

# Post-16 Education (Scotland) Bill

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## 2nd Groupings of Amendments for Stage 2

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- a list of any amendments already debated;
- the text of amendments to be debated on the second day of Stage 2 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

### Groupings of amendments

#### **Consultation, collaboration, etc.**

72, 131, 158, 159, 160, 73, 161, 75, 164, 84, 85, 86, 140, 175, 176, 177, 87, 178, 179, 89, 141, 143, 97, 148, 182, 109, 110, 123, 124

#### **Regional college functions**

156, 157, 162

#### **Minor and technical amendments**

74, 76, 88, 90, 103, 105, 119, 120, 121, 122, 10, 129, 130

#### **Membership of college and regional boards**

77, 29, 132, 133, 30, 31, 79, 80, 134, 135, 81, 32, 163, 33, 82, 83, 34, 35, 37, 38, 39, 40, 41, 92, 93, 146, 147, 71, 94, 181, 95, 96, 54, 55, 98, 99, 100, 101, 102, 184, 185, 56, 57, 112, 63, 64, 65, 113, 114, 66, 67, 115, 68, 69, 116, 117, 70

#### *Notes on amendments in this group*

Amendment 33 pre-empts amendment 82

Amendment 83 pre-empts amendments 34 and 35

Amendment 114 pre-empts amendments 66 and 67

Amendment 117 pre-empts amendment 70

#### **College governance**

136, 137, 43, 150, 151, 152, 155

#### **Mismanagement**

165, 166, 167, 168, 91, 189, 125

#### **Assignment of colleges**

169, 170, 171

**Performance monitoring**

138, 139

**Regional strategic bodies: exercise of functions**

172, 173, 174, 180

**Staff and property transfers**

44, 45, 46, 142, 47, 48, 144, 49, 50, 51, 52, 145, 53

**Employee terms and conditions**

149, 183, 153, 193, 194, 154, 195

*Notes on amendments in this group*

Amendment 193 pre-empts amendments 194 and 195

**Regional boards: general powers**

186, 187, 188

**Review of further and higher education**

190, 191, 192, 11

**Duty to provide information to Skills Development Scotland**

104, 106, 107, 108, 62

*Notes on amendments in this group*

Amendment 108 pre-empts amendment 62

**Power to vary board size: parliamentary procedure**

111, 126, 127, 128

**Public appointments**

118, 196

**Amendments already debated**

**Widening access to higher education**

With 1 – 60, 61, 6

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**Amendments in debating order**

**Consultation, collaboration, etc.**

**Michael Russell**

**72** In section 5, page 3, line 24, at end insert—

<( ) the representatives of any trade union which the college recognises or which otherwise appears to the Scottish Ministers to be representative of its staff;

( ) the college's students' association;>

**Neil Findlay**

**131** In section 5, page 4, line 7, leave out from <must,> to <functions,> in line 8 and insert <must>

**Neil Bibby**

**158** In section 5, page 4, line 12, at end insert—

<( ) the community planning partnership for the area in which the regional college is situated;>

**Neil Bibby**

**159** In section 5, page 4, line 12, at end insert—

<( ) the community health partnership for the area in which the regional college is situated;>

**Neil Bibby**

**160** In section 5, page 4, line 12, at end insert—

<( ) transport providers in the area in which the regional college is situated;>

**Michael Russell**

**73** In section 5, page 4, line 22, at end insert—

<( ) The Open University;>

**George Adam**

**161** In section 5, page 4, line 30, at end insert—

<( ) the representatives of any trade union which the regional college recognises or which otherwise appears to it to be representative of its staff;

( ) the regional college's students' association;>

**Michael Russell**

**75** In section 5, page 4, line 36, at end insert—

<( ) The Open University;>

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### Marco Biagi

- 164 In section 6, page 6, line 11, leave out from <such> to end of line 13 and insert <the representatives of any trade union recognised by the college or which otherwise appears to the board to be representative of the staff of the college.>

