



Northern Ireland
Assembly

Committee for Employment and Learning

OFFICIAL REPORT (Hansard)

North West Regional College Action Plan Update:
DEL and NWRC

26 November 2013

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Robin Swann (Chairperson)
Mr Thomas Buchanan (Deputy Chairperson)
Mr Sammy Douglas
Mr Phil Flanagan
Mr David Hilditch
Mr Chris Lyttle
Mr Fra McCann

Witnesses:

Mr Andrew Cole	Department for Employment and Learning
Dr Mary McIvor	Department for Employment and Learning
Mr William Laverty	North West Regional College

The Chairperson: I welcome from the Department for Employment and Learning (DEL) Dr Mary McIvor, director of further education, and Mr Andy Cole, head of further education finance. I also welcome Mr William Laverty, change manager at the North West Regional College (NWRC). Folks, you are very welcome. Thank you for making yourselves available.

Dr Mary McIvor (Department for Employment and Learning): As you mentioned, I have William Laverty with me today, who is the new change manager. When Andy and I were here in June, William was on his first or second day. This is his first time at the Committee.

I welcome the opportunity to address the Committee about the implementation of the McConnell report into industrial relations in the NWRC. I thank the Committee for rescheduling this session, which was due to take place on 20 November. The reason for the change is that there was a governing body meeting that evening at which there was a relevant announcement. I will say a wee bit more about that later.

As the Committee is aware, the governing body asked the Minister to commission a review of industrial relations in the college after a subcommittee of the governing body found evidence of mistrust between management and unions. Harry McConnell was then commissioned to produce a report, which was published in February 2013.

The report contains a series of recommendations that were designed to improve industrial relations at the college and start the process of rebuilding trust between the governing body, senior management and the trade unions in the college.

The governing body and its chair have been very hands-on with the implementation of the report. In June, as I mentioned, it appointed William Laverty, who is here today. William reports directly to the governing body and has responsibility for implementing the action plan, which was agreed by all stakeholders. You should have a copy of that action plan in your packs.

The Department is monitoring the implementation of the action plan. We get monthly reports, and then we do a quarterly face to face, which involves us scrutinising and assessing the implementation of the plan.

I mentioned that there was another development that I wanted to update the Committee about. At the recent meeting of the North West Regional College governing body, its chair, Bertie Faulkner, announced his intention to resign. I thank Mr Faulkner for his dedication and commitment to further education in Northern Ireland. He has served on the governing body of the North West Regional College since 2007, and he has been its chair since 2010. He has led the college through a difficult period recently with the McConnell report. I personally know the effort and commitment that he has put into making it work and getting the McConnell report off the ground. Mr Faulkner has given considerable energy and expertise to the sector as well. He is chair of Colleges NI, which is a role from which he also stepped down last evening. Therefore, the college is about to go through a period of significant change in its leadership. As you know, the Department appoints the chairs of colleges in accordance with the Commissioner for Public Appointments' code of practice, and we will be launching a competition in January, with the intention of appointing a new chair in March.

As a Department, we will ensure that improving industrial relations in the college remains a priority alongside improving the quality of provision and the outcomes for learners. Those two latter goals are really important as well: I know we are here to discuss industrial relations, but obviously the quality of provision and the outcomes for the local economy in the north-west are as important.

I ask Andy to talk you through a little bit of the detail before we take some questions.

Mr Andrew Cole (Department for Employment and Learning): For the record, I head up further education corporate governance, so do not be asking me any finance questions.

As Mary said, I will walk you through some of the progress made to date, as is outlined in the action plan. It is fair to say that we are in the very early stages of the process. Mr McConnell said that the process would take three to five years, and the aim here is to rebuild trust across the full organisation. That will not happen quickly, but it is important that the tone has been set at the highest level of the organisation, the governing body. In particular, as Mary said, the chair has been very active in dedicating resources to the problem, developing relationships with the University and College Union (UCU) and working with the change manager on key issues. The governing body is crucial in that process, and we will be working with it closely in the coming months to ensure that it fulfils its leadership role and keeps its focus on improving industrial relations.

One of the key recommendations in the report, as you know, was that management commit to addressing the issues with industrial relations in the college and begin to develop a strategy for rebuilding trust. That process was started by the governing body and senior management when they developed the action plan, in conjunction with key stakeholders, including the UCU. That action plan was presented to the Committee at the most recent evidence session on the topic.

The college has now appointed a change manager as a dedicated resource to implement the plan, broker agreements between management and the unions and report progress to the Department. You will see from the action plan that having that dedicated change manager on the project has enabled significant progress to be made across the range of McConnell's recommendations.

The progress towards ambitious targets is generally on schedule. The college can be commended for that. In itself, that demonstrates the fulfilment of a key McConnell recommendation; namely, that the college make a commitment to addressing the issues identified in the report as a prelude to effective re-engagement between management and unions. Members will also note that the McConnell report stated in recommendation 15.27 that, in exchange for that commitment from management, the UCU:

"must engage with the local Liaison Forum."

