the college.

On the basis of my experience in broader life, I would have thought that it would have been far better to take longer over this. I accept that when you negotiate with the unions, they have a responsibility to go back to their members and then reflect what they say. However, two or three days seems a very narrow window in which to get an opinion.

Another thing that should have been done, especially if everybody was in the same room, was to get a general opinion on the way forward. Was that done?

Mr Kenny: The college has 850-odd staff, so there is no way that you would have been able to get a collective view on what should go into the action plan. The important thing about the action plan is that it contains every single one of McConnell's recommendations. It was important that they got the action plan out within a reasonable time. The last thing that they wanted to do was to hit the summer period and still have no action plan in place. We would have also taken a dim view of that.

Now that they have the action plan and the change manager is on board, we expect to see steps being taken to engage with all staff on the recommendations. The unions will also be very anxious to ensure that they bring their members along with them and not trying to implement something that the staff do not agree with.

Mr F McCann: What would happen if the membership rejected it? How would you deal with that?

That brings me on to another point on built-in reviews. You said that you will have meetings every three or six months. However, surely in the initial stages — over the next year or 18 months — there should be fairly regular meetings to ensure that things bed in. That would allow you to have a hands-on approach to how you deal with it.

Mr Kenny: We will. We have stressed to the college that it has to sort out its problems. We have made it clear that we cannot do it for them. We commissioned McConnell at the college's request, and he has written a comprehensive report. The action plan is fairly ambitious, and we will be watching the college closely to make sure that it is implemented.

Dr McIvor: We have a college improvement plan process, and we have probably talked to the Committee about that before. We use that process when a college is in difficulty financially or otherwise, and we will use that. So we have an effective way of ensuring that we will be monitoring the college. We will use our college improvement process with the North West Regional College.

Mr F McCann: My final question is on the reviews. Have people been chosen or set aside to serve on the review panel? Will they look into the reports? If there is no movement, whether by the principal or right across the college, will staff feel confident about approaching people on the review group?

Mr Kenny: The first thing that I would expect, particularly if staff representatives were concerned that the report was not being implemented, is that representatives on the college improvement team would start to cry foul and we would become involved. If there is any renegeing on the action plan, we would certainly become involved. Indeed, I expect that you would also take an interest in that.

Mr F McCann: The main point that the members around the table are trying to make is that this has taken too long. I have been on this Committee for over a year, and this has been going on for far longer than that. You need somebody to move right away to deal with the problems and ensure that those not effectively dealing with this are brought to book.

Mr Kenny: What is quite exciting about this is the fact that we have a change manager in post who is solely concerned with making sure that this happens. Let us see how he gets on.

Mr Douglas: On 18 February, the 'Belfast Telegraph' reported:

"A damning independent report has uncovered allegations of a 'culture of fear' and perceptions of bullying at the North West Regional College."

The whole notion of bullying has been mentioned here this morning.

Three days later, on 21 February, Minister Farry said:

"it was unacceptable that there was a culture of fear at the college".

He actually said that.

Mr Kenny: He was referring to the statement in the 'Belfast Telegraph'.

Mr Douglas: Is it accepted that people were going about their work in fear and that there were perceptions of bullying? For many, perception is often the reality, and we all know the mental-health consequences when people fear that they are being bullied. The ultimate, most extreme, response to that is people taking their life. I do not see anything in the report about that; it is very much about the present and the future. Have those who may have experienced that fear of bullying been offered any support, counselling or medical help whatsoever?

Mr Kenny: The college operates a Carecall system and offers various opportunities. In his report, McConnell was not saying that everyone told him that they felt fearful or under pressure. Enough people said it to make him realise that there was a problem. He said that, as much as anything, the problem was the management style.

The management style may or may not have been provoked to some extent by very difficult tension, traditionally, between the unions and his team. The point is that the arrangements in place under the action plan are meant to deal with that. The first thing that they tackled was the course reviews. McConnell mentioned that they were often a venue for fear. That whole system will change. He said also that the management style was too often controlling, which could come across as almost bullying.

That style has to change. McConnell said that the principal in particular has to be given an opportunity to demonstrate that he can change. If, for some reason, he does not, there will be consequences. We do not expect an overnight change throughout the college; they will not like one another come Monday morning. We hope that through these procedures and a much more open style of engagement, there will not be the same opportunity for people to come under pressure or feel fearful, but we will see how it develops.