### Michael Russell

- 84 In section 6, page 6, line 19, at end insert—
- <( ) Before issuing guidance under sub-paragraph (1), the Scottish Ministers must consult—
    - (a) any board to which the guidance relates;
    - (b) where it relates to the board of college which is not a regional college, the regional strategic body for the college;
    - (c) the local authority for any area in which the board to which the guidance relates is situated;
    - (d) the relevant students' associations;
    - (e) the representatives of any trade union which is recognised by a board to which the guidance relates or which otherwise appears to the Scottish Ministers to be representative of its staff;
    - (f) the Council;
    - (g) any body which appears to the Scottish Ministers to be representative of colleges of further education;
    - (h) any body which appears to the Scottish Ministers to be representative of local authorities;
    - (i) any body which appears to the Scottish Ministers to be representative of students of colleges of further education generally; and
    - (j) any body which appears to the Scottish Ministers to be representative of trade unions in Scotland.>

### Michael Russell

- 85 In section 8, page 9, line 14, after <relates> insert (except any not already established)>

### Michael Russell

- 86 In section 8, page 9, line 14, at end insert—
- <( ) the representatives of any trade union which is recognised by any college to which the order relates or which otherwise appears to the Scottish Ministers to be representative of the staff of such a college;
  - ( ) the students' associations of the colleges to which the order relates;>

### Liz Smith

- 140 In section 10, page 13, line 36, at beginning insert <by means of its assigned colleges>

### Neil Bibby

- 175 In section 10, page 14, line 1, at end insert—

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<( ) each community planning partnership for the areas in which its colleges are situated;>

**Neil Bibby**

**176** In section 10, page 14, line 1, at end insert—

<( ) each community health partnership for the areas in which its colleges are situated;>

**Neil Bibby**

**177** In section 10, page 14, line 1, at end insert—

<( ) transport providers in the areas in which its colleges are situated;>

**Michael Russell**

**87** In section 10, page 14, line 11, at end insert—

<( ) The Open University;>

**George Adam**

**178** In section 10, page 14, line 21, at end insert—

<( ) the representatives of any trade union recognised by any of its colleges or which otherwise appears to it to be representative of the staff of any of its colleges;

( ) the students' associations of its colleges;>

**Neil Bibby**

**179** In section 10, page 14, line 22, at end insert—

<( ) each community planning partnership for the areas in which its colleges are situated;>

**Michael Russell**

**89** In section 10, page 14, line 27, at end insert—

<( ) The Open University;>

**Liz Smith**

**141** In section 10, page 15, line 11, at beginning insert <by means of its assigned colleges>

**Liz Smith**

**143** In section 10, page 16, line 13, at beginning insert <by means of its assigned colleges>

**Michael Russell**

**97** In section 11, page 18, line 26, at end insert—

<( ) Before issuing guidance under sub-paragraph (5), the Scottish Ministers must consult—

(a) any regional board to which the guidance relates;

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- (b) the board of management of any college of further education which is, or which the Scottish Ministers consider likely to be, assigned to the regional board by order under section 7C;
- (c) the local authority for any area in which such a college is situated;
- (d) the students' association for each such college;
- (e) the representatives of any trade union which is recognised by any such college or which otherwise appears to the Scottish Ministers to be representative of its staff;
- (f) the Council;
- (g) any body which appears to the Scottish Ministers to be representative of colleges of further education;
- (h) any body which appears to the Scottish Ministers to be representative of local authorities;
- (i) any body which appears to the Scottish Ministers to be representative of students of colleges of further education generally; and
- (j) any body which appears to the Scottish Ministers to be representative of trade unions in Scotland.>

### Neil Findlay

148 In section 11, page 19, line 5, at end insert—

- <( ) all trade unions recognised by its colleges;
- ( ) the students' associations of its colleges; and>

### Marco Biagi

182 In section 11, page 19, leave out lines 6 and 7 and insert—

- <( ) in the case of rules about elections in pursuance of paragraph 3(2)(b), the representatives of any trade union recognised by one or more of its colleges or which otherwise appears to it to be representative of the staff of its colleges; and
- ( ) in the case of rules about elections in pursuance of paragraph 4(3), the students' associations of each of its colleges.>

### Michael Russell

109 In the schedule, page 29, line 13, at end insert—

<( ) In section 3—

- (a) in subsection (6), after “Act” insert “and the Further and Higher Education (Scotland) Act 2005”;
- (b) after subsection (6) insert—
  - “(7) Before making regulations under subsection (6), the Scottish Ministers must consult—
  - (a) the boards of management to which the regulations relate;
  - (b) any regional strategic body for a college of further education which has such a board;

