

CORPORATION PERSONNEL COMMITTEE
Minutes of Meeting held 1 February 2010

Present: Mary-Rose Hardy (Chair), Gail Burrows, George Coyle, Richard Smith
Clerk: Fiona Bagchi
In Attendance: Mike Rogerson (Vice-Principal, Students and Staff), Carolyn Salt (Personnel Officer)

1 Apologies

There were apologies from Sarah Kimemia, Committee member and Vice-Chair.

2 Declaration of interests

It was noted that Mary-Rose Hardy had asked for her membership of East Riding of Yorkshire Council to be a standing declaration.

3 Minutes of meeting held on 2 November 2009

The minutes of the meeting held on 2 November 2009 were approved with the minor typographical and stylistic amendments notified by the Clerk plus the following amendment: the final bullet point of item 7 on page 5 should read “give” rather than “gave”.

Action: Clerk

4 Matters arising and actions

(Actions, below, are numbered according to their position in the action points table appended to the end of the previous minutes. The reference to the item where the action can be found in the previous minutes is given in brackets at the end of the text).

- 1 The Well-being policy was on the agenda, as agreed (5).
- 2 The College had provided an awareness session for staff on the Single Equality Scheme (SES), via Division Meetings (5).
- 3 Mark Rothery had contacted the Universities of Hull and York to indicate that the College would particularly welcome Black and Minority Ethnic (BME) trainee teachers in the future (5).
- 4 The College had not completed the action relating to equality training for the student member of the Opportunities Group as the member of the Student Executive who was also the member of the Opportunities Committee had resigned from the Executive and therefore the Committee. A new student Opportunities Committee member was, however, now in place (5).

Action: MWR/RTS

- 5 The College’s Annual Safeguarding Report had been presented to the December 2009 meeting of Corporation, as agreed (7).

- 6 Corporation approved revisions to the College's Safeguarding Children Policy and the College's Safeguarding Vulnerable Adults Policy at its December 2009 meeting on the recommendation of the Committee (7).
- 7 The College logo had been updated on the safeguarding children reporting form, as agreed (7).
- 8 The Clerk had requested a copy of the annual counselling report 2008/09 from the counsellor (7).

Action: Clerk/JW

- 9 Corporation had approved the Single Equality Scheme (SES) at its December 2009 meeting, on the recommendation of the Committee (8).
- 10 Mike Rogerson would review the College appraisal process, including whether the support staff scheme should be a rolling scheme or whether appraisal should take place at a set time of year, and would report to the Personnel Committee in June 2010, as agreed (9).

Action: Clerk/MWR/CS

- 11 Corporation had approved the revised Leave Policy at its December 2009 meeting on the recommendation of the Committee, consultation with staff having been completed (10).
- 12 Revised senior post-holder disciplinary and grievance procedures were on the agenda (10).
- 13 The Committee's annual report remained to be e-mailed to members (11).

5 Staffing issues: (i) Staffing Update

The Personnel Officer, Carolyn Salt, presented the staffing update for January 2010, which was discussed.

The Committee received the staffing update for January 2010, noting staff leaving the College and arrangements relating to staff on maternity leave or long-term sickness absence. It was also noted that the Case Management Discussion for the Employment Tribunal claim against the College, noted as scheduled for 5 February 2010 in the update, had been postponed.

6 Safeguarding issues: (i) Update on safeguarding training

Mike Rogerson (Vice-Principal, Students and Staff) spoke to the updated safeguarding children development plan 2009/10.

Members noted in discussion that:

- The plan detailed actions gave information on actions to be taken in relation to staff training, IT/internet, policies and procedures, risk assessment, leadership and management, links with other organisations/external employers
- The plan was regularly reviewed by the senior management team (SMT), which added actions as appropriate and considered the achievement of deadlines.
- Teaching staff had undertaken training the week before the meeting and support staff would complete it during the current term.
- Tutors would be trained to level 1.
- Mike Rogerson and Carolyn Salt would give a briefing update on safeguarding to the February 2010 meeting of Corporation.

Action; MWR/CS/Clerk

- There was an increased emphasis on safeguarding under the Ofsted regime in operation from September 2010.

The Committee received a progress report on the College's safeguarding children plan 2009/10.

7 Equality and Diversity issues

(i) Staff equality and diversity report: report on recruitment

Carolyn Salt presented the annual equality and diversity report on recruitment.

Members noted that:

- From January to December 2009, 10 advertisements were placed by the College resulting in 17 appointments with a total of 187 applications monitored.
- One of these appointments was a full time teaching post, three were part time, and two posts maternity cover for the autumn term. Five of the posts were for Learning Mentors and Learning Support. The remaining posts were for tutors and a mixture of tutor/teaching staff and tutor/support staff were appointed.
- Of the 187 applicants, 174 were White British (93.05%) and 13 non White British (6.95%) and White British applicants were appointed to 16 of 17 posts.
- All teaching posts were advertised nationally with the exception of the part time Media teacher, and all support posts advertised locally in the Hull Daily Mail.
- Greater use was made during 2009/10 of the College's website for all applications.
- Nine female members of staff were appointed and eight male.
- There were forty applications for teaching posts, of these 55% were male applicants and 45% female.
- The full time teaching post went to a male applicant, as did the part time posts, with 10 female applicants and 9 male shortlisted for interview.
- The higher paid tutor roles went to female applicants in five out of six instances over two sets of interviews, where 69% were female applicants (although a slightly higher percentage of males were shortlisted for interview overall).
- Support staff applications monitored showed 44.44% of male applicants and 55.56% female applicants, with 2 male and 3 female candidates appointed.
- Of the total number of applicants monitored, 5 declared themselves as having a disability and one was appointed to a maternity cover post.

It was noted in discussion:

- With reference to applications from ethnic minority candidates that targeted advertisement had not been considered appropriate in the examples cited but would continue to be considered in the future on a case by case.

Members received the annual equality and diversity report on recruitment.

(ii) Single Equality Scheme action plan

Mike Rogerson presented the Single Equality Action plan 2009-12, which had been produced to accompany the College's Single Equality Scheme, which had been approved by Corporation at its December 2009 meeting.

The Committee reviewed the College's Single Equality Scheme 2009-12 and agreed that the Committee would review the plan annually at its February meeting.