Mr Douglas: You talked about consequences. Have there been any consequences for, or any action taken against, those who were perceived as bullies and made people's life hell in many ways?

Mr Kenny: I discussed this with McConnell when he finished his report. There is nothing in the report sufficient to say to someone, "You are bang to rights, and you will be subject to disciplinary action." There was enough to say to management in particular that their behaviour and style were totally inappropriate. To that extent, management have been told by the governing body that they have to change. We hope that, through this action plan, they will.

The Chairperson: Mary, you said that the Department has the ability to place colleges under review. When you appeared here previously, you told us that two colleges were under review. Does the Department not view this matter as being serious enough for the North West Regional College to be under review currently?

Dr McIvor: I said that we would put the North West Regional College into our college improvement process. That was the review process that I talked about when I was last here. The Belfast Metropolitan College (BMC) has been in that process and is just about to leave it because it has completed its improvement. The Northern Regional College is still in the middle of that process, albeit for different reasons — the reason for each college being in the process differs. This is sufficiently serious that the North West Regional College will be in the improvement process for the McConnell recommendations.

The Chairperson: So the North West Regional College is now under review by the Department in a formal process?

Dr McIvor: It is in the improvement process, yes.

Mr P Ramsey: In light of the lack of confidence that I still feel, not in you as departmental officials but in college staff, and to rebuild the necessary trust, I am asking you to enable a formal consultation with all staff. That will allow them to have ownership of the action plan and the process.

Mr Kenny: I certainly hope and expect that the change manager will very quickly start to initiate steps and procedures to engage with all staff. You are quite right, and I agree with you, that all staff have to feel that they are part of the process and that it is not being done to them. I would expect any change manager worth his salt to try to ensure that everyone in the organisation is involved and fully signed up to what is being done. Otherwise, it will not happen.

Mr P Ramsey: As long as you can assure the Committee of that if, in six months' time, we ask the Department to come in for a briefing in light of the seriousness of these problems. I still press you, Richard, to consider a formal consultation with all staff in the college.

Dr McIvor: We will certainly tell the governing body about that. The change manager has managed change before, and there may be different ways of involving staff. It does not have to be about formal consultation. There are different ways, but I assume that the governing body will determine the right way for the college.

Mr Kenny: Any change management process has to have buy-in from all the people involved. Otherwise, they do not understand it and will not accept it.

The Chairperson: Mary, I want to go back to a small point, but I will not labour it. The North West Regional College is now in a formal review process. When did it enter that process?

Dr McIvor: With this action plan. The review process is a way of monitoring and updating —

The Chairperson: I am sorry; I am not talking about the process. On what date did it enter the formal review process? When did the Department decide that the college was under formal review?

Dr McIvor: From the time that we get the action plan, which will be this week.

Mr F McCann: I wanted to pick up on a point about the change manager. A lot of weight is being put on the change manager's shoulders to deliver on this. If there are people in the college who do not buy into the process, does he have the power and the authority to move immediately to deal with the situation? This goes back to what Pat and I said earlier about built-in reviews of how things are working. Will the change manager have support?

Mr Kenny: Ultimately, the ownership of the action plan is with the governing body, with us monitoring in the background. The change manager reports directly to the governing body — no one else. He will take whatever measures are needed to get the buy-in that we are talking about. The change manager will not be dependent on any member of the management team and certainly not the principal. He will take forward the action plan in whatever way he deems necessary.

Mr F McCann: In all such situations, one of the things that guides you is the built-in reviews. Those are essential because — Pat touched on this — the change manager needs to be given all the support that he requires to enable him to deal with any situation that arises. That goes for boards and staff alike because, if that support is not there, we will be back here next year or the year after dealing with the same issues.

Mr Kenny: The change manager will have to account for his actions, not just to the governing body but to the college improvement team, on which the unions are represented. If there is any question of the change manager not getting support or, indeed, not delivering, changes will be required.

Mr Douglas: Are you at liberty to tell us who the change manager is?

Mr Kenny: Yes. His name is William Lavery, and he was in the private sector.

The Chairperson: Members have no further questions, so, Mary and Richard, thank you very much for your time.