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- (c) the students' association of each such college;
- (d) any body which appears to the Scottish Ministers to be representative of students of colleges of further education generally;
- (e) the Council;
- (f) any body which appears to the Scottish Ministers to be representative of colleges of further education;
- (g) the representatives of any trade union which is recognised by a board of management to which the regulations relate or which otherwise appears to the Scottish Ministers to be representative of its staff;
- (h) any body which appears to the Scottish Ministers to be representative of trade unions in Scotland; and
- (i) any other person appearing to the Scottish Ministers as likely to be affected by the regulations.”.>

### Michael Russell

**110** In the schedule, page 29, line 13, at end insert—

<( ) In section 5—

- (a) in subsection (1), after “situated” insert “, the persons mentioned in subsection (1A)”,
- (b) after subsection (1) insert—
  - “(1A) Those persons are—
  - (a) the Council; and
  - (b) where the proposal is to exercise the power under section 3(1)(b) or (c) or 44 of this Act—
    - (i) the board of management of the college or colleges concerned;
    - (ii) any regional strategic body for such a college;
    - (iii) the representatives of any trade union which is recognised by any such board of management or which otherwise appears to the Scottish Ministers to be representative of its staff;
    - (iv) the students' association of each such college.”.>

### Michael Russell

**123** In the schedule, page 36, line 24, leave out from <after> to end of line 26 and insert <, for “the fundable bodies; or” substitute “post-16 education bodies and regional strategic bodies;

(aa) any body which appears to the Council to be representative of trade unions in Scotland; or”,

( ) in paragraph (b), for “fundable bodies” substitute “post-16 education bodies generally”.>

### Michael Russell

**124** In the schedule, page 36, line 26, at end insert—

<( ) in subsection (5)—

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- (i) at the end of paragraph (f) insert “; and  
(fa) The Skills Development Scotland Co. Limited”,
- (ii) omit paragraphs (g) to (i),
- ( ) omit subsection (6),
- ( ) in subsection (7), for “subsections (5) and (6)” substitute “subsection (5)”,>

### **Regional college functions**

#### **Neil Bibby**

**156** In section 5, page 3, line 34, at end insert—

- <( ) In fulfilling its duty under subsection (1), a regional college must seek to make provision, so far as it is practicable for the regional college to do so, that supports economic and social regeneration in the locality of the regional college.>

#### **Neil Bibby**

**157** In section 5, page 3, line 34, at end insert—

- <( ) In fulfilling its duty under subsection (1), a regional college must seek, so far as it is practicable for the regional college to do so, to promote social inclusion and cohesion in the locality of the regional college.>

#### **Joan McAlpine**

**162** In section 5, page 5, line 2, at end insert—

#### **<23BA Regional college to have regard to particular matters**

- (1) In exercising its functions, a regional college is to have regard to—
  - (a) skills needs in Scotland;
  - (b) issues affecting the economy of Scotland; and
  - (c) social and cultural issues in Scotland.
- (2) In exercising its functions, a regional college is to have regard to the desirability of the achieving of sustainable development.
- (3) In exercising its functions, a regional college is to have regard to the—
  - (a) United Kingdom context; and
  - (b) international context,in which it carries on its activities.
- (4) In exercising its functions, a regional college is to have regard to the educational and related needs (including support needs) of persons who are, and the likely educational and related needs (including support needs) of persons who might wish to become, students of the college.
- (5) For the purposes of subsection (1)(a), “skills needs” means any requirement or desirability for skills or knowledge which, following consultation with the Council, appears to the regional college—

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- (a) to exist for the time being or be likely to exist in the future; and
  - (b) to be capable of being addressed (wholly or partly) by the provision of fundable further education or fundable higher education.
- (6) For the purposes of subsection (1)(b) and (c), “issues” means issues which, following consultation with the Council, appear to the regional college—
- (a) to exist for the time being or be likely to exist in the future; and
  - (b) to be capable of being addressed (wholly or partly) by the provision of fundable further education or fundable higher education.>