Action: Clerk/MWR

(iii) LSIS guide for Governors and Clerks on *Equality, Diversity and Governance*

The Committee considered the Learning and Skills Improvement Service (LSIS) guide for Governors and Clerks on *Equality, Diversity and Governance*, noting in particular the following key questions on page 9 of the report:

- Are governors confident that Equality and Diversity (E&D) information is: the result of embedding E&D within self-assessment and quality improvement activities, valid and reliable, owned by curriculum, human resources and other managers?
- Are E&D reports accompanied by SMART action plans, to address issues and achieve real and sustained improvements?
- Have governors and clerks agreed rigorous and challenging equality targets and ensured that these are closely monitored?

The Committee considered the above questions in relation to reports received by Corporation, noting:

- The importance of embedding E&D within self-assessment and quality improvement activities.
- E&D reports and action plans were considered by the Personnel Committee, Student Committee, the Curriculum and Quality Committee and Corporation.
- The Single Equality action plan would be reviewed by SMT and the Personnel Committee, as had been the previous individual E&D action plans e.g. the disability action plan, gender equality action plan.
- The increased emphasis on E&D under the Ofsted inspection regime in force from September 2009.

The Committee reviewed the Learning and Skills Improvement Service (LSIS) guide for Governors and Clerks on Equality, Diversity and Governance, agreeing that it should be presented to Corporation.

Action: Clerk

It was also agreed that Mike Rogerson and Carolyn Salt should provide a briefing on equality and diversity to Corporation as part of the Corporation's training and briefing schedule.

Action: Clerk/MWR/CS

8 Policies and Procedures

(i) Review of Personnel Policies approved by Corporation

The Committee reviewed the schedule of College personnel policies, agreeing that:

- ***The normal review date for personnel policies and procedures should be 5-yearly.***
- ***Where a policy or procedure had not been reviewed since 2005, the person shown as responsible in the schedule should review it and report to the June 2010 Committee on whether any revision was required.***
- ***The Clerk would present an updated Whistleblowing policy to the June 2010 meeting of the Committee.***
- ***The schedule of personnel policies and procedures should be reviewed by the Committee annually at its spring term meeting.***

Action: Clerk/CS

(ii) College Well-being policy – for information

The Committee received the College's Well-being policy, for information, as previously agreed.

(iii) Senior post-holder capability procedure and revised grievance procedure and disciplinary procedure

The Clerk reported that:

- Corporation had last approved senior post-holder disciplinary and grievance procedures in July 2007.
- Since the approval of the above procedures, the statutory dispute resolution procedures had been repealed, ACAS had produced a statutory Code of Practice on discipline and grievance, and the Articles of Government had been revised to remove the detailed guidance on procedures for the suspension and dismissal of senior post-holders.
- A simplified disciplinary procedure for senior post-holders, taking into account the above changes, had therefore been produced based on guidance recently provided by the Sixth Form College's Forum (SFCF).
- Annexes B and C to the revised disciplinary procedure, which provided procedures for appeals to Corporation's Appeals Committee (in cases of suspension or disciplinary action short of dismissal) or to Corporation (for dismissal), were based on Corporation's existing appeals procedures for students and staff, adapted for use by senior post-holders.
- Corporation's existing grievance procedure for senior post-holders had been updated, taking into account recent guidance from the SFCF.
- As Corporation did not currently have a capability procedure for senior post-holders, a version based on a recent SFCF model had been included for consideration.

The Committee discussed the desirability of introducing a capability procedure for senior post-holders, noting that:

- The College's Sickness Absence and Ill-Health Policy and Procedure included references to the use of the College's disciplinary and capability procedures, which meant that, in the absence of a separate policy, senior post-holders would be deemed to come under the capability procedures for other staff.
- The proposed senior post-holder capability procedure allowed the College to proceed to the disciplinary procedure, where appropriate.

The Committee agreed that, subject to consultation with senior post-holders, the senior post-holder capability procedure, revised grievance procedure and revised disciplinary procedure should be recommended to Corporation for approval.

Action: Clerk/Chair

The Committee agreed that should consultation with senior post-holders on the above procedures raise any issues, then the procedures should be returned to the June 2010 meeting of the Committee for further review before presentation to Corporation.

Action: Clerk

9 Governance issues: (i) Annual Report to Corporation

It was agreed that the Clerk would e-mail the Committee's annual report to members for comments before presentation to Corporation.

Action: Clerk

10 Employment Law Update

The Personnel Officer, Carolyn Salt, presented a report on an employment law briefing, held in York in January 2010 for the NorVlc group of sixth form colleges, which she and the Clerk to the Corporation had attended.

Members considered reports relating to the following areas:

- The Agency Workers Directive
- The Single Equality Bill
- Mandatory Retirement Age
- Fit Notes
- Safeguarding Vulnerable Groups
- Medical Questionnaires

Members discussed issues relating to the mandatory retirement age, noting that:

- It had been stated at the briefing that, following the outcome of the Heyday challenge, the Government was planning to bring forward the review of the national default retirement age, with a view to it being increased or removed.
- The College's *Planning for Retirement* procedure reflected the current law e.g. staff had the right to request to work beyond retirement age but the College could choose not to accept the request.

Members discussed whether it was desirable for the College's retirement procedure to be amended to remove the default retirement age in advance of any legislative requirement but agreed that the procedure should remain as currently approved until there was a change in the law.

Members noted that:

- The current sick note system was due to be changed from April 2010 with a proposed new category of "may be fit for some work now".
- Employers did not have to accept the doctor's suggestion if this would be impractical e.g. in certain circumstances it might be difficult to allow a teacher a phased return to work if there would be a lack of continuity for students and/or difficulty arranging temporary cover.

The Committee considered whether the Single Equality Bill would become law before a General Election. Members discussed the proposed gender pay reporting requirement for organisations employing more than 150 people, noting that:

- Calculations for gender pay reporting purposes might be on the basis of median salaries.
- Calculating any gender pay gap according to job type/level and then aggregating figures to produce an overall gender pay gap figure could be an effective reporting arrangement for the College.
- The College already provided salary information by gender to the Sixth Form College's Forum (SFCF) which produced a salary survey annually.
- The College had not undertaken a job evaluation exercise but the grading structure for teachers was nationally determined.

