

College Manager

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July 2007 | Branch Policy Forum | Stamping out bullying tactics



Raising expectations: staying in education and training post-16

The 2005 14–19 White Paper committed the system to reaching a participation level of 90% at 17 by 2015. Even that target leaves behind the most vulnerable of our young people: those with few or no qualifications at 16 who are seven times less likely to stay on in education although they would gain considerably from doing so. It is probably only through compulsion that the participation rate will be further improved. ►

<http://acmblog.wordpress.com>
ACM's new blog.
For more information
see page 3.

Raising expectations

On balance, the Association supports the plan to raise the compulsory participation age – laid out in the Green Paper, *Raising expectations: staying in education and training post-16*. Given this broad support, there are a number of associated issues to consider. These include provision and support (relevance, range and quality), sanctions and timing.

Provision and support : relevance, range and quality

We have been pleased at how clear and explicit the Department for Education and Skills has been regarding the fundamental nature of the policy to raise the compulsory participation age. We are not talking here about staying on at school; rather, the proposals recognise different forms of learning and very different forms of participation. We agree that the options available should include participation at school, in college, in work-based learning or in accredited training provided by an employer. The nature of that participation will vary depending on the employment status of the learner.

It is important, therefore, that a full range of high-class provision is available to support the increased demand. This provision will include:

- Diplomas
- Apprenticeships
- the Foundation Learning tier, due from 2010, intended to lend coherence to provision below L2
- GCSEs and A-levels
- training for young people based in the workplace or off site.

However, long experience by the sector tells us that in order to respond to the needs of those young people who may be sceptical of the value and relevance of education it is critically important that colleges have the autonomy to develop innovative, flexible, personalised provision that will closely meet the needs and aspirations of these young people. Often, mainstream curricula are not fit for this purpose.

There are concerns about all of the curriculum pathways regarding readiness, professional development and high-quality advice and guidance. Perhaps the most pressing of these lie with the option of training young people based in the workplace or off site. Employers have a largely unimpressive record for educating their young employees. It will be critical to establish processes that ensure that the young people following this option are truly in training that is valuable to them and their future (and not just helpful to the short-term needs of their employer).

One route for employers will be for them to cease to employ young people altogether rather than provide training for them. This may be less of a financial issue (because the minimum wage for young people is lower than the general level, so employers benefit from this) than an administrative issue. Thus, we suggest that appropriate arrangements are put in place to make the provision of training for young employees low effort on the part of employers. Colleges could well have a role here to everyone's advantage.

If the policy to raise the compulsory participation age is to be effective for young people, it is important that participation is voluntary in all but the most exceptional cases. The issue of sanctions is a challenging one. Criminalising or alienating young people (likely to be those at the bottom of the social scale and in any event generally more likely to turn to crime or become dependent on benefit) is not an option. Thus, first and foremost there will need to be an increase in the level, nature and quality of support for reluctant learners that provides:

- right advice and guidance (IAG standards in April)
- financial support where it is needed (education maintenance allowance)
- help in overcoming particular barriers (eg transport, and the barriers that may be experienced by those with disabilities).

Sanctions

We suggest that formal sanctions should be used only as the very last resort, and that these should be civil rather than criminal sanctions. The prospect of criminalising young people is unappealing and unhelpful from all points of view. Nevertheless, there will need to be significant sanctions otherwise word will quickly spread that compulsory attendance is not compulsory at all. The primary aim for those who drop out must be re-engagement through personalised support; the second stage should be an attendance order. Only after that should there be formal proceedings.

Timing

The government's consultation document proposes a two-stage implementation process. 2013 will see participation made compulsory until 17 and only later until 18.

Read the government's consultation document, *Raising expectations: staying in education and training post-16*, at www.dfes.gov.uk/consultations



ACM blog

To supplement the ACM website and other methods of communication with members, we have launched an ACM blog. This contains news, views and information on a range of issues of interest to ACM members, including management skills, employment law, education news, events, publications, and health and safety.

The idea came from a branch networking event held in March.

To help you find what you are looking for, the blog uses categories as well as a search tool. There are also monthly archives.

The blog is updated regularly, so please add it to your bookmarks or list of favourite websites. Alternatively, if you have newsreader software or use an appropriate browser such as *Firefox*, you can subscribe to the RSS feed. The blog can also be accessed from the main ACM website.