### **Minor and technical amendments**

#### **Michael Russell**

- 74** In section 5, page 4, line 23, at the beginning insert <The>

#### **Michael Russell**

- 76** In section 5, page 4, line 37, at beginning insert <The>

#### **Michael Russell**

- 88** In section 10, page 14, line 12, at beginning insert <The>

#### **Michael Russell**

- 90** In section 10, page 14, line 28, at beginning insert <The>

#### **Michael Russell**

- 103** In section 15, page 27, line 8, after <to> insert <The>

#### **Michael Russell**

- 105** In section 15, page 27, line 17, at the beginning insert <The>

#### **Michael Russell**

- 119** In the schedule, page 33, line 13, at end insert—

<( ) In section 7(2)(h), for “fundable” substitute “post-16 education”.>

#### **Michael Russell**

- 120** In the schedule, page 33, line 28, leave out <for> and insert <authorising the Scottish Ministers to make arrangements for, or otherwise providing for,>

#### **Michael Russell**

- 121** In the schedule, page 33, line 37, at end insert—

<(3A) But such an order may not make provision in pursuance of subsection (3)(b) under which a person appointed to a board of management is to hold office otherwise than as if appointed under paragraph 3(2)(a) or (e) or, as the case may be, 3A(2)(a) or (d) of schedule 2 to the 1992 Act.>

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### Michael Russell

- 122 In the schedule, page 33, line 38, leave out <(3)> and insert <(3A)>

### Michael Russell

- 10 In the schedule, page 35, line 6, at end insert—  
<( ) omit the word “fundable”,>

### Michael Russell

- 129 In the schedule, page 38, line 14, at end insert <; and  
( ) any reference (other than in sections 23A and 23C) to the locality in which fundable further education or fundable further education is provided does not include reference to any such education which is provided by way of distance or open learning.”.>

### Michael Russell

- 130 In the schedule, page 38, line 14, at end insert—  
<Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14)  
In the definition of “further education institution” in paragraph 15 of the Protection of Vulnerable Groups (Scotland) Act 2007, after “(asp 6)” insert “or a college of further education which is assigned to a regional strategic body by order made under section 7C(1) of that Act”.>

## Membership of college and regional boards

### Michael Russell

- 77 In section 6, page 5, line 5, leave out <12> and insert <15>

### Liz Smith

#### Supported by: Michael Russell

- 29\* In section 6, page 5, line 9, at end insert—  
<( ) the principal of the college;>

### Neil Findlay

- 132 In section 6, page 5, line 11, leave out <among their own number> and insert <the recognised trade unions>

### Neil Findlay

- 133 In section 6, page 5, line 13, leave out <among their own number> and insert <the recognised trade unions>

### Liz Smith

- 30 In section 6, page 5, leave out line 20

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**Liz Smith**

**Supported by: Michael Russell**

31 In section 6, page 5, leave out lines 29 and 30

**Michael Russell**

**Supported by: Neil Findlay**

79 In section 6, page 5, line 32, leave out <7 nor more than 10> and insert <13 nor more than 18>

**Michael Russell**

80 In section 6, page 5, line 35, at end insert—

<( ) the principal of the college;>

**Neil Findlay**

134 In section 6, page 5, line 36, leave out <a person> and insert <two members>

**Neil Findlay**

135 In section 6, page 5, line 37, leave out <among their own number> and insert <the recognised trade unions>

**Michael Russell**

81 In section 6, page 6, line 1, leave out <a person> and insert <two persons>

**Liz Smith**

32 In section 6, page 6, line 2, at end insert—

<( ) other members appointed by the board; and>

**Neil Bibby**

163 In section 6, page 6, line 2, at end insert—

<( ) a person appointed by the board who appears to it to be representative of the community in which the college is situated;>

**Liz Smith**

33\* In section 6, page 6, line 3, leave out from beginning to <body;> in line 4

**Michael Russell**

**Supported by: Neil Findlay**

82 In section 6, page 6, line 3, leave out <no fewer than 4 nor more than 6> and insert <other>

**Michael Russell**

83 In section 6, page 6, line 4, leave out from <and> to end of line 8

**Liz Smith**

34 In section 6, page 6, line 5, leave out <if appointed under sub-paragraph (3),>

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**Liz Smith**

- 35 In section 6, page 6, leave out lines 6 to 8

**Liz Smith**

- 37 In section 6, page 6, line 26, leave out <or (e)>

**Liz Smith**

- 38 In section 6, page 6, line 27, leave out <or (d)>

**Liz Smith**

**Supported by: Michael Russell**

- 39 In section 7, page 7, line 24, after <board> insert <(other than the principal of the college)>