We understand that management has made concessions on how that body operates, and agreement has been reached with the regional officer of the UCU.

Therefore, it is of disappointment that the local UCU branch has not yet indicated its intent to re-engage. We understand that it will take time to develop trust. However, the McConnell report made it clear that all sides have responsibility to rebuild relationships in the college. William is working hard to try to re-establish the forum. I take this opportunity to encourage the UCU to be involved in that. That issue has perhaps been the main negative aspect of implementation to date.

Members will see from the action plan that there has been significant progress made, and I briefly wish to highlight two areas in which that has taken place. First, the college has changed the performance and course review process, which is referred to in recommendation 15.16. That issue was highlighted in the report as being a source of fear and anxiety for staff because of the atmosphere in which the reviews were being conducted. The report also recommended that priority be given to changing the reviews in a way that maintains standards but supports staff. The change manager has secured agreement between senior management in the college and the UCU to implement the new process for this academic year. That is very significant and has the potential to have a real impact on relationships in the college. Again, that is to be welcomed.

Secondly, members should note the significant work that has been carried out by the newly renamed HR services department. That has developed new ways to increase its visibility and improve the way in which it is perceived by staff. Significantly, it has developed a new strategy and is consulting with staff on that.

As you can see, there has been promising progress. The report has acted as a significant catalyst to address important issues in the college, and it has brought focus to the relationships between staff, management and the governing body. We expect those relationships to improve gradually over time. However, we are at an early stage, and we are still dealing with the legacy of past conflict. It will take time for new modes of working and understanding to develop. In the meantime, the Department will ensure that the college maintains its focus on implementing McConnell's recommendations.

I trust that that has been a helpful overview. I am happy to pick up any comments. William will probably pick up on points of detail and actions on the ground.

The Chairperson: Thank you. I note your comments on the previous chair and the appointment of a new one. Will the ongoing difficulties in the college make it harder to recruit somebody to the post within your time frame?

Dr McIvor: I do not know, because we have not gone through the process. Obviously, members of the governing body can apply, as can anyone else in the NWRC. This is a time of change and looking forward for the college. The Department is very keen that the college have a perspective that is outward looking, and we welcome anyone who feels that they can contribute to making it look forward, to sorting out the McConnell issues around industrial relations and to growing its business in the north-west and for the north-west. I am therefore hopeful that we will get a reasonable number of people applying and that we will be able to appoint a good quality chair, but we will have to just wait and see.

The Chairperson: Will the recruitment process take into consideration the specific areas of concern regarding the speed and adoption of the McConnell report? If there is a new chair, it is important that he or she has the drive to get the issues resolved.

Dr McIvor: Yes. We have a set number of competencies that we expect any chair to have.

The Chairperson: Will they be standard competencies that you will be using or will they be specific?

Dr McIvor: There will be standard competencies. In the information that we put out with the application, we will refer to the McConnell report and the particular challenges at North West Regional College so that anyone applying goes in with their eyes open, knowing that there are issues to be sorted.

The Chairperson: One of the things that has been raised by the Committee — Mr Laverty, I appreciate that you are here — is the fact that the change manager is an employee of the governing body and answerable to it, but your remit is to change the practices of the governing body, which, in itself, presents difficulty. I note from the action plan that most of the actions that are still outstanding are against the governing body. Are you finding difficulties in that position?

Mr William Laverty (North West Regional College): No, that is not the case. There are outstanding issues regarding the code of governance, and so on, but the relationship with the board of governors is primarily with the chair. I report to the various committees and attend the various committees with the chair. Any action or assistance that I have sought has been freely given.

The Chairperson: Therefore, the delay is in completing some of the specifics that are still highlighted. I know that those were the responsibility of the governing body's chair. In reference to paragraph 15.10 of the report, the action plan states in red that issues still outstanding include:

"handle conflicts of interest at GB meetings; handle concerns raised by members of the public; hold senior management to account."

The crux of the problems are still outstanding.

Mr Laverty: I am responsible for that to some degree, but not wholly. All those activities have a very ambitious timeline, so some prioritisation had to take place. To my mind, in the early days at least, it was much more important to identify the other strands of training that were required for the governing body and, in addition, to get further clarification from DEL, which, in all honesty, was meant to be presented, but circumstances overtook it. However, it will be presented at the next meeting.

The Chairperson: On the support from DEL, I am led to believe that the college is still waiting for the Department, and I will take it here from the action plan:

"to further develop the sector Code of Governance to incorporate the McConnell recommendations."

Is the Department holding up the process as well?

Dr McIvor: The code of governance was issued about a year ago. What we wanted to do, and William has referred to this, was to go, last September, to the North West Regional College governing body and look at that code of governance as it related to the issues that it was experiencing in the McConnell report. At that stage, the governing body had a number of other priorities. Therefore, this has been put off until the next meeting. We will be doing that, and that item will move from red to green.