The Committee received and discussed a report from the Personnel Officer on a recent employment law briefing provided to the NorVlc group of sixth form colleges.

11 Any other business

It was noted that there was no other business.

12 Date of next meeting

It was noted that the Committee would next meet on Monday 7 June 2010 at 4.15pm

Fiona Bagchi
Clerk to the Corporation

ACTIONS ARISING FROM THE PERSONNEL COMMITTEE MEETING HELD ON 1.2.10

No.	Action for:	Action:	Status of Actions:
1	Clerk	Amend minutes of Nov. 2009 meeting, as agreed - <u>Feb. 2010.</u>	Done.
2	RTS/MWR	The College would consider whether it would be appropriate to include equality training for student leaders e.g. student member of Opportunities Group – <u>2010.</u>	MWR: Mike Betts and I have met with the new member of the Exec responsible for Equal Opp.s, Edite Sustere, and we will be working with her in the first instance to raise the profile of the Opp.s Group.
3	JW (College Counsellor)	JW to give copy of the annual counselling report 2008/09 to the Clerk – <u>Nov. 2009.</u>	Done. Report received.
4	Clerk/MWR/CS	MWR/CS: review appraisal process and report to Personnel Committee – <u>June. 2010 – a long-term action.</u>	On the agenda.
5*	MWR/CS	Give safeguarding briefing to Corporation – <u>Feb. 2010.</u>	Done.
6	Clerk	Review SES action plan annually in Feb. – <u>2010/11.</u>	On the agenda.
7*	MWR/CS	Give equality & diversity briefing to Corp. – <u>2010</u>	
8	Clerk/CS	<p>(i) Normal review date for policies and procedures to be 5-yearly – <u>2010 & ongoing.</u></p> <p>(ii) Where policy/procedure not reviewed since 2005, review & report to the <u>June 2010</u> meeting.</p> <p>(iii) Present updated Whistleblowing policy to <u>June 2010</u> meeting.</p> <p>(iv) Schedule of personnel policies & procedures to be reviewed annually – <u>Feb. 2011 & ongoing.</u></p>	<p>(i) Done.</p> <p>(ii) On agenda.</p> <p>(iii) On agenda.</p>

No.	Action for:	Action:	Status of Actions:
9*	Clerk/Chair	<p>Subject to consultation with senior post-holders, present new capability procedure & revised disciplinary & grievance procedures to Corp. – <u>Feb. 2010.</u></p> <p>If senior post-holders raise any issues during consultation, return procedures to Committee – <u>June 2010.</u></p>	<p>Done. Consultation with senior post-holders completed before Feb. 2010 meeting of Corp. Procedures approved at Feb. 2010 Corp. meeting.</p> <p>No issues raised by senior post-holders during consultation.</p>
10	Clerk	E-mail Committee's Annual report to members – <u>Nov. 2009.</u>	On agenda.

**Items marked with an asterisk show actions which will be completed by/at Corporation or a Corporation Committee other than Personnel.*

**CORPORATION PERSONNEL COMMITTEE
Minutes of Meeting held 7 June 2010**

Present: Mary-Rose Hardy (Chair), Gail Burrows, George Coyle, Richard Smith
Clerk: Fiona Bagchi
In Attendance: Mike Rogerson (Vice-Principal, Students and Staff), Carolyn Salt (Personnel Officer)

1 Apologies

There were apologies from Sarah Kimemia, Committee member and Vice-Chair of the Committee.

2 Declaration of interests

It was noted that Mary-Rose Hardy had asked for her membership of East Riding of Yorkshire Council to be a standing declaration.

3 Minutes of meeting held on 1 February 2010

The minutes of the meeting held on 1 February 2010 were approved.

4 Matters arising and actions

- 1 The Clerk had amended the minutes of the Committee's November 2009 meeting, as agreed (3).
- 2 Mike Betts, Head of Sociology and Chair of the College's Opportunities Group, and Mike Rogerson (Vice-Chair Student and Staff Support) had met with Edite Sustere, the new member of the Student Association Executive with responsibility for equality and diversity and would be working with her in the first instance to raise the profile of the Opportunities Group (4)
- 3 As agreed, Justine Wilkinson had given the Clerk a copy of the annual counselling report 2008/09 which had been presented to the November 2009 meeting of the Committee (4).
- 4 An item on the proposed review of the College's staff appraisal process was on the agenda (4).
- 5 Corporation had received a briefing on safeguarding children at its February 2010 meeting, as agreed (6).
- 6 As agreed, an annual review of the Single Equality Scheme (SES) action plan had been added to the Committee's standing agenda item list, which would be considered later on the agenda (7).
- 7 Corporation members had received copies of the Learning and Skills Improvement Service (LSIS) guide for Governors and Clerks on Equality, Diversity and

Governance, as agreed. A briefing on equality and diversity would be given to the July 2010 meeting of Corporation (7).

Action: MWR

- 8 The personnel policies schedule was on the agenda and, as agreed, included a normal 5-yearly review date for policies and procedures, with some reviewed annually. The review of policies and procedures not considered since 2005 was being prioritised. Three such policies/procedures had been included for review on the current agenda, including an updated Whistleblowing policy. The schedule of personnel policies and procedures would be reviewed annually at the Committee's spring term meeting and would be added to the Committee's revised standing agenda item list to be considered later on the agenda (8).
- 9 Consultation with senior post-holders on the new/revised senior post-holder capability, disciplinary and grievance procedures had been completed before the February 2010 meeting of Corporation, with no significant issues being raised. The procedures had therefore been recommended to and approved at the February 2010 Corporation meeting (8).
- 10 The Committee's annual report was on the agenda (9).

5 Annual review of confidential minutes

It was noted that there were no confidential minutes arising from Personnel Committee meetings held during 2009/10.

6 Staffing issues

(i) Staffing Update

The Personnel Officer, Carolyn Salt, presented the staffing update for June 2010, which was discussed.

Members noted that the Employment Tribunal (ET) against the College by an unsuccessful job applicant was due to take place on 21 and 22 June 2010, noting that the applicant had also taken a number of other colleges to ET on the grounds of age discrimination.

