Introduction

This paper presents the views of Glasgow’s Colleges in respect of the potential impact of the Post-16 Education (Scotland) Bill 2013. It is written as a supplement to the evidence provided by Colleges Scotland and in a context of being fully supportive of the regionalisation objective to provide a high quality, coherent and sustainable college sector.

Glasgow Region

The Glasgow Region will be one of only two multi-college Regions outwith the University of the Highlands and Islands, and therefore we are keen to ensure that the legislative framework of this Bill supports the aspirations held by both the Regional Lead and the Chairs of the existing constituent colleges to build a college sector which supports the development of the citizens of Glasgow and beyond to generate new wealth for our city, the wider metropolitan region and our nation whilst crucially supporting social mobility and enhancing lifelong learning.

The guiding principle of this paper is that the Regional Colleges, Regional Boards and the assigned Colleges should retain autonomy in as many areas of leadership, corporate governance, strategy and planning as possible. Regionalisation should recognise the differences between regions in relation to demographics, economics, social and community need, and employment strengths, and autonomy would allow appropriate responses to be developed and implemented, working in harmony with local authorities and other key partners, thus recognising the importance and strength of developing diversity.

Post-16 Education (Scotland) Bill 2013

Composition and functions

We are concerned that there may be unintended consequences in making amendments to legislation in one area without due consideration of other areas e.g. there seems to be inherent tensions between existing Employability, Corporate, Charities legislation and the proposal outlined in the Bill.

What is the legal position of Incorporated colleges in relation to Corporate Governance and the proposed legislation specifically in relation to the power of the Regional Board to move assets/people/liabilities, the power to appoint certain Board members and the ability to remove Board members and the power to plan and insist on strategic issues
where these could be argued by the body corporate of the assigned Colleges to be to the detriment of that body which they are charged to support and ensure its sustainability?

How can an incorporated assigned college meet its legal responsibilities if the Regional Board is appointing its members?

For stability it seems prudent and equitable that the Chair of each assigned College is a member of the regional Board. Similarly if a College Board appoints the Principal as a Board Member then it would be helpful if this was mirrored in sister assigned Colleges.

7-10 members of an assigned College Board seems too few to populate required Committees. Is there an option to co-opt additional members?

How will the teaching and support staff Regional Board appointments process work with a single representative when there are multiple assigned Colleges and multiple Unions recognised by individual College Recognition and Procedures Agreements?

How will 2 student representatives be elected from multiple assigned Colleges?

There is no reference to assigned Colleges being required to provide “coherent, high quality provision”.

Regional Colleges appear not to have a duty to promote SCQF.

Assigned colleges cannot have the Principal as chair however the restrictions which apply to Regional Boards in relation to MSPs. MPs etc do not appear to apply to assigned colleges.

The proposal to have no finite tenure is contrary to good practice in the Code of Corporate Governance 2011 which suggests a maximum of 7 years in total.

Good practice in Governance states that all Board Members must act in the best interests of the corporation and not as representatives or in their own interest. They must be treated equitably therefore there is no reason to include a separate entry on the removal of the Principal if a Board Member.

The rights of those accepting transferred staff are included however the rights of those being transferred does not seem equally well-represented.

**Role of SFC and SDS**

It appears that all duties fall on colleges without any respective duties falling on other organisations e.g. SDS.

Can SFC directly fund an assigned College e.g. specific strategic funds?
It appears that SFC will not have direction over colleges in multi-college regions as SFC will no longer directly fund them. This requires the multi college regional to have in place an appropriate structure to interface with SFC. Regional operational posts do not commence until 2014-15 requiring some form of transitional arrangements for 2013-14.

Legislation suggestions 31 March year end. Is this purely a technical accounting date or will the funding model move to an April to March year with all of the planning cycle shifting to 31 March?

Performance and monitoring

Is it reasonable and practicable to expect Colleges to monitor the “impact that education has on the well-being of the students and former students”, especially in difficult financial circumstances where funding should be committed to front line delivery of teaching.

Where two students stand for election to a Regional Board they shall both be deemed appointed to the Board. This means simply having two candidates will result in one less place available for other Board Members and two student members being in place and only one staff member.

Six months consecutive non-attendance seems rather a long period of before action is taken to remove a Board Member.

If Regional Boards take over the functions of SFC will they also receive commensurate funding?

It would be useful if the sector had clarity on Financial Year End under both existing and proposed legislation.

Bill Guidance

We also noted that the Scottish Government Overview of College Regionalisation Plans does not accurately reflect the Bill and this has the potential to cause additional confusion e.g. in the section on Accountability it refers to members of regional boards and chairs being “personally accountable”. This does not appear in the draft legislation and therefore requires detailed explanation as existing Board members are not personally accountable for actions carried as Board Members where they have exercised reasonable judgement and acted in good faith. Does this mean they could face personal liability in legal cases or be held accountable for poor financial decision-making?