The Chairperson: Is it the governing body that is holding up that issue or the Department?

Mr Cole: There is a slight nuance in that, Chair. Paragraph 15.10 of the McConnell report identified that reference to the code is in relation to the modus operandi of the governing body and the structures, roles and responsibilities in place, particularly around conflicts, staff members and the principal. As Mary indicated, the code was already in place. We just need to underpin the training that was already delivered. It was prioritised into the new year to deliver that training. The code is in place and clarified the roles and responsibilities that should exist.

The Chairperson: Andy, I think that the nuance was in the wording in the action plan, which states:

"Not yet fully developed. College waiting for DEL to further develop the sector Code".

There is no nuance there.

Mr Cole: I am referring to paragraph 15.10 of the actual report. The wording in the action plan could be refined slightly to reflect the accuracy of the code.

The Chairperson: I am reading from the update that was provided to the Committee.

Mr Cole: We will provide further training on that update, and if there is any impact on the McConnell report and how the code needs refined, we will do that.

The Chairperson: I want to ask about access. The UCU has indicated that it has had difficulty in getting in contact with further education governance in the Department. Is there any reason for that?

Mr Cole: What does that refer to, Chair?

The Chairperson: It was in correspondence that we received from the UCU.

Mr Cole: I am not aware of that correspondence. I have had correspondence from the UCU member in his capacity as a governor. I do not know the correspondence that you refer to.

The Chairperson: It is from David Limb.

Mr Cole: Yes, I have had correspondence from David Limb and have responded to that correspondence.

The Chairperson: You have responded to that correspondence. OK, I open the meeting to members.

Mr Flanagan: Thank you for coming and for your presentation. First, there was a comment — I think that it was from you, Andy — that the UCU has not signalled its intent to re-engage at this stage. Can you clarify what you mean by that?

Mr Cole: That is in respect of recommendation 15.27 and the UCU engaging with the local liaison forum and the negotiating committee. William, do you want to advise on the detail?

Mr Lavery: Certainly. The liaison forum was one of the things that McConnell emphasised as being important — a cross-college forum. A lot of work went in with UCU officials and senior management at regional and local level to arrive at a solution — a new forum that would be acceptable. We thought that we had that signed off as being agreed at the end of September, and I had set dates for meetings. Subsequently, the UCU has produced some reservations at local level, and I am trying to work my way through those. At this point in time, it still wants to negotiate further.

Mr Flanagan: What are its reservations?

Mr Lavery: They are around membership and introducing items to agendas, and so on.

Mr Flanagan: Can you be more specific?

Mr Lavery: Yes. The agreement was that the agenda would be prepared 10 days in advance and would only be by chairman's agreement after that that something special could be brought in. The UCU feels that it should be possible to bring things in up until the last minute.

Mr Flanagan: Do you think that that is unacceptable?

Mr Lavery: I think that it is reasonable to have a structured agenda with the safeguard that the chairman can make a judgement, given that the chairman is now a member of the board of governors, which was part of the agreement.

Mr Flanagan: Do you think that the issue of who agrees what goes on the agenda should be a good enough reason to stop the liaison forum from meeting?

Mr Lavery: No, no. I do not. I feel that it is a detail that we can work over.

Mr Flanagan: Are you engaging with the UCU in a positive manner to try to sort that out?

Mr Lavery: Absolutely.

Mr Flanagan: Based on the recommendations of the report, an action plan was agreed in May. The one that we received in June is significantly different from the one that we have today. Why is that the case?

Dr McIvor: The action plan is a living document, and it still reflects the recommendations of McConnell. However, as one action is achieved, others need to be added. You can see that most of the dates for completion in the plan, and if they are not ongoing, they are to be completed within the

year, and those are the things that McConnell said needed to be sorted out before there could be an improvement in industrial relations. This is a living document, and it will change as we go along. I can assure you that nothing has been taken out that has not been completed.

Mr Flanagan: Sorry, Mary. My specific problem is with removing from the change implementation team (CIT) the responsibility to review 20 of the 21 action points.

Dr McIvor: OK. The change implementation team was in place before McConnell reported. The team got together after an awayday with the governing body and senior staff to look at the improvement in performance and quality of the college and to take forward the strategy. The governing body decided that McConnell needed to be taken forward separately, and through the governing body via William. Really, that was a much clearer line of accountability, because the CIT has a wider role. It develops strategy and performance measures and looks at business. Therefore, we wanted to focus on McConnell — only McConnell — for this.

Mr Flanagan: The report that we got from DEL on the implementation of the action plan makes no reference to the change to the review structure. What consultation was there on the change?

Dr McIvor: That is simply the governing body saying that the best way for us to take that forward is in a separate action plan.