The Committee noted, without receiving further details, the suspension of a staff member for an alleged disciplinary offence, noting that the disciplinary procedure permitted a right of appeal to Corporation's Appeals Committee which would normally include Personnel Committee members.

The Committee received the staffing update for June 2010, noting staff leaving the College including those leaving following the ending of the Skills for Life Outreach course, arrangements relating to staff on maternity leave or long-term sickness absence, and new staff joining the College from September 2010.

(ii) Verbal update on 2010 staff pay award

The Committee received a verbal report from the Principal on the 2010 staff pay award, noting that:

- Most sixth form colleges had stated that they were unable to match the school teachers' pay award of 2.3% but were committed to both teaching and support staff receiving the same award.
- Following the recent General Election, negotiations relating to the 2010 award were likely to be delayed until the political situation became clearer.

The Committee received a verbal update on the 2010 staff pay award.

(iii) Review of staff appraisal process: deferred to autumn 2010

It was noted that a report on the review of the staff appraisal process had been deferred to the Committee's November 2010 meeting.

Action: MWR/CS/Clerk

7 Equality and Diversity

(i) Staff equality and diversity monitoring: staff profile

The Personnel Officer, Carolyn Salt, presented the staff profile for June 2010, which was discussed.

Members noted that:

- There had been a slight increase in the number of staff employed which now totalled 187, including 5 senior managers, 73 teaching staff and 6 adult education teachers and/or casual instructors.
- 56% of teaching staff were recorded as male (44 staff), and 44% as female (32 staff), 33% of adult education teachers and instructors were male (2 staff) and 66% female (4 staff), 29% of support staff were male (18 staff) and 71% of support staff were female (44 staff), 33% of catering staff were male (3 staff) and 66% female (6 staff), 100% of cleaning staff were female (15 staff), 59% of casual staff were male (10 staff) and 41% female (7 staff).
- 27% of male and 51% of female teaching staff were part-time, 44% of male and 87% of female support staff were part-time, 67% of catering staff were part-time, all adult education teachers and instructors, cleaning and casual staff were part-time.
- All staff were shown as in the White British category, with the exception of one staff member recorded as being in the Other White category.
- 8.2% of the College's student population were recorded as being in the Black and Minority Ethnic (BME) category in the College's 2009/10 student equality and diversity report.
- The local BME population had been estimated at around 6.6 %.

Members discussed the issue of staff ethnicity, noting that the College advertised as widely as possible and continued to keep this area under review. The Personnel Officer stated, in response to members' questions, that she understood that staff profiles for sixth form colleges in Grimsby, Scunthorpe and Scarborough presented a similar profile.

The Committee received the staff profile report for June 2010, noting that ensuring that staff ethnicity was reflective of the community that the College served continued to be an area that the College would keep under review.

8 Corporation policies and procedures: for consideration / recommendation

(i) Capability Procedure

Carolyn Salt presented the revised Capability Procedure, which was being reviewed under Corporation's rolling policy review schedule.

Members reviewed the Informal Process at section 3 of the procedure, and agreed that consideration should be given to the following issues:

- Whether sections 3.1-3.6 were too detailed for a section on the informal process and should be deleted, as they appeared to pre-judge the outcome of the interview.
- Whether instead of deleting sections 3.1-3.6, they should be included as guidelines rather than as part of the main procedure, with it being noted, however, that if included as guidelines they would still remain contractual.

- The possible usefulness of sections 3.1-3.6 for line managers dealing with capability issues, particularly as use of the process had historically been rare.
- The importance generally of personnel issues being handled by staff with appropriate skills and training.

Action: CS

Members reviewed the timescales in the procedure and agreed that:

- Consideration might be given to replacing references to 5 and 10 working days with references to “a reasonable period of time”.
- With reference to the above, the desirability of ensuring consistency over all relevant personnel policies was noted, noting also that Corporation’s appeals procedure retained references to timescales but also stated that if a decision could not be reached within the specified timescale, the appellant would receive a written explanation of the delay and of when a decision could be expected.

Action: CS

Members reviewed the Formal Procedure at section 4 of the procedure and agreed that:

- At paragraph 4.1, “Once it has been established that the inadequate performance in relation to required standards is due to the employee’s lack of capability . . .” should be replaced with “If it is believed that the inadequate performance is due to the employee’s lack of capability . . .”
- The detail at paragraph 4.2 was appropriate for the formal section of the procedure.
- At section 4.4(b), the phrase “the review period will be extended” should be replaced with “the review period may be extended”.
- Agreed current paragraphs 4.4(c) and 4(d) should be removed, new paragraph 4.4(c) should read “If there has been no (or insufficient) improvement, the employee will be told that the manager has no alternative but to recommend dismissal”, noting, for example, that an offer of employment at a lower level which had not been reached via a compromise agreement could be considered constructive dismissal.

Action: CS

The Committee reviewed the revised Capability Procedure and agreed that it should be amended as noted above, discussed with the professional associations and trade unions and returned to the November 2010 meeting of the Committee for further review.

Action: CS/MWR/Clerk

(ii) Personnel Harassment Policy

Carolyn Salt presented the revised Personnel Harassment Policy, which was being reviewed under Corporation’s rolling policy review schedule.

Members considered the policy and agreed that:

- As allegations of harassment made by a student against a staff member would be dealt with under the College’s Safeguarding policies, the Personnel Harassment Policy should be re-named the “Staff Personnel Harassment Policy”.
- The following statement at paragraph 1.1. should be removed and included in a Guidelines section: “The College is legally obliged to protect its employees from harassment on the grounds of their race, gender, age, disability or transsexualism during the course of their employment. Failure to do so may result in a claim for direct or indirect discrimination being brought by an employee(s). Employees should also be aware that if they are found to be participating in such acts of harassment and a manager fails to act to protect an employee being harassed, they might be liable to have a claim of discrimination made against them personally”.
- Paragraph 3.3 should be amended to read: A complaint about alleged harassment should be made in writing to the Vice-Principal (Student and Staff Support) who will carry out

preliminary investigation to assess the nature and seriousness of the complaint and seek an informal resolution where appropriate”.