**Liz Smith**

- 40 In section 7, page 7, line 25, leave out <or (e)>

**Liz Smith**

- 41 In section 7, page 7, line 26, leave out <or (d)>

**Michael Russell**

- 92 In section 11, page 18, line 2, leave out <12 nor more than 18> and insert <15>

**Michael Russell**

- 93 In section 11, page 18, line 5, at end insert—

<(aa) subject to sub-paragraph (3A), the chairing member of each of the board's colleges;>

**Neil Findlay**

- 146 In section 11, page 18, line 7, leave out <among their own number> and insert <the recognised trade unions>

**Neil Findlay**

- 147 In section 11, page 18, line 9, leave out <among their own number> and insert <the recognised trade unions>

**Colin Beattie**

- 71 In section 11, page 18, line 10, at end insert—

<( ) the chairing member of each college assigned to the regional strategic body; and>

**Michael Russell**

- 94 In section 11, page 18, line 11, at beginning insert <up to 9>

**Neil Bibby**

- 181 In section 11, page 18, line 11, after <board> insert <, including one member who appears to it to be representative of the communities in which the board's colleges are situated>

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**Michael Russell**

- 95 In section 11, page 18, line 17, at end insert <; or  
( ) the chief officer of the board.>

**Michael Russell**

- 96 In section 11, page 18, line 17, at end insert—  
<(3A) A person is disqualified from being part of the board in pursuance of sub-paragraph (2)(aa) if the person has previously been removed from the board under section 23N.>

**Liz Smith**

- 54 In section 11, page 18, leave out line 21

**Liz Smith**

- 55 In section 11, page 19, line 16, after <bankrupt;> insert—  
<( ) is under 16 years of age;>

**Michael Russell**

- 98 In section 11, page 19, line 33, at end insert—  
<( ) This paragraph does not apply in relation to persons appointed in pursuance of paragraph 3(2)(aa).>

**Michael Russell**

- 99 In section 11, page 20, line 2, at end insert—  
<( ) a member appointed in pursuance of paragraph 3(2)(aa) is to hold office until the person ceases to be a chairing member of any of the board's colleges;>

**Michael Russell**

- 100 In section 11, page 20, line 15, leave out <member of any of the institutions mentioned> and insert <person of the type described>

**Michael Russell**

- 101 In section 11, page 20, line 33, after <member> insert <(except for a member appointed in pursuance of paragraph 3(2)(aa))>

**Michael Russell**

- 102 In section 11, page 21, line 14, at end insert—  
<( ) Sub-paragraph (4) does not apply in relation to a member appointed in pursuance of paragraph 3(2)(aa).>

**Neil Bibby**

- 184 In section 11, page 22, line 11, after <otherwise> insert <(or, in particular, considers that such participation would give rise to a material conflict of interest)>

**THIS IS NOT THE MARSHALLED LIST**

**Neil Bibby**

- 185 In section 11, page 22, line 14, after <board> insert <(except during any part of a meeting when the appointment of board members is considered)>

**Liz Smith**

- 56 In section 12, page 24, line 27, leave out <or (e)>

**Liz Smith**

- 57 In section 13, page 25, line 10, leave out <or, as the case may be, (e)>

**Michael Russell**

- 112 In the schedule, page 29, line 33, leave out <(2I)> and insert <(2H)>

**Liz Smith**

**Supported by: Michael Russell**

- 63 In the schedule, page 30, line 6, leave out <Except where sub-paragraph (2D) applies,>

**Liz Smith**

**Supported by: Michael Russell**

- 64 In the schedule, page 30, line 10, leave out <Except where sub-paragraph (2D) applies,>

**Liz Smith**

**Supported by: Michael Russell**

- 65 In the schedule, page 30, leave out lines 13 to 16

**Michael Russell**

- 113 In the schedule, page 30, line 18, at end insert—

<( ) The principal of a college is