Mr Cole: It was just to provide clarity around the lines of accountability and strengthen them. William will liaise with the college improvement team where there is an overlap. It was done to have the change manager dedicated to the implementation of the McConnell report and have the sole responsibility for that with the governing body, so that there would be cleaner lines of accountability, which Mary referred to. The governing body is then clearly accountable to the Minister.

Mr Flanagan: My question was about the level of consultation that there was on those changes.

Mr Buchanan: None. None.

Dr McIvor: I suppose, in a way, none, but nothing actually changed on the ground except that the reporting line went straight to the governing body instead of going through the CIT to the governing body. Monitoring was strengthened. What is in place is stronger than having it go through the CIT, which had a lot wider responsibilities. This is better.

Mr Flanagan: Better for whom?

Dr McIvor: It is better for implementing the McConnell report and for industrial relations in the college.

Mr Flanagan: I do not understand how making a unilateral change regarding the review of the recommendations of the McConnell report, which were all to do with industrial relations and disenfranchising the academic staff member elected to the change implementation team, would improve industrial relations.

Dr McIvor: This report includes all staff. It includes academic staff. William can tell you about the focus groups and the consultations that he does. Staff are very much involved in this.

Mr Flanagan: Do you accept that further damage has been done to trust and to industrial relations because of this unilateral change without any consultation or input from members of the change implementation team?

Dr McIvor: The change implementation team comprises mainly senior staff and the governing body. The reporting line is still the governing body. I see this as being better for ordinary members of staff, because they can see exactly what the McConnell recommendations are. There are no other recommendations in this paper. No recommendations about the CIT are there; they are now removed. There is nothing about the CIT. This is really clear. This is McConnell only.

Mr Flanagan: The issue is not about the recommendations but about the review of the implementation of the action plan.

Dr McIvor: Yes.

Mr Flanagan: As a member of the Committee, I do not understand why that change took place without any consultation.

Dr McIvor: Do you mean consultation with staff in the college?

Mr Flanagan: I mean with the people who were affected by it. We have a report from DEL on how the action plan was going to be implemented. There was no indication that that change was going to take place. The Committee was instrumental in the McConnell report being initiated. Why, for instance, was the Committee not informed that this change was taking place?

You brought us a reviewed action plan. If we had not gone through it and noticed this, you would not have told us.

Dr McIvor: This is just a different way of monitoring it and having a better line of accountability. What I am saying to the Committee now is that, in my view, this is better for implementing the report, because it is clear and clean, and there is a direct line of accountability. I was not terribly happy with the other way, in that there were other actions included. I think that this is better. This is a decision of the governing body, and it is one that I think has strengthened the implementation of the recommendations.

Mr Flanagan: Mary, my problems are not around which is the better model but around how you do the thing. That is largely what caused most of the problems at the start.

My final question is on actual evidence of change at the college. That actual evidence of change appears to be in the agreement of course reviews. When Richard Kenny appeared before the Committee, he told us:

"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."

Therefore, Richard Kenny told us that there would be consequences if the principal did not change. Correspondence that we have seen from the UCU and NIPSA claims that there has been no change in the behaviour of senior management. Has the behaviour of the principal changed?

Dr McIvor: I will start with your first question, on the course review. It was one of the main issues raised by McConnell. He mentioned the anxiety that that caused to staff because senior staff, including the principal, were part of that. That is now gone. The principal is no longer on that team. Purely academic staff are doing that. Therefore, that is one change.

The principal has also stepped down from all of his responsibilities at regional level, as required by McConnell. McConnell very clearly, with his professional HR expertise, said that this does not happen overnight. He said that it would take three to five years, so there may be the odd step back in order to get two steps forward. I am not there every day to examine the everyday behaviour of the principal. All that I can say is that there are now enough checks and balances in place to make sure that everyone looks forward.

Mr Flanagan: Has the behaviour changed?

Dr McIvor: I think we can see signs of behaviour changing, yes. Behaviour that is ingrained is difficult to change, and I would not personalise this to the principal. There are certainly clear indications of change and improvement on the HR side, and numerous actions have now been completed there. I cannot comment on the everyday behaviour of the principal, though.

The Chairperson: William, you are there every day. Are you seeing change?

Mr Lavery: Yes. The course reviews are a case in point. Had the review of the reviews been going on two years ago, I have no doubt that the chief executive would have been in the thick of it, but he was not in this review at all. He stayed out of the entire process and allowed the director of curriculum

and the union officials to sort it out themselves, which is significant. That is an area in which he probably would have intervened in the past.

Mr Buchanan: Has the McConnell report received the support of the senior management?

Dr McIvor: The McConnell report has the support of the senior management.

Mr Buchanan: Is that on public record somewhere?

Dr McIvor: They have all agreed. I am sure that it is on public record in the governing body minutes. William, can you confirm that?

Mr Lavery: What I am aware of — I do not know whether they said anything else — is that they have all confirmed their acceptance of the recommendations and the adoption of the action plan.

