ATL is the union for education professionals across the UK. Active in the maintained, independent and post-16 sectors, we use our members’ experiences to influence education policy, and we work with government and employers to defend pay, conditions and career development. From early years to HE, teachers to support staff, lecturers to leaders, we support and represent our members throughout their career.

AMiE is the leadership section of ATL representing leaders and managers in schools and colleges throughout the UK. Our membership embraces academic and business leaders and managers at several levels in schools and colleges including curriculum leaders, HR managers and college principals.

ATL is affiliated to the Trades Union Congress (TUC), Irish Congress of Trade Unions (ICTU), European Trade Union Committee for Education (ETUCE) and Education International (EI). ATL is not affiliated to any political party and seeks to work constructively with all the main political parties.

Introduction

We welcome the opportunity to respond to the Education and Culture Committee’s call for written evidence on the Post-16 Education (Scotland) Bill. The level of recent debate in the Parliament concerning the college sector and in particular the regionalisation agenda does not do justice to the seriousness of the issue and the impact of the ongoing changes on students and staff alike. We sincerely hope that the Education Committee’s call for written evidence can bring about a more mature debate worthy of the importance of the issue.

It is understandable that the Scottish Government wishes to ensure that the public money allocated to the sector is used most effectively and efficiently in achieving national priorities. We have long articulated the need for a system which avoids duplication, respects institutional autonomy but is strengthened by democratic accountability for the use of public funds. We remain to be convinced however that the Bill meets those criteria.

Widening Access

The Scottish Government’s commitment to widening access to post-16 education for students from deprived areas particularly for those attending university should be welcomed. The challenge is in translating honourable intentions into reality and as such the Bill does not detail how this will be done.
The provisions of the Bill relating to widening access agreements are not dissimilar to current funding arrangements with the Scottish Funding Council (SFC) and in of themselves are straightforward and outwardly appear fit for purpose. The success in widening access will depend upon the outcome agreements which have been negotiated with the individual institutions and at time of writing are not in the public domain.

**Tuition Fees Cap**

ATL/AMiE is committed to ensuring that access to university is based on ability and not the ability to pay. We remain opposed to tuition fees and regret that the increases in tuition fees by the UK government has led to the Scottish Government introducing a system of fees for students from elsewhere in the UK.

We acknowledge that the Bill introduces a cap ensuring that tuition fees cannot be higher in Scotland than elsewhere in the UK; never the less a market system now operates where it did not before.

**College regionalisation**

The pace of change since the Scottish Government launched its consultation paper ‘Putting Learners at the Centre’ in December 2011 has been considerable. This Bill is to some extent the legislative underpinning of the reform of the sector. It is rare for such radical reform to occur ahead of the legislation and begs the question what would happen if, in the unlikely event, the Parliament makes fundamental changes to the Bill which impact on already merged colleges?

The Cabinet Secretary has repeatedly said there is a consensus\(^1\) towards the reform and regionalisation agenda; and indeed references the recent college mergers and the ongoing discussions about future mergers as examples of that consensus. We agree with the Cabinet Secretary that there is a consensus however our perspective differs on how it has been reached. We do not believe that it has come about because of a collective desire for wholesale change in the sector; instead it has been brought about via the financial levers through the Scottish Funding Council. To a lesser extent the change has also occurred because of an understanding of the political arithmetic within the Scottish Parliament that will deliver the changes the Scottish Government wishes to see.

We note the estimations of savings of £50million per annum by 2015-16 from mergers and federations contained within the policy memorandum\(^2\). We have directly expressed our concern to the Cabinet Secretary at a fringe meeting at the SNP Conference in Perth in October about the job losses in the sector which have to occur to meet these efficiency savings. It is difficult not to be sceptical about official projection of efficiency savings when £15million was allocated to the Transformation Change Fund to support

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\(^1\) [http://www.scottish.parliament.uk/S4_Bills/Post-16%20Education%20Bill/b18s4-introd-pm.pdf](http://www.scottish.parliament.uk/S4_Bills/Post-16%20Education%20Bill/b18s4-introd-pm.pdf)

\(^2\) [http://www.scottish.parliament.uk/S4_Bills/Post-16%20Education%20Bill/b18s4-introd-pm.pdf](http://www.scottish.parliament.uk/S4_Bills/Post-16%20Education%20Bill/b18s4-introd-pm.pdf)
the merger agenda across the sector and the cost of merging the three Edinburgh colleges is projected at £17million pounds alone\(^3\).

The Bill places the power of appointment and removal of Board members with the Minister which gives us concerns about the centralising nature of the Bill. Without wishing to inject a political partisan divide amongst the Committee the recent dispute between the Cabinet Secretary and a now former College Board Chair highlights an important question. If the provisions within the Bill had been in force at the time of the dispute would the Cabinet Secretary have been able to remove the member from his position? If the answer is yes then the Bill places too much power in the hands of the Minister, regardless of political hue.

**Review of fundable further and higher education**

We have reservations about the provisions within the Bill relating to potential future reviews of post-16 education in Scotland. Maintaining an open perspective on what provision will be right for the country in ten or twenty years time is only right and proper. We are concerned with centralising nature of the provisions which increase the Minister’s current powers. These powers leave open the possibility for a future Minister, of any political party, to decide what provision is appropriate. The various decrees from Michael Gove, Secretary of State for Education, relating to what should and should not be taught in schools in England and who can and cannot teach should act as a warning sign about the dangers of centralising Ministerial powers.

**Conclusion**

We believe it is incumbent upon the Education and Culture Committee to hold the Scottish Government to account for the radical changes which are occurring in the sector; and to ensure the promised benefits arising from the changes truly do put the learner at the centre. We have a number of questions for the Committee’s consideration:

- What will happen where an institution fails to meet measures contained within its widening access outcome agreement for reasons out with its control?
- How far could the reform agenda have been pursued via the Scottish Funding Council without requiring the merger agenda? What obstacles were in place and to what extent could they have been overcome by means other than the path pursued by the Scottish Government?
- What work has been undertaken to verify the robustness of the estimations of future efficiencies from the merger agenda?
- From where did the Scottish Government draw its evidence to support its regionalisation agenda?
- What guarantees can be given to ensure that the power to remove members from boards will only be used when mismanagement occurs rather than when there is a difference of opinion in the required strategic direction?