Like most blogs, there is a facility for members to post comments on items of interest. You do not need a password or user name to do this, although you will need a valid e-mail address (which will remain private).

The blog gives ACM members and officers another way of sharing news, views and information.

To view the blog, please go to <http://acmblog.wordpress.com>

FE Review in Wales

ACM has submitted its contribution to the FE review in Wales. The Association believes that the needs of the learner must come first in the review. While the systems and structures used to deliver post-14 education and training in Wales need to be changed, this should only happen where it can be clearly demonstrated that it will improve the education, skills and opportunities of learners. Put bluntly, it should not be used to prop up failing or antiquated parts of the system.

The Association is confident that an objective review of post-compulsory education will confirm that the FE sector is a vital resource to support the continued social, economic and cultural regeneration of Wales. Only colleges can provide an effective solution to the problems associated with the basic skills deficit of many school leavers and adults in the working population. Education should be for all: a 'cradle to grave' service. Colleges should play a major role in meeting the needs of learners that the school system has failed and in giving returnees and students who are late developers the opportunity to start or return to the labour market.

ACM would also contend that the voice of the workforce delivering post-14 education and training should be listened to and heard, and not just during the consultation period. Frequently, reasonable policies are thwarted by poor implementation. In order to avoid this in the future, it is essential that college managers and other relevant staff be closely involved in developing implementation plans with officials. Over the past three years, the unions, fforwm and the Welsh Assembly Government have worked well together to improve the pay of college employees. ACM believes that this demonstrates the success of joint working.

A copy of the full submission is available on the ACM website at www.acm.uk.com

2007/08 pay negotiations in England

The six unions representing staff in English colleges have rejected the Association of College's (AoC's) recent pay offer. At a meeting of the National Joint Forum, held on 16 May, the AoC offered a 2% pay rise from 1 August 2007 and a further 0.5% in January 2008.

Commenting on the AoC's offer, ACM General Secretary Peter Pendle said, 'Our members will be very disappointed with this. It is less than the current rate of inflation and falls short of our aim of parity with schools. However, we welcome the opportunity for further talks, including clarification of the AoC's response to the other elements of our claim.'

The joint union claim called for a significant pay rise including some element of a flat-rate payment to take account of low pay. Among other items it also called for starting salaries for management and leadership staff to be at least equivalent to those for leadership posts in schools (£34,938 in September 2007), and an agreement to commence negotiations on workloads and work-life balance.

Response to the proposal by the DfES to establish a CPD requirement for teachers

Curriculum and professional development proposals

In the proposed draft statutory regulations a full-time teacher is defined as follows:

“full-time teacher” means a teacher who is paid wholly or in part by reference to the time he works as a teacher and, having regard to the custom and practice of the employer in relation to teachers employed by the teacher’s employer under the same type of contract, is identifiable as a full-time teacher.

We understand this definition to limit the category of full-time teacher to those colleagues employed on the lecturers’ contract. Thus, managers who have teaching timetables (the large majority) are excluded since they are employed on management spine contracts. The effect of limiting the proposals to those employed under the lecturers’ contract is to exclude managers from the professional development opportunities proposed in the document and to exempt their work from the benefit of such opportunities.

It is inconsistent not to offer to managers the same kind of support for their teaching responsibilities as lecturers will have. More importantly, if the purpose of the regulations is to nurture excellent teaching then the omission of managers undermines that purpose. The teaching load of managers varies, but a large proportion of managers have at least a 0.5 teaching timetable. Many managers teach more than many part-timers (who are included in these proposals). Yet managers are invisible and unmentioned in this document.

The document raises a broader issue. While the proposals seek to support teachers, and the Centre for Excellence in Leadership (CEL) offers training and development to senior managers, we grow increasingly concerned that middle managers are losing out to these other groups of colleagues. Certainly CEL ostensibly provides training across the college structure, but the price of such training is such that only a small proportion of managers outside senior management are able to access that training.

It would be appropriate for managers to have a CPD commitment of the volume proposed in this paper; the time should be disposed between teaching and management duties flexibly on the basis of need.

Registration with the Institute for Learning

With regard to registration with the Institute for Learning, the consultation document states that:

1. Every teacher must –
 - (a) register as a Member or as an Associate Member with the Institute for Learning by 31st March 2008 or, in the case of any teacher appointed after 1st September 2007, within 6 months of the date of his appointment; and
 - (b) maintain that registration continuously thereafter.