Mr Buchanan: There is some concern that there is nothing that shows that the senior management have given their support to the McConnell report. Can you provide some evidence for us from somewhere that they have accepted and supported the McConnell report?

Dr McIvor: The senior management have said that. It is in a press release that the governing body put out when the McConnell report was published. There is evidence in the action plan that senior management have made changes that McConnell asked for. The HR department has a new strategy. It has changed its aim and its processes and has developed further ways of communication. To me, there is a lot of evidence of change and improvement in the right direction.

Mr Buchanan: With due respect, the senior management can certainly seek to implement an action plan without giving their support to it if it is something that is, for want of a better word, imposed on them. What has the action plan delivered to date?

Dr McIvor: William, will you comment on the situation on the ground with the staff in the college.

Mr Lavery: The action plan is a living thing with a series of stepping stones. A lot of the early work — the things that you see indicated in green — was on foundations. For example, one action was to identify training. That might not suit, because it was just identifying it. The second step would be implementing it. A considerable amount of training has been supplied. That is an example of things that have been achieved across the college, from senior management to *[Inaudible.]* The UCU, for example, has had training, as referred to at the very back of the report, in paragraph 15.30 or 15.31. The course reviews were a very significant part of McConnell that we had to resolve satisfactorily. There were negotiations between a member of senior management and a member of the UCU to do so. That is a very good example of something that has been achieved.

Mr Buchanan: There is one thing that I can see in the action plan that has been delivered to date. Is that acceptable? There is nothing tangible that has been delivered from the action plan.

Mr Lavery: I am sorry, but there is. If you go to the college's Strand Road building, when you walk into the foyer, you will see a large computer screen, which changes its graphics regularly. It emphasises things such as support for staff, good news stories about what is happening in the college, and that type of thing. A stack of leaflets — well, several leaflets — have been issued by the HR department that give people advice on what to do about stress, bullying and other subjects. They have produced a detailed document titled 'Success through People', which is at consultation stage and will allow people to talk about that.

Mr Buchanan: Sorry to cut across you again, but one of the issues from the very beginning was that staff felt under pressure and stressed. The relationship broke down completely. What has the action plan done to overcome that problem? That is the very first thing you have to overcome in this situation. You have to re-establish the confidence of lecturers and staff. Folks, that confidence is not there yet, and, from what I can see from this action plan, nothing has been done to restore it.

Mr Cole: It is not there in totality. This is about small steps, and it is a three-to five-year process. The important thing is that, at the very highest level, the tone has been set with the governing body. There are new modes of working in place, better communication and more transparency. It takes time to

build that trust. The course review is the one tangible that we come back to, but that is where middle management and staff are now more engaged. The fact that the review is now led by academia will build trust and relationships.

Relationships will not be delivered on the back of 79 actions being ticked off. That will only set the foundation and framework for trust to build between management and unions, and it will be led by the governing body. So change is slow to start, but we are seeing engagement between unions and management, and we are challenging the governing body to keep pressing ahead with that to build trust. That will be a slow process, but staff are starting to see tangible changes in the college.

Mr Buchanan: Is the governing body, which was originally part of the problem, the right body to deliver the solution?

Dr McIvor: The governing body listened to what McConnell said about it. Its members have undertaken training in their role and in the challenge function. The action plan includes examples of when the governing body has brought the principal in to question and challenge a decision that he was about to make, a question that had been referred to the governing body by the union. That is a much more healthy and normal way for a college to work.

A lot of training is mentioned. The Department and college are trying to bring about a change of culture in industrial relations. There has been a lot of training of middle and lower management grades so that they can have a voice. McConnell said that they felt that they did not have a voice in the college, so they have been trained in how to challenge, how to be heard, how to work in teams and how to put forward a proposal. All of that has been done, and this is training for the future. I hope that we see really good results from that.

Mr Buchanan: Am I right in saying that it is a five-year plan?

Dr McIvor: Three to five years. What you see here is mainly a one-year action plan.

Mr Buchanan: If it is a three- to five-year plan, why is it not mentioned in the college's 2014-17 draft strategic plan? Why has it been omitted?

Dr McIvor: That is a very good question. I will certainly put that to the governing body. This is important, so the actions should be a strand in the 2014-17 strategic plan.

Mr Buchanan: So you folk do not know why it has been omitted. Were you not part of the team that devised the strategic plan?

Mr Laverty: The action plan is not a five-year plan; it is a set of foundations to provide circumstances in which trust can develop through professional behaviour. It will probably take up to two years to embed all those foundations. During those two years and thereafter, behaviour is what will provide the trust: demonstrable behaviour on both sides, and all sides behaving in a professional manner.

Mr Buchanan: So you are saying that the action plan should not form part of the draft strategic plan.

Mr Laverty: It pleases me that the action plan, which is a foundation, is accepted by everyone as a given.

