

Board Meeting

Date of Meeting	Wednesday 28 May 2014
Paper Title	Appointment of Staff Board Members
Agenda Item	12
Paper Number	BM1-I
Responsible Officer	Julia Henderson, Advisor to the Board
Status	Disclosable
Action	For approval

1. Report Purpose

- 1.1** To advise the Board on the appointment process for the two staff board members (described in the Post 16 Education (Scotland) Act as one each of 'teaching' and 'non - teaching staff') to sit on the Board with effect from 1 August 2014.

2. Recommendations

- 2.1** The Board is asked to approve the proposed election process as set out in this report recognising that the process has already commenced under the authority of the Chair of the Board and agreeing that the acceleration of the process was justified in all the circumstances.
- 2.2** The Board is asked to note progress made to date.

3. Background

- 3.1** The Post 16 Education (Scotland) Act 2013 (the Act) sets out the requirement for an election process to be conducted in accordance with the rules made by the Board. The draft constitution of the Board reflects the statute. As explained in Report BM1-A interim staff members have been appointed by the Cabinet Secretary pending the establishment of the Board and the assignation of the 3 colleges to the Board on 1 August 2014.
- 3.2** We had hoped to be able to run the formal process for appointment of teaching and non-teaching staff members along-side the appointment process for ordinary members. However, the process in relation to the staff (and student members) was necessarily slightly different due to their appointments being linked to the assigned colleges.

3.3 We were keen to avoid any further delay in regularising the appointment and membership of staff members. In order to ensure that Members are in place for 1 August 2014 it was necessary to commence preparatory work well in advance of 1 May 2014 and the appointment of Board Members.

4. Process

4.1 We engaged the Electoral Reform Commission to run the elections for us, given the size of the electorate and the fact that the process must be run uniformly across all three colleges. We were aware that Edinburgh College had successfully used the Electoral Reform Commission (ERC) for their support staff elections to ensure the integrity of the data and the outcome. The ERC is recognised by UK Parliament as an independent scrutineer and will provide unparalleled security of ballot processes and ensure the integrity and accuracy of our data (including cleansing where they identify inaccuracies/duplication).

4.2 We were very conscious of the work involved in running such a process and relatively short time frame to effect the process, including the need for the process to be complete prior to the summer holiday period. The Electoral Reform Commission is running the process from nominations through to the result of the elections.

4.3 The critical dates are as follows:

Nomination period opens:	Monday 12 May
Nomination period closes:	Friday 23 May
Election period opens:	Monday 9 June
Election period closes:	Friday 20 June
Results Announced:	Monday 23 June

5. Consultation

5.1 The Act requires that the Board consults its colleges and recognised trade unions on the 'making' of the election 'rules'. Whilst recognising that the Board did not legally exist we did commence informal dialogue verbally and via email with the Colleges and with Unison and EIS in February. They were advised throughout the planning stages of the process and on 1 May the Chair of the Board, on behalf of the Board, issued a formal consultation to Colleges, Unison, EIS and GMB (whom we had unwittingly omitted from earlier dialogue). We received no objections to proceeding with the proposed process.

6. Risk Analysis

6.1 Colleges sought reassurance around data protection concerns they had in disclosing staff email addresses. This reassurance was provided. We were satisfied with the robust processes of the ERC as referred to in paragraph 4 above.

7. Legal Implications

- 7.1** In terms of the Act the Board is required to 'make the rules' for the election of staff members and to consult its colleges and recognised trade unions on the rules. The processes relating to these legal requirements are narrated within this report.

8. Financial Implications

- 8.1** The projected cost of running the process with the ERC will be in the region of £2,590 (dependent on the need for elections and the volume of postal voting) and will be paid from the small set up budget provided by SFC.