Since this clause rests on the same definition of a teacher referred to above, managers will be excluded from this requirement, in spite of the fact that the large majority of those managers have significant teaching responsibilities.

The Association regrets that these proposals take no account of the professional needs of college managers. Indeed they make no mention of managers whatsoever – only leaders and teachers are mentioned.

We have suggested to the DfES that these proposals are reviewed and amended if necessary, and that ACM would be happy to contribute to the re-drafting.

One final point concerns how these requirements will be managed. It seems likely that they will need to be included in employment contracts. In the large majority of cases, this will entail a retrospective change to contracts. Since colleges are the employer, how will those changes be ensured? Employers and trade unions may have concerns about any contractual changes. Does the Department anticipate using a funding lever to ensure compliance? This is a tricky area that would benefit from transparency, clarity and further discussion.

Problems with poor practice

Fortunately it is fairly rare, but sometimes we come across a college that simply has no intention of playing by the rules. Such cases frequently end badly, often with an ACM member asking us to negotiate a quick exit from the college.

The kind of problem to which I refer is fairly common – a manager falls out of favour because of some minor disagreement, a trivial procedural matter, or simply because the new college principal wants to bring in someone else. But the result is usually the same: ‘Either you consider your position or the college will start disciplinary action which may result in your dismissal.’

This is blatant intimidation. Any ACM member who has heard those words will know exactly what I mean. But bad as that may seem, there can be worse to follow. A typical tactic is the fishing trip, where colleagues are interviewed and the personnel records of the victim are examined for any evidence that can be used against the individual. Issues long thought dead and buried, and certainly not considered important at the time, are produced as ‘proof’ that the victim is bad.

If this doesn’t work then other tactics are employed. One ACM member told me that in her college, the principal simply fabricated evidence while she watched. In another, personal medical details of managers absent because of sickness were circulated for the entire management team to see (I know because I saw a copy!) in order to scare a particular individual.

If the collection of dubious evidence isn’t enough to secure a resignation, we then have the sham disciplinary procedure. At one college in the north of England the ‘HR director’ not only investigated the case but also heard the disciplinary and then the appeal. Such manipulation or disregard of established procedures is a growing problem for us.



David Green,
ACM Head of
Employment
Relations

But, I hear you say, surely these are matters that ACM can take to an employment tribunal. The answer is yes, but in the vast majority of cases, the victim has already endured enough pain and the easiest option is an exit package. Indeed, colleges will then try to buy out a manager they neither like nor want as cheaply as possible, and because a compromise agreement is always used, the details of the case never become public knowledge.

It is therefore a credit to our members and to our regional officers that we are able to operate in such circumstances with professional dignity in the face of what clearly are bullying tactics. But helping the individual rarely changes college attitudes. It is often the same handful of bad employers driven by a particular type of college principal.

Fortunately, managers at such colleges are usually wise enough to join ACM, but rarely will anyone put themselves forward as a branch officer. The result is that every day, poor practice goes unchallenged until the next victim has been selected. At the recent branch policy forum we discussed the issues raised here with a view to developing additional strategies for combating poor practice.

What do you think? Please send your comments to David Green (davidgreen@acm.uk.com) or post them on the ACM blog <http://acmblog.wordpress.com>

Branch Policy Forum

ACM's second Branch Policy Forum was held at the City Inn Birmingham on 11 May 2007. A number of important issues were considered, and the debates are described here.

A controversial move at ACM's Branch Policy Forum to name and shame colleges that fail to improve poor employment practices was referred back to ACM Council for further discussion. Debate followed presentation of a report that summarised ACM's employment relations activities over the last 12 months. Head of Employment Relations David Green told delegates that there has been a noticeable increase in colleges showing complete disregard for their own disciplinary and grievance procedures. He said: 'We are collecting evidence and considering whether or not to name and shame the guilty. In one recent case, a disciplinary investigation, hearing and appeal were all handled by the same individual. That simply isn't good enough for an FE college.'

Delegates to the Forum were evenly divided as to the value of naming and shaming. While there was strong support for holding bad employers to account, others said that we could be in danger of adding to the already poor reputation of further education in some circles. In the end, ACM Council agreed that where it is considered necessary to put pressure on colleges that persist with poor practices, the Employment and Services Committee (a sub-committee of Council) should decide upon the appropriate steps.