Mr Buchanan: With all due respect, as I listen to you today, it seems to me that the action plan is going nowhere. The McConnell report includes the actions to be implemented to try to resolve the problems in the college. However, if it does not form part of the draft strategic plan to take the college forward, I cannot see how it will improve the college. I do not see how you will build on something that is not part of the strategic plan.

As the Chair mentioned earlier, you are a line manager and employee of the governing body. You say that there is no conflict and that you can work there. If someone has a problem with the governing body and asks you to deal with it, are you able to do that?

Mr Laverty: Yes.

Mr Buchanan: You are. There was an occasion when you could not, and you directed the person concerned back to the governing body.

Mr Lavery: Can you give me an example of what you mean?

Mr Buchanan: Yes, the person concerned was a member of the UCU.

Mr Lavery: If you give me the specific example, I can probably answer.

Mr Buchanan: Yes, it was to do with a problem with the recording of minutes — I will go no further than that. You could not deal with it, so there has to be a difficulty somewhere.

Mr Lavery: I do not accept that I could not deal with it. This was about the interpretation of a minute. If it is the one that I am thinking of, I was at the same meeting, and I heard what was said differently from that person. I said that I was happy with the minute, and that person said that they were not.

Mr Cole: William's specific role is to oversee the implementation of the recommendations in the report and to broker agreement between management, the unions and the governing body in doing so.

Mr Buchanan: I will leave it there for now, Chair.

The Chairperson: William, you referred to minutes. While you are here, can you explain why, on the NWRC website, in the section with the governing body's minutes, there is reference to a special meeting on 19 March, but the minutes of that meeting are not available? That meeting dealt specifically with McConnell. Is there any reason why those minutes are not available?

Mr Cole: On the North West Regional College website.

The Chairperson: Yes. All of the other minutes are there apart from those from that one meeting.

Dr McIvor: I am not sure about the detail. Perhaps that was a confidential meeting. I am not sure, but we can check.

The Chairperson: May we have them sent to us as a matter of urgency? Thanks.

Mr F McCann: Thank you very much for the presentation. In the report, recommendation 15.31 is:

"Each side has a duty to seek out goodwill gestures ... to reassure the other side".

UCU asked that the outstanding issues of redundancies, redeployments and disciplinary action be addressed by the college under 15.31. What action has the college taken to resolve these outstanding issues?

Dr McIvor: The redundancies are not an outstanding issue. The 2010 redundancies have been the subject of a number of audits and investigations, and the governing body of the college is satisfied that there is no question to answer. It feels that there is no justification for opening that up as an issue because it has been through the legal process and is complete.

Mr F McCann: Was that not among the major impediments that led to the breakdown of relations in the first place?

Dr McIvor: Absolutely. The way in which the redundancies were handled was at the centre of many issues in the college, and McConnell recognised that. That is why he made a number of his recommendations, but other major gestures of goodwill that McConnell asked for, on both sides, have taken place.

Mr F McCann: Has that led to any better relations?

Dr McIvor: It has led to an agreement on the liaison forum. William was telling me that management came with their paper detailing what they wanted the forum to be, the union came with its paper, and,

after some weeks working at it, they had an agreed paper. That is real progress, and, as a result, the forum has been set up. I strongly encourage the unions to join that forum, because this cannot move forward and industrial relations cannot improve unless both sides do their bit.

Mr F McCann: Do you not think that, as I said, a number of the major impediments that led to the breakdown are outstanding and need to be discussed?

Dr McIvor: There are all sorts of issues to do with misperception and a lack of transparency. There is an onus on the management side to ensure that whatever decisions are made, they are transparent. That was part of the issue with the redundancies: it looked as though something was happening because nothing was transparent about the decision, and it was not properly communicated. However, that has now been investigated thoroughly and tested by the legal process. There is no further case to answer. That is in the past, and we need to look forward.

Mr F McCann: What happens if the unions do not join the forum? Will you move ahead without them?

Dr McIvor: Absolutely.

Mr Cole: It is a requirement. It is a recommendation in the report that they should engage.

Dr McIvor: This cannot move forward without both parties being part of it. You referred to the redundancies, and some individuals who went through that process feel very hurt by it. That hurt still exists and cannot be resolved by opening up the case: the case has been investigated, so that would just prolong the difficulty. I will not go through what happened over the past number of years, but it was investigated thoroughly. The final step was its going through an industrial tribunal, so nothing more can be done. I have a lot of empathy for the people involved, but it is not an issue to be brought back on to the table as an impediment.

Mr Cole: What we need to address is what flowed from the redundancies: the lack of trust, lack of transparency and lack of communication, all of which flowed through directly into the McConnell recommendations, which we need to ensure are implemented.

Mr F McCann: The first McConnell report referred to a culture of fear. What has the college done to address that?