- Paragraph 3.11 should be amended to read: “Where the complaint is not upheld the Vice Principal (Student and Staff Support), the Principal, or another senior member of the College as appropriate, should meet the complainant to explain this “.
- Paragraph 3.14 should be amended to read: “Where the complaint is upheld the investigating officers will report to the Principal who will decide whether to take disciplinary action or such action as s/he may determine”.
- Paragraph 3.15 should be removed and the document re-numbered accordingly.

Action: CS

The Committee reviewed the revised Personnel Harassment Policy and agreed that it should be amended as noted above, discussed with the professional associations and trade unions and returned to the November 2010 meeting of the Committee for further review.

Action: CS/MWR/Clerk

(iii) Whistleblowing

The Clerk presented the revised Whistleblowing policy and procedure, reporting that:

- The policy and procedure were last approved by Corporation in 1999 and had been updated, including the addition of new sections taken from the specimen policy produced by Eversheds for the Active Risk Management in Education (ARMED) project for FE and HE institutions (2007).

Members noted that the following changes had been made to the revised policy and procedure:

- The right to make an external disclosure to a trade union representative had been removed from the policy and procedure but a right to be accompanied by a trade union representative or work colleague at the meeting with the designated person had been added.
- The table of outcomes had been amended to show that
 - where the matter was referred to the police or other external agency, disciplinary action would be considered following the outcome of the external investigation
 - there was no right of appeal to Corporation Appeals Committee where the allegation of wrong-doing was confirmed, since there would in such a case be a right of appeal following use of the College’s disciplinary procedure.

Members agreed that the following additional revisions should also be made to the policy and procedure:

- On page 2, under “Whistleblowing is”, the fourth bullet point should read “a matter which will always be treated confidentially and the whistleblower fully protected providing that the whistleblower believes that the issue is genuine – but confidentiality of the whistleblower cannot be ensured following the investigation”.
- The flowchart on page 5 should be removed.
- On page 6, under the list of people and bodies to whom external disclosures could be made, the sixth bullet point should read “The public body responsible for funding the College” and the seventh bullet point (“The Young People’s Learning Agency”) should be deleted.

The Committee agreed that the updated Whistleblowing, amended as noted above, should be presented to the College’s professional associations and trade unions. If following this consultation no significant issues were raised, the Committee would recommend the policy and procedure to Corporation for approval.

Action: Clerk/MWR/Chair

(iv) Review of schedule of policies

The Committee received the updated College schedule showing the rolling plan for the regular review of personnel policies, noting that policies were due for review either annually or every 5 years but were also reviewed following relevant legislative change.

9 Report on audit of personnel policies

Mike Rogerson and Carolyn Salt presented the internal audit report on the review of personnel policies.

Members noted that:

- The review of the College's personnel policies had been undertaken as part of the 2009/2010 internal audit plan and had sought to ensure that the College had comprehensive personnel policies in place which had been formally approved, widely disseminated and which were subject to regular review and updating.
- The auditors had noted that personnel policies were available to staff via the College intranet.

The Committee received the internal auditors' report on their review of personnel policies, noting that the internal auditors has been able to provide significant assurance which was the highest grade awarded for a sample audit, and that no recommendations had been made as a result of the review.

10 Employment law update

Carolyn Salt presented an employment law update on the Equality Act 2010, the mandatory retirement age, safeguarding vulnerable groups, agency working, flexible working and parental leave.

Members noted, in particular, that:

- The Equality Bill had now become the Equality Act, with the first legislation due to be implemented from October 2010, although given the change in Government, it was currently uncertain whether the schedule would be retained.
- The College's Single Equality Scheme (SES) might need some revision when it was reviewed in November 2010 to incorporate the other protected characteristics more fully, including the need to review the effect on the College of the duty on public bodies to reduce socio-economic inequalities.
- The Personnel Officer hoped to attend further training on the Equality Act, including y how and when it was to be implemented once this was known.
- The new coalition Government was expected to remove the mandatory retirement age, although no timescale for this had yet been set.
- The new Government has announced a review of the new system for safeguarding groups under the Independent Safeguarding Authority (ISA) before it had been implemented, with the aim of 'scaling it back to more common sense levels' and there were currently three separate consultations underway. At present forms had been issued and applications could be made to the ISA from July 2010 onwards, with registration becoming mandatory prior to anyone being employed or volunteering from November 2010.

With reference to safeguarding, members noted that safeguarding training had been completed by all but 5 College staff during 2009/10 and was underway for those Corporation members who had not undertaken training in employment or voluntary roles elsewhere or who had requested refresher training.

The Committee received an employment law update from the Personnel Officer.

11 Corporation and Committee procedural matters

(i) Annual review of Personnel Committee terms of reference and standing agenda item list

The Clerk reported that:

- The Committee reviewed its terms of reference and standing agenda item list annually, making recommendations on revisions to Corporation.
- The Clerk was recommending no revisions to the Committee's terms of reference and updating minor revisions to its standing agenda item list.

The Committee completed its annual review of its terms of reference and standing agenda item list and agreed to recommend to the Corporation minor updating changes to the Committee's standing agenda item list recommended by the Clerk with the following amendments:

- ***references to the month(s) in which an item should be reviewed should be replaced by a reference to the relevant term,***
- ***the schedule of personnel policies and procedures should be reviewed annually at the Committee's spring term meeting.***

Action: Clerk/Chair

(ii) Annual review of Corporation's Appeals Committee terms of reference and Appeals Committee procedure

The Clerk reported that:

- The Committee reviewed Corporation's Appeals Committee terms of reference and Appeals Committee procedures for staff and students annually, making recommendations on revisions to Corporation.
- The Clerk was recommending no revisions the Appeals Committee terms of reference and procedures for student and staff other than senior post-holders.
- The appeals procedures associated with the senior post-holder disciplinary procedure had reviewed by the Committee at its February 2010 meeting before recommending them to Corporation for approval and were therefore not due for further review at the current meeting.

The Committee completed its annual of Corporation's Appeals Committee terms of reference and Appeals Committee procedures for staff and students, agreeing the following addition to the procedures for staff and student appeals:

- ***If the appellant does not attend the appeal hearing for any reason, the appeal will be reconvened if the Committee are satisfied that there are reasonable grounds to do so.***

Action: Clerk/Chair

(iii) Committee Annual Report

The Committee's annual report was approved for presentation to Corporation.

