Introduction

West Highland College UHI became a recognised fundable body in terms of the Further and Higher Education (Scotland) Act 2005 in August 2012. It is a full academic partner of University of the Highlands and Islands, and as such delivers both further and higher education. It operates through a network of ten learning centres spread across Lochaber, Skye and Wester Ross. It was created to address the historic deficit in further education provision in the area and in the two years since its establishment has made significant progress.

The college is a company limited by guarantee and is a registered charity. It is constituted by Articles of Association and governed by a board of management.

Overall view on the direction of the Post-16 Education (Scotland) Bill

The board welcomes the purpose of the Bill. It believes that the drive for better governance, wider access, coherent provision and effective delivery in further and higher education sends out positive messages to all those involved, whether as providers or consumers.

The following paragraphs are comments on individual provisions and requests for clarification:

University governance

As an academic partner in UHI, West Highland College UHI strongly supported the recommendations contained with the report from the Working Group on the future structure and function of the University of the Highlands and Islands and to this end, desire to reiterate their support for the continued development of good governance in the sector.

Widening access

West Highland College UHI is founded on the principle of increasing access to education, particularly for those whose opportunities to participate have been constrained by either geographic or other factors. We welcome the changes proposed by the Bill to ensure equitable access for all socio-economic groups.

College regionalisation

The benefits of a regional grouping to enable collaboration, co-operation and effectiveness have already been demonstrated to West Highland College UHI as through the UHI partnership we have been able to develop a progressive curriculum, as well as access services and facilities which a stand-alone college of our scale would never achieve. We foresee that the further education strategic regional body
being part of UHI will develop these benefits further so long as the spirit of and commitment to collaboration is fostered at every level. We would welcome mechanisms to ensure that those partners in the smaller institutions are not disadvantaged in terms of influence, resources or opportunities as a result of these changes.

Clarification on definition of ‘college’

Throughout the Bill there are references to ‘a college’. The Guidance to the Bill states that the proposed changes apply to incorporated colleges. However the Guidance also states that it is not part of the Bill. As an unincorporated college we would seek clarification as to which parts of the Bill apply to us and which do not and would request that this clarification is evident in the wording of the Bill if the Guidance is not considered statutory.

Consequences of definition

If this is the case, ie the changes in the Bill do not apply to unincorporated colleges, we would request that the statutory basis for such colleges’ accountability and operations within a regional structure is made explicit.

Clarification of University of Highlands and Islands' role as a regional strategic body

Section 8 Regional Strategic Bodies lists two types of regional strategic bodies: one being a regional board; the other being another regional strategic body, singularly UHI. We are an academic partner of UHI and one which strongly supported the recommendations of the Working Group on the creation of an FE Committee within UHI. We are not clear whether the reference to the University of the Highlands and Islands means that the Court of UHI as it is currently constituted is to be the strategic body or whether, as the report recommended, that an FE Committee would be established within UHI and that committee would be the regional strategic body with all the duties and functions as described in pages 8, line 28 – page 17, line 14 of the Bill; or whether the regional board constitution (page 17, line 16 – page 25, line 34) would apply.

We believe that the appointment of an independent chair for an FE board within UHI would provide the necessary focus to ensure that FE is recognised as an equal partner in the partnership of higher education, further education and research and we would wish to see the Bill reflect this.

Public appointments and remuneration

We believe that the introduction of the ministerial public appointment process brings opportunities and challenges. The role of chair of a regional board or college will, without doubt, be onerous and time-consuming and there is no doubt that we all seek the best person for the post. However, we are not convinced that the additional bureaucracy and timescale that attends this process will necessarily add significant value to the appointment.
Remuneration of regional board members could cause a further divide between the boards of regional colleges/strategic bodies and that of the individual college boards, with the latter unrecompensed for their time and input. It is interesting that there is a disparity between higher education and further education in terms of public appointments and we would suggest that the same principle should apply to both.

For the appointment of members to college boards (ie those that are not regional colleges), we would recommend that the college board should continue to appoint its members as currently happens. To assist good governance within a regional structure, the regional board would then be asked to endorse the appointments and it should not unreasonably refuse to endorse.

Non-teaching staff

The Bill refers to non-teaching staff in the sections concerning board members. We would recommend that this group of people should be designated in a positive way, ie support staff, rather than being defined by what they are not.

Summary

In summary, our recommendations are:

- That regionalisation does not disadvantage the smaller colleges
- That the Bill itself is clear on which colleges are contained within its remit
- That for any colleges outwith the Bill's remit, the statutory basis for their remit, accountability and functions within a regionalised structure is made explicit
- That the recommendation of the UHI Working Group that an FE committee be established within UHI is endorsed in the Bill
- That the application of a ministerial public appointments process and remuneration should apply to both sectors of tertiary education, ie further and higher.
- That a college board should make the appointments of its board members, with these appointments being endorsed by the regional board who shall not unreasonably withhold the endorsement.
- That the term ‘non-teaching staff’ be replaced by ‘support staff’.

We would appreciate the opportunity to provide further amplification on any of the points expressed above, either in writing or in person.