Contracting out

Delegates took a fairly pragmatic approach to the privatisation of teaching or management of learning services during a debate on contracting out. A motion had been submitted by Park Lane College branch following reports that, in some areas, private training providers have been seeking to run entire college departments on a contracted out basis.

In a recent case, a training provider was seeking to take over the delivery of construction and vehicle maintenance programmes at an East Midlands college. The learners would have remained college students but the teaching and other programme staff would have become employees of the training provider. Members expressed their unease about future job losses and the fact that staff would no longer belong to the Teachers' Pension Scheme.

The proposal was opposed by ACM and the other college unions, and so it never became a reality.

Moving the motion, Trevor Cave articulated his concern that privatisation of teaching departments could have a detrimental effect on staff and students, and that it was not consistent with ACM's vision of a high-quality education service delivered by well-paid teachers and managers. Similar views were expressed by those supporting the motion. But other delegates said that working in partnership with the private sector could be beneficial and that government policy was, in effect, making this happen in a growing number of circumstances.

In the event, Park Lane College branch agreed to remit the motion to ACM Council for further discussion. Subsequently, Council members agreed that where it put jobs or terms and conditions at risk, then ACM would oppose any attempt to contract out teaching or the management of learning services. Furthermore, Council agreed to consider some of the wider implications of privatisation at its September meeting.

Securing ESOL provision

The Forum confirmed ACM's backing for the campaign seeking to reverse government plans to end free access to ESOL (English for speakers of other languages). Moving the motion on behalf of ACM Council, Mike James said: 'Migrant workers and refugees want to learn English to help them enter the job market but are never going to be able to meet the fees unless their employers pay. Yet the government is only going to provide free access for those on benefits'.

Trade unions have argued strongly that expecting employers to pay, however desirable as a principle, was unrealistic. Many workers with ESOL needs are in low-paid employment and their employers simply do not see training as a valuable investment. In addition, many migrant workers are unwilling to access free ESOL training by claiming benefits because of the length of the application forms... and their need to understand English! Mike James reminded delegates that the government appears divided on this matter so it is important to keep up the campaign.





Sundeep Bamra,
ACM branch chair,
Neath Port Talbot College

Focus on recruitment

With so many members leaving the sector because of restructuring or retirement, delegates called for recruitment to be made a priority at all levels of the Association. As such, branch officers and ACM Council members are being urged to hold at least one recruitment meeting at their college over the next 12 months. To help with this process, ACM will produce a branch recruitment pack and provide speakers and other materials where possible.

David Green, ACM's Head of Employment Relations, said: 'Recruitment is absolutely vital to us. Our membership is growing but not as fast as we'd like. The problem is that every year we lose members through retirement or redundancy. The continuing support of branches and Council members will be a big help.'

Presenting a report on recruitment and branch organising activities, ACM Regional Officer Pauline Rodmell said, 'In the north west, we contacted HR managers at 37 institutions requesting facilities for ACM to undertake recruitment. So far this has resulted in us being able to write directly to managers at seven colleges and arrange recruitment meetings at a further four.'

Business support managers secured backing at the Forum to make their specific concerns key negotiating issues with colleges. Moving a motion from Coleg Glan Hafren, Phil Mackie told delegates, 'In some colleges, support managers are paid less than academic managers despite performing very similar roles'. Delegates also expressed concern at the lower level of business support managers in ACM membership. ACM Council member Brian Thornton added, 'Business support managers did not always know that they could join ACM'. The Forum agreed that more awareness is needed to help branches recruit from this section of the workforce.

A full list of decisions taken at the Branch Policy Forum is available on the ACM website.

National Council membership

Following the recent elections, two Council members have stepped down. Jacek Juszczyh of South Kent College has been a member of Council and the President's Committee for many years and made a major contribution to ensuring that the Association listened to and acted on the views of college managers. Cyril Wheat of Preston College served on Council for three years. His experience in employer engagement was especially helpful in the production of ACM's professional development materials for the sector. We thank Jacek and Cyril for their efforts.