Mr Cole: The final report refers to the "anxiety" of staff throughout the course review. We have outlined the significant progress made. Management have been taken out of the process, which is now curriculum-led. That will, we hope, help to ease that anxiety and build trust. That is just one of the actions taken. It is a matter of taking small steps to build trust and ease any anxiety, and delivery will be through greater transparency. Decisions will come before the governing body so that it can scrutinise and challenge them. Governors will be clear on their roles and responsibilities and on the distinction between them and management. It is a journey, but a number of measures are being taken forward that will help to deliver over time. It will not happen at the flick of a switch.

Mr F McCann: I have no doubt that people are working on trying to build a more stable future, but, if you are not able to bring everybody with you, it sows the seeds for future problems. That is why I keep saying that, because one sizeable section is not part of it, there is no prospect of being able to put this to bed.

Dr McIvor: Even with that issue, genuine progress has been made. There was a time when I doubted how much progress could be made at the college. A number of questions have been raised about how we really know that things are changing on the ground. We have presented a number of actions, but there will be an annual staff survey with questions from an independent organisation, so the governing body will check annually how all the staff in the college feel. The first survey is due in June. I know that that is a way off, but it will be an evidence-based, objective check on how things are moving forward in the college.

Mr F McCann: Nobody can read the future, but say, for talk's sake, that all the old problems seem to remain. How do you move on and deal with that?

Dr McIvor: We and the college are trying to move the language and behaviour on. I do see movement, but it will take time. I know that we keep saying that, but the evidence of movement forward is that UCU has engaged and management have made a number of concessions and done what is required. There may be the odd step backwards, as I said, because it is a difficult process. For people used to a certain type of behaviour, change is not easy.

Many staff simply want to get on with their everyday work and want the issue resolved. We are talking about the reputation of a college. We want the college to have a good reputation as it serves the north-west, so many staff just want to move on. There is a groundswell of staff saying, "I just want to get on with my job. I have students who need to pass exams. People need jobs. We need development in this area. Can we just try to resolve our differences and move on?"

Mr Cole: We are encouraged that we have seen people engage, despite the pain that clearly remains among some. We have seen them constructively move forward and effect change. It takes brave steps for all involved on both sides, but where they have engaged, and William brokered the discussion, there has been compromise and improvement. That, we hope, can only serve to build trust.

Mr Flanagan: Mary, in response to Fra, you said that the redundancy issue was closed, but, for some time, the Committee has been trying to establish whether the reason for redundancies, particularly in ICT, was relevant. We were told that a curriculum audit identified two areas in which there had been no growth in three years. The last time the matter was discussed, we tried to get a copy of that curriculum audit. Can we get a copy of that?

Dr McIvor: You have a copy of the tables, which is what the college calls its curriculum audit. It was probably about a year ago that it came to the Committee.

Mr Cole: It was March 2012.

Dr McIvor: There has been a lot of confusion because of the title.

Mr Flanagan: Was it a curriculum audit or not?

Dr McIvor: There were tables, and the college called it a curriculum audit, yes.

Mr Flanagan: Is there a definition in DEL of what constitutes a curriculum audit?

Dr McIvor: We call it a curriculum review.

Mr Flanagan: So it was not an audit; it was a review.

Dr McIvor: That is what we would call it.

Mr Cole: There is no single report called a curriculum audit, which is what has caused the confusion. Annually, each college reviews its curriculum offer, staffing complement, finances, performance etc and develops a plan. That whole process is, in effect, the curriculum audit. I think that the subcommittee report, which looked at the rationale, attached the tables that were used as part of that curriculum review.

Mr Flanagan: We have a letter from a staff member in the subcommittee that reviewed the business case for redundancies. From what I read in that, he was not aware at the time that a curriculum audit had not been carried out. He, as a member of the subcommittee, was told that a curriculum audit had been carried out, so his decision was based on that misinformation. He has asked the governing body chair to remove his name from the subcommittee report. In my opinion, his letter casts doubt on the integrity of the whole redundancy process. As a member of the subcommittee, he is asking significant questions that have not been addressed. Why have the chair of the governing body and officials from the Department dismissed his concerns out of hand and not looked into them?

Dr McIvor: We do not have a copy of that letter, but I am aware that he wrote to the governing body.

Mr Flanagan: I assume that we can provide you with a copy.

Dr McIvor: He wrote to the governing body, and his issue was that he felt that he was not trained to be part of that subcommittee. The governing body looked again at the subcommittee and decided that that was not material to the outcome.

Mr Flanagan: So he said that he was not trained.

Dr McIvor: Yes. I have not seen the letter, but the governing body informed me that he felt that he was not trained.

Mr Flanagan: From my reading of the letter, his concern was that no curriculum audit was carried out and that two subcommittee members would have been aware of that basic point at the time, but nobody brought up the issue. The subcommittee made the decision on a business case based on information that a curriculum audit had been carried out, which was not the case. You can sit here and say that the issue of redundancies is closed, but, as far as I am concerned, there are still huge question marks over the whole process.