Action: Clerk

12 Documents from outside bodies: employment law briefings

- (i) Martineau Education Bulletin: Equality Bill, May 2009
- (ii) Eversheds Education HR e-briefing: Equality Bill published, Feb. 2009
- (iii) Developments on the work of the Independent Safeguarding Authority

and CRB update, April 2009

The Committee received the above briefings.

13 Any other business: verbal report on the future of the Institute for Learning (IfL) and the General Teaching Council (GTC)

Mike Rogerson reported that:

- The sixth form colleges forum had been in extensive discussion with the Department for Children, Schools and Families (DCSF) concerning whether the Department would pay for sixth form college teachers' registration with the GTC, as it did for FE college staff registering with the IfL.
- The DCSF's successor body, the Department for Education (DfE), had, however, announced that the GTC would be abolished.
- It was not currently known whether the IfL would continue but its current remit related exclusively to those teaching in post-16 education.

The Committee received a verbal report on the future of the Institute for Learning (IfL) and the General Teaching Council (GTC).

14 Date of next year's meetings

It was agreed that proposed meeting dates for the Committee in 2010/11 would be e-mailed to members.

Action: Clerk

Fiona Bagchi
Clerk to the Corporation
16 August 2010

ACTIONS ARISING FROM THE PERSONNEL COMMITTEE MEETING HELD ON 7.6.10

No.	Action for:	Action:	Status of Actions:
1*	MWR	A briefing on equality and diversity would be given to the <u>July 2010</u> meeting of Corporation (Corp.).	Done.
2	MWR/CS ¹ /Clerk	Review of the staff appraisal process deferred to the Committee's <u>Nov. 2010</u> meeting.	On the agenda.
3	CS ¹	Capability policy: consider removing para.s 3.1.-3.6 from the section on the informal process – <u>Nov. 2010</u> .	Done. See also 5 below.
4	CS ¹	Consider removing specific timescales from College policies and procedures – <u>2010/11 – a long-term action</u>	<i>A long-term action.</i>
5	CS ¹	Amend capability policy, as agreed – <u>Nov. 2010</u> .	(i) Done. Policy amended.
6	CS ¹ /MWR/Clerk	Consult with professional associations/trade unions on revised capability policy and return policy to Personnel Committee meeting – <u>Nov. 2010</u> .	Done. Consulted with professional associations/trade unions and no comments made. Policy is on the agenda.
7	CS ¹ /MWR/Clerk	(i) Amend personal harassment policy, as agreed. (ii) Consult with professional associations/trade unions on revised policy and return policy to Personnel Committee meeting – <u>Nov. 2010</u> .	(i) Done. Policy amended. (ii) Done. Consulted with professional associations/trade unions and no comments made. Policy is on the agenda.
8*	Clerk/MWR/Chair	Amend Whistleblowing policy & procedure, as agreed. Consult with professional associations/trade unions on revised policy & procedure &, if no significant issues raised, recommend to Corp. – <u>July 2010</u> .	Done. Revised Whistleblowing Policy approved at July 2010 meeting of Corporation.

No.	Action for:	Action:	Status of Actions:
9*	Clerk/Chair	Clerk: amend Committee's revised standing agenda item list as agreed – <u>Sept. 2010</u> Chair: recommend Committee's revised standing agenda item list to Corp. – <u>Sept. 2010.</u>	Done. Done. Approved at Sept. 2010 meeting of Corporation.
10*	Clerk/Chair	Clerk: amend Appeals Committee procedures for staff and students as agreed – <u>Sept. 2010</u> Chair: recommend revised Appeals Committee procedures for staff and students to Corp. – <u>Sept. 2010.</u>	Done. Done. Approved at Sept. 2010 meeting of Corporation.
11*	Chair	Present Committee's annual report to Corp. – <u>July 2010.</u>	Done.
12	Clerk	E-mail Committee meeting dates for 2010/11 to members – <u>July 2010.</u>	Done.

¹Actions shown in the minutes and the action table as being for CS (Carolyn Salt) are now for the new Personnel Officer, Jenny Clough (JC).

* Items marked with an asterisk show actions which will be completed by/at Corporation or a Corporation Committee other than Personnel.

CORPORATION PERSONNEL COMMITTEE
Minutes of Meeting held 22 November 2010

Present: Mary-Rose Hardy (Chair), Gail Burrows, George Coyle, Sarah Kimemia, Richard Smith
Clerk: Fiona Bagchi
In Attendance: Jenny Clough (Personnel Officer), Mike Rogerson (Vice-Principal, Students and Staff), Justine Wilkinson (Counsellor)

1 Apologies

There were no apologies.

2 Declaration of interests

It was noted that Mary-Rose Hardy had asked for her membership of East Riding of Yorkshire Council to be a standing declaration.

3 Election of Chair and Vice-Chair

Richard Smith proposed Mary-Rose Hardy as Chair of the Committee. The proposal was seconded by Gail Burrows.

Mary-Rose Hardy proposed Sarah Kimemia as Vice-Chair of the Committee. The proposal was seconded by Richard Smith.

Mary-Rose Hardy and Sarah Kimemia were elected, respectively, as Chair and Vice-Chair of the Personnel Committee.

4 Minutes of meeting held on 7 June 2010

The minutes of the meeting held on 7 June 2010 were approved.

5 Matters arising and actions

- 1 A briefing on equality and diversity had been given to the July 2010 meeting of Corporation (4).
- 2 A review of the staff appraisal process was on the agenda (6).
- 3 The capability procedure had been amended as agreed (8).
- 4 Consideration would be given to removing specific timescales from College policies and procedures when they were reviewed as part of the normal review cycle (8).
- 5 As noted above, the capability procedure had been amended as agreed (8).
- 6 The College had consulted with the professional associations/trade unions on the

revised capability procedure, with no comments being made. The procedure was on the agenda (8).

- 7 The personnel harassment procedure had been amended, as agreed, with further recommendations on changes also being made by the Personnel Officer. The College had consulted with the professional associations/trade unions on the revised procedure, with no comments being made. The procedure was on the agenda (8).
- 8 The whistleblowing (public interest disclosure) policy and procedure had been amended, as agreed, and it had been approved at the July 2010 meeting of Corporation following consultation with the professional associations/trade unions (8).
- 9 The Committee's revised standing agenda item list had been amended, as agreed, and approved at the September 2010 meeting of Corporation (11).
- 10 The Appeals Committee procedures for staff and students had been amended, as agreed, and approved at the September 2010 meeting of Corporation (11).
- 11 The Committee's annual report had been presented to the July 2010 meeting of Corporation (11).
- 12 The Committee meeting dates for 2010/11 had been e-mailed to members, as agreed (14).

6 Annual report on staff development

It was agreed that the report should be given to the February 2011 meeting of the Committee.

Action: BH

7 Counselling and safeguarding vulnerable groups

(i) Annual report on safeguarding children & vulnerable adults, including child protection training update

Mike Rogerson spoke to the annual safeguarding report for 2009/10 and to the safeguarding training update.

Members noted that:

- A major safeguarding training programme for staff had been undertaken during the year. 94% of all staff had completed training and staff now had a greater awareness of safeguarding issues.
- It continued to be the College aim to exceed the Ofsted requirements and expectations in terms of safeguarding.
- The College continued to work with representatives from the local Common Assessment Framework (CAF) teams in the Hull and East Riding areas, which acted as a central body to oversee multi-agency working and sharing of information to assist children and young people at an early intervention stage.
- The College counsellor had continued her work with a number of local agencies and allied health professions to develop a network of good working relationships to facilitate early access to support for students.
- The College had dealt with a small number of Child Protection issues during the year and in all cases the relevant authorities had been involved. The Principal and Vice-Principal had

also met with a representative from the East Riding Safeguarding Board following the death of a former student of the College.

It was noted in response to members' questions that the College had arrangements in place to ensure that staff who has been unable to complete safeguarding training due to sickness absence, for example, were able to complete it at a later date.

The Committee received and considered the annual safeguarding report for 2009/10 and the safeguarding training update, noting that most staff had completed safeguarding training during the year and that appropriate procedures and partnership working had enabled the College to respond effectively to a small number of child protection issues which had arisen .

(ii) Annual review of safeguarding policies and procedures

The Committee undertook its annual review of the College's safeguarding policies and procedures, noting that the Safeguarding and Child Protection Policy and the Safeguarding Vulnerable Adults Policy and Procedure had been revised in 2009 and required no further amendment. It was, however, agreed that the College would check whether the multi-agency forms attached as an appendix to the latter policy were the most up to date versions.

Action: JW

(George Coyle joined the meeting).

(iii) Annual counselling report

Justine Wilkinson, the College Counsellor, presented the annual counselling report for 2009/10,.

Members noted in discussion that:

- The year on year increase previously noted in the number of student using the service, including the number of male students using the service, had continued.
- The new tutor system had increased the number of early referrals and where students preferred to speak to a staff member rather than the counsellor, the counsellor was able to support the staff member on a confidential basis.
- There had been a number of child protection cases at the lower level of prevention of chaos. Support was also offered to students affected by the death of a former student noted above.
- Students were able to decide when to end counselling, rather than being offered a set number of sessions, which was empowering for them.
- There had been a number of cases where GPs had referred students to the College counselling service, reflecting the confidence they had in the service and allowing students to be seen earlier.
- There had been an increase in students seeking help with addictive behaviour, rather than a increase in such behaviour, and the College had arranged for an external speaker to speak to the students.
- The College's respect policy made it clear that cyber-bullying would not be tolerated and there had been fewer cases in 2009/10.
- The counsellor had been pleased to receive a higher number of student feedback forms, which were used to improve the service. It was noted that, with one exception, all were positive about the service.
- An increase in those seeking help through counselling had been seen generally in the region and the local counselling network continued to provide its members with appropriate support.
- Future challenges included the possibility that external agencies which had provided support in the past could be affected by the adverse economic climate but the counsellor was confident that any such problems could be met.

In response to members' questions, it was noted that the period November to January was the busiest period, because students were preparing for examinations and also because by then they knew staff better and felt more able to disclose issues. There could also be cases of seasonal mood depression in the winter.

The Committee thanked Justine Wilkinson for her report.

The Committee received and considered the 2009/10 counselling report, noting that the numbers using the service continued to increase.

(Justine Wilkinson left the meeting).

8 Equality and Diversity issues

(i) Single Equality Scheme

The Personnel Officer presented the College's revised Single Equality Scheme (SES).

Members noted that:

- The previous SES, which referred to race, disability and gender equality, had been extensively revised to refer to all 9 equality strands and to the College's current duties as set out in the Equality Act 2010.
- It was noted that the SES would require further revisions when new public sector duties were introduced in April 2011.

The Committee agreed to recommend the revised SES to Corporation with the following amendment: the Personnel Officer should place the section on the responsibilities of the Corporation, management and staff earlier in the document to emphasis its importance.

Action: JC/Clerk/Chair

It was agreed that, as the Committee was scheduled to meet in February and June 2011, the next revision of the SES should be presented directly to the May 2011 meeting of Corporation.

Action: JC/Clerk

6 Staffing issues

(i) Staffing Update

The Personnel Officer, Jenny Clough, presented the staffing update, which was discussed.

The Committee received the staffing update for November 2010, noting staff joining and leaving the College and arrangements arising from maternity leave or long-term sickness absence. It was noted that the College had won the Employment Tribunal case noted at the Committee's June 2010 meeting.

(ii) Review of staff appraisals

Mike Rogerson spoke to the report on staff appraisals.

Members noted that

- Almost all teaching staff appraisals had been completed before the end of the academic year.
- The teaching staff appraisals were detailed and professionally produced and it was therefore not considered necessary to amend the present format.

- The support staff system was currently a rolling system throughout the year and was therefore more difficult for the Personnel Officer to monitor.
- Jenny Clough was discussing the timing of appraisals with support staff, with the current recommendation being that, subject to consultation, appraisals should be completed between November and January annually, with an extension allowed for 2010/11.

The Committee received and considered the report on staff appraisals, noting the proposal that a set period during which support staff appraisals should be completed annually was being considered.

(iii) Verbal report on pay award

The Principal gave a verbal report on the 2010/11 pay award, which was discussed.

