

William Powell
Chair
Petitions Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

5 July 2013

Dear Mr Powell

Petitions Committee: hourly paid and fixed term contracts

I am writing on behalf of colleges in Wales in response to your letter of 12 June 2013 seeking the views of ColegauCymru on the use of hourly paid and fixed term contracts in the further education (FE) sector. I understand that, as chair of the Petitions Committee, you have also written to individual colleges.

ColegauCymru is the national organisation representing the 17 FE colleges and two FE institutions in Wales. ColegauCymru is currently negotiating a national contract for staff employed in FE colleges with a large number of trade unions, collectively known as the 'joint trade unions' (JTUs).

The latest figures published by the Welsh Government on staff contracts show that in 2008/09, there were 16,810 individual staff contracts. 57% of staff employed by FE institutions were permanent, 21% fixed term and 22% hourly paid/casual staff.¹

Between 1998/99 to 2009/10, the number of staff increased by 9%, with full-time staff increasing by 6% and that of part-time decreasing by 2%. Figures are not available for fixed term contracts. The trend in some colleges has been towards fewer hourly paid part-time staff as colleges have converted hourly paid part-time contracts into fractional contracts.

Colleges employ part-time hourly paid staff, particularly lecturers, in order to be in a position to respond flexibly to external demand. Studying beyond the age of post-16 is not compulsory. Individuals aged 16+ and adults have a choice whether or not to seek a place at college and a further choice between full-time and a range of part-time provision.

¹ *Staff at Further Education Institutions in Wales, 2008/09 SDR 130/2010*, 26 August 2010. Welsh Government. Please note that the latest statistics bulletin on staff was published on 26 June 2013 (SDR 105/2013) showing there were 8,775 full time equivalent staff in colleges. This latter data is collected from the Finance Record and does not give the breakdown of numbers that was previously collected through the Staff Individualised Record.

Colleges are not able to predict accurately the number of students that enrol or the mode of attendance. The number of students, particularly part-time students, fluctuates from year to year. Many make enquiries, attend interview and even accept a college place, but then their circumstances change or they change their minds and they do not in the end enrol at the beginning of term. This figure may comprise up to one-third of potential enrolments. Planning staff deployment with such unpredictable enrolment patterns is a challenge. It would not make financial sense to employ part-time lecturers with fixed weekly hours before students have formally enrolled.

In 2011/12, 191,185 learners attended colleges. Of these, around 76% of learners attended part-time²; around three-quarters were adults aged over 19. Predicting part-time numbers is particularly difficult.

Colleges also need to respond to requests from local businesses for courses or consultancy, often at short notice. There are, in addition, Welsh Government initiatives such as ReACT in which a person recently unemployed can seek training, often at a few days' notice.

In order to be responsive in the delivery of education and training and in order to manage this uncertainty, colleges employ flexible, part-time staff.

Colleges are often not in a position to confirm an individual lecturer's teaching load until the start of term, once the enrolment cycle has been completed and students have taken up their places. However, once a lecturer's teaching load is confirmed, the number of hours usually remains constant throughout the year - unless a class becomes unviable. The teaching load of an individual lecturer may be increased during the year where an opportunity arises and where the lecturer agrees. Many staff in further education prefer to work in a flexible way.

There has been recent press coverage of catering and cleaning companies that employ people on zero hour contracts where employees do not know from one week to the next how many hours – if any – they will work. This does not apply to further education.

The common contract negotiations between ColegauCymru and the JTUs have considered zero hours. The current draft - Version 26 - of the common contract includes these words:

² *Further Education, work-based learning and community learning in Wales 2011/12 SDR 48/2013*. 26 March 2013. Welsh Government.

D. *“LECTURER PART-TIME HOURLY PAID*

In view of the nature of your employment your hours may vary according to the academic requirements of the College. However the College will provide you with a minimum of [hours] of teaching per [week, term, and year]. This minimum will be reviewed on an annual basis and may be subject to change depending on the requirements of the college.”

This clause would have the effect of ensuring that a lecturer is employed on a minimum hours rather than a zero hours contract. However, colleges must retain the flexibility referred to in previous paragraphs and which is appreciated by many staff.

In respect to fixed term contracts, colleges often receive Welsh Government or European funding for the delivery of short term projects. Staff on these projects are employed on fixed term contracts for the duration of these externally funded projects. No guarantees can be given on employment once external funding has ceased.

Please do not hesitate to contact me if you require further information.

Your sincerely

Dr John Graystone
Chief Executive