Mr Cole: That is what flows through to McConnell — the mistrust, the lack of transparency and confusion surrounding that whole process. That is what we need to resolve. Looking back is not conducive to effecting the change required, the trust that needs to be built and the relationships that need to be developed. I acknowledge the pain that clearly exists as a result of the redundancy process and the associated discussion. However, there is no justification for reopening the process. We need to address what was integral to that process, namely the lack of transparency, the lack of communication and the lack of trust, and we need to resolve those issues.

Mr Flanagan: John Larkin said something similar about an amnesty and did not get much support from the political parties, so your response that we should ignore what happened will not get too much support either.

Mr Cole: I am not saying that we should ignore it. We cannot look back and reopen the redundancy —

Mr Flanagan: We need to look back and establish why these things happened.

Dr McIvor: The subcommittee looked at all the information presented to the governing body before that decision was made. Whatever label you put on that information — curriculum audit, pivot tables or whatever — the subcommittee looked at it, looked at the decision and agreed that it was the correct decision. The process by which that decision was arrived at was then subject to an internal audit and was deemed to have been correct.

The information may not have been beautifully presented — it may have been in tables with little notes at the bottom — but it was sufficient to make the decision, and that is what the subcommittee decided.

Mr Flanagan: Somebody came to this Committee and tried to pass off a one-month data table for two schools as a curriculum audit. That, in addition to the trust issues in the college, has caused serious problems when it comes to our trusting evidence that comes from the college. That is another issue that needs to be resolved.

We need to get to the bottom of the whole curriculum audit/redundancy issue. The redundancy issue is not closed; there are still question marks over it. We should forward to you the letter that Mr Coyle sent us, and you should look into the specifics of that.

The Chairperson: I want to forward that correspondence to you, and I would like a response as quickly as possible because, as Phil says, there is an underlying trust issue for the Committee and for the staff involved — that member of staff is still in place. So we need that to be addressed. Are members happy that we forward that letter to the witnesses?

Members indicated assent.

Mr Douglas: Mary, in response to Fra McCann, you mentioned an independent survey. It strikes me, having met the management and staff, that wounds have been festering. I am sorry if this question has already been asked, but will you outline some of the other measures that you are taking to try to heal the wounds? There are wounds right across the board.

Dr McIvor: I mentioned some measures earlier, but the main one was the curriculum review. All staff go through that process, and it was felt that the wrong people — the very senior people in the organisation — were conducting it, and staff felt really undermined by that. That has changed, and only the academic staff now conduct that process, which means that it is much more supportive, and people no longer feel that they are being got at because of their performance. That was an important change for McConnell.

You have to let these changes seep through the culture so that people will see what is happening and say, "Well, at least that has changed. That was really important". I mentioned other measures, but that was the most important one.

The Chairperson: Mary, William and Andy, thank you very much for your time.

Members, one point arising from that briefing is that we forward the correspondence to the Department so that we can get some feedback. We will write to the member of staff advising him of our requesting the information that he required from the NWRC board of governors.

Mary, just before you go, who is the acting chair?

Dr McIvor: No one has been appointed. We are in the process of making a very short-term appointment from expressions of interest from the governing body, so we do not have a name for you right now.

The Chairperson: If we are corresponding with the governing body, to whom do we address it?

Dr McIvor: If you address it to the chair of the governing body, we will make sure that it is dealt with. He or she will probably be the existing chair of one of the committees, but that has not been worked out yet.

The Chairperson: What is the time frame?

Mr Cole: A couple of weeks. We have to liaise with the commissioner on the emergency appointment process. We will take those conversations forward with the governing body within the next week or two.

The Chairperson: OK.

Mr Cole: May I finish on something positive? The discussion on the implementation of McConnell's recommendations and providing the Committee with assurances is a difficult one, but the most important factor in the North West Regional College is the delivery of further education to its students. We have not had the opportunity to reflect on some positives.

Last week, at the Skills Show 2013 in Birmingham, the college's four finalists came back with two golds and a bronze. The college was ranked seventh of 160 colleges and training organisations. So there is delivery of quality further education in the region. The Minister's priority is strengthening that, and our taking forward and strengthening the McConnell recommendations will underpin that.

The Chairperson: Trust me, Andy, if I thought that students were suffering because of this, you would be receiving a much harder time from the Committee. We are well aware of the standard of the education provided, and we know that pupils are not suffering.

Mr F McCann: Can we send a letter to the students involved in that competition?

Members indicated assent.

The Chairperson: Do members agree to write to the chair of the board of governors to ascertain when the information requested by the staff member on the subcommittee will be provided?

Members indicated assent.

The Chairperson: Do members agree to write to the board of governors, asking why it has not acted on the request from the UCU to meet branch officers to discuss the McConnell report?

Members indicated assent.

Mr Flanagan: We also have a worrying letter from NIPSA. If a response has been or is being issued to NIPSA, can we get our hands on it?

The Chairperson: Yes.