The Committee noted that:

- The recommended pay award for 2010/11 was 0.75%, compared to 2.5%% for school teachers (awarded as part 2 of a 2 year deal) and a pay freeze for school support staff.
- It was understood that the teaching unions/professional associations were putting the recommendation to their members, with a recommendation from one union to reject the offer.
- Parity with school teachers was an issue for sixth form colleges which recruited from the schools sector.

The Committee received a verbal report on the staff pay award for 2010/11, noting that negotiations were continuing.

(iv) Staff absence report

The Personnel Officer spoke to the sickness absence report.

Members noted that:

For the academic year 2009-10 a total number of 1064 working days were lost due to sickness absence (2008/09: 947, 2007/08: 639, 2006/07: 1,157)

- Longer absences accounted for 73% of the total number of working days lost. Of the remaining, most were absences due to minor ailments, averaging 3.5 days, which is very similar to the previous year (3.55 days).
- The average sickness absence of staff for whom absence was recorded was 10.5 days. The average overall was 3.3. days.
- Benchmarking was not available for the sector but other sixth form colleges were reporting 2.5 – 4.5 days on average, which compared favourably to the higher public sector average.
- The Personnel Officer was proposing that consideration be given to holding return to work interviews every time someone has been off sick/at more regular intervals and/or for staff calling in sick to speak to their line manager or Division Head regarding the sickness.

The Committee received and considered the staff absence report, noting the Personnel Officer's recommendation on return to work interviews.

(v) Annual complaints report: staff

The Committee considered the annual complaints report for 2009/10, noting that 2 complaints had been made involving staff, both of which had been judged to be invalid.

(vi) Annual review of Staff Questionnaire

The Committee considered the annual staff questionnaire analysis, noting that there had been a small increase in the number of returns in 2010 and that responses remained generally positive, as in previous years.

10 Policies and Procedures

(i) Revised Capability Procedure

The Personnel Officer presented the revised Capability Procedure, on which the College has consulted with the College's trade unions and professional associations.

The Committee approved the revised Capability Procedure for recommendation to Corporation with the following amendments:

- ***At section 4.5 the word normally should be added to the timescale.***
- ***At section 6.2, the list should be formatted with bullet-points.***

Action: JC/Clerk/Chair

(ii) Revised Personal Harassment Procedure

The Personnel Officer presented the revised Personal Harassment Procedure, including revisions made since the Committee reviewed the procedure at its June 2010 meeting.

The Committee agreed to recommend to Corporation with the following amendments the revised Personal Harassment Procedures considered at the Committee's June 2010 meeting as subsequently amended by the Personnel Officer:

- ***On page 1, the seventh bullet point of the final paragraph should read "Their status as ex offenders"***
- ***The removal of the 2 final sentences at section 1.1, which should also not be transferred to a guidelines section.***
- ***At section 3.3, a complaint should be made in writing to the Personnel Officer who will appoint an investigating officer.***

Action: JC/Clerk/Chair

It was agreed that the Personnel Officer would review the list of personnel policies and procedures approved by Corporation and make a recommendation on any that required revising to the February 2011 meeting of the Committee.

Action: JC/Clerk

11 Governance issues

(i) Review Committee Performance Indicators (PIs) and complete Performance Checklist

The Committee completed its 2009/10 performance checklist, noting it was a 100% compliant, and reviewed its performance indicators.

(ii) Annual Report to Corporation

The Committee received its draft annual report for 2009/10 and agreed that it should be presented to Corporation.

Action: Clerk/Chair

12 Employment law update

The Committee received the following briefings which had been presented in support of items considered earlier on the agenda:

- The Association of Heads of University Administration (AHUA)/Martineau Higher Education Bulletin for August 2010 on the Equality Act 2010
- An update from Eversheds dated November 2010 on the Vetting and Barring Scheme.

It was also noted that the default retirement age was expected to be abolished from April 2011.

The Committee received the employment law update.

13 Any other business

(i) Reference forms

In response to a query from members concerning reference pro forma, the Personnel Officer reported that she was happy with the current system used but the requirement for the disclosure of medical information would be removed to ensure that the College's application process complied with recent equality legislation.

(ii) Staff dress code

The Committee discussed the recent introduction of a staff dress code by a local school and a recent case of a school which has taken disciplinary action against a staff member whose photograph had appeared on the internet after she had entered a beauty contest. Members noted that the College had a staff code of conduct, which was reviewed regularly, and that there was an expectation that staff would maintain a certain standard of dress.

14 Date of next meeting

It was agreed that the Committee would meet on 7 February 2011, as scheduled, but at the later time of 4.30pm.

Action: Clerk

Fiona Bagchi
Clerk to the Corporation
24 January 2010

ACTIONS ARISING FROM THE PERSONNEL COMMITTEE MEETING HELD ON 22.11.10

No.	Action for:	Action:	Status of Actions:
1	BH	Present staff development report to Personnel Committee – <u>Feb. 2011</u>	Done. Written report received from Belinda Hakes & is on the agenda.
2	JW	College Counsellor (Justine Wilkinson) to check whether multi-agency forms attached to the vulnerable adults policy & procedure are still current – <u>Feb. 2011</u> .	
3*	JC/Clerk/Chair	Amend Single Equality Scheme (SES), as agreed, and recommend to Corp. for approval– <u>Dec. 2010</u> .	Done. Corp. approved the SES at its Dec. 2010 meeting.
4*	JC/Clerk	Amend SES when public sector duties in force and present directly to Corp. – <u>May 2011 – a long-term action</u>	<i>A long-term action.</i>
5*	JC/Clerk/Chair	Amend capability procedure, as agreed, and recommend to Corp. – <u>Dec. 2010</u> .	Done. Capability procedure approved at the Dec. 2010 meeting of Corp.
6*	JC/Clerk/Chair	Amend personal harassment procedure, as agreed, and recommend to Corp. – <u>Dec. 2010</u> .	Done. Personnel harassment procedure approved at the Dec. 2010 meeting of Corp.
7*	Clerk/Chair	Present Personnel Committee Annual Report 2009/10 to Corp. – <u>Dec. 2010</u> .	Done.
8	Clerk	Change Committee meeting time to 4.30pm. – <u>from Feb. 2011</u>	Done.

** Items marked with an asterisk show actions which will be completed by/at Corporation or a Corporation Committee other than Personnel.*