Roger Culpin has moved from Southend Adult Education College to a post with the East of England Learning and Skills Council and has, therefore, reluctantly decided to stand down from Council. Roger was a strong advocate for adult education on Council and helped the Association to recruit members from across the south east. As Roger had less than a year to serve, his place on Council will remain vacant until the next round of elections in the autumn.

There is still one Council vacancy for a black and minority ethnic manager. Nominations will invited shortly. If you are interested in standing for this position on Council, with a term of office until May 2010, please contact Peter Pendle at peterpendle@acm.uk.com

Wise words

In a conversation between colleagues it turned out that they all objected to line managers who speak of their 'subordinates' or of those they manage as 'working for me'. Colleagues asserted that they work for the college and students, not for their individual line managers. Do you have a view on this? E-mail us at memberfeedback@acm.uk.com



Self-regulation by who?

Those in charge of further education seem to have an amazing ability to make even the simplest things complicated. Self-regulation is a prime example. College managers want less regulation and bureaucracy so that the colleges they manage can concentrate on their core business: teaching and learning. Most managers would accept the need for some external quality control and welcome the lighter touch inspection offered to successful colleges by the enlarged Ofsted; the inspection regime has driven up retention and achievement levels over the past decade. And we accept the need for external scrutiny of college finances – after all, it is public money we're spending, so we're happy to be rigorously audited and produce annual accounts.

However, it would seem that George Sweeney's FE Sector Self-Regulation Implementation Group have other ideas in mind. They seem to have confused colleges' desire for self-regulation **by institutions** with self-regulation **by the sector**. What do they mean by the sector? You won't be surprised to learn that they see themselves as having the major role in administering their proposed new arrangements. Rather than removing the burden placed on colleges from the wide array of needless and expensive national bodies, they propose: a 'model that represents the most far reaching self regulating regime' with combined accountability 'where AoC, ALP, LANDEX and the 157 Group work together to create a new jointly owned resource to regulate the sector'. Already they have advertised for a project manager and two senior project leaders.

I don't believe that this is what the sector wants: light touch inspection and audit is all that is required. The Implementation Group looked at other models, including higher education, and rejected them out of hand. Why? It seems to me that higher education has got it just about right: a funding council (HEFCE), a quality body (QAA), strong representative organisations and little else. And it works, satisfying politicians, senior DfES officials and funding council chiefs, as well as meeting the wishes of institutions for minimal bureaucracy and light touch regulation.

At a time when our political leaders seem set on extending contestability through Train to Gain and learner accounts and all but stamping out so called 'residual' provision, the last thing college managers need is the 'most far reaching self regulating regime ever seen'. So make sure your voice is heard. Don't fall for that old FEFC ploy, 'well, we asked the sector and they didn't object'. Respond to the Implementation Group's consultation on the website www.feselfregulation.org.uk/home.php and tell them what colleges really want and need.

ACM staff changes

There have been several changes in staff at the Association's administrative offices in Market Harborough. Kathryn Hall has moved on to a new post with Leicester City Council after three years at ACM. We wish her all the best for the future. Sukhi Chana has been appointed finance and office team leader, Julia Pearson has joined ACM as office administrator and Susan Parish is the new finance and administration assistant.

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Quote of the issue
Leadership and learning are indispensable to each other
John F Kennedy

Know a good saying about leadership that applies to work in colleges? Send it to memberfeedback@acm.uk.com

Contact us

Peter Pendle
Chief Executive and General Secretary
Tel 01992 578 286
or 01858 411 546

Derek Addison
Regional Officer, Central and Southern England
Tel 01865 760 958

Nadine Cartner
Head of Policy
Tel 020 7254 1445
Mobile 07713 267 748

Sukhi Chana
Finance and Office team leader
Tel 01858 411 543

Dennis Cummings
Regional Officer, North Midlands and Eastern
Tel 01332 835 134

Jane Dunn
Membership Administrator
Tel 01858 411 541

David Green
Head of Employment Relations
Tel 01858 411 540

Kalbinder Herr
Regional Officer, London and South East
Tel 01865 765 454

Rachel Jennings
Regional Officer, South Wales and South West
Tel 01752 839 643

Susan Parish
Finance and Administration Assistant
Tel 01858 411 544

Julia Pearson
Office Administrator
Tel 01858 411 542

Pauline Rodmell
Regional Officer, North and North Wales
Tel 01204 520 481

Sara Shaw
Head of Corporate Services
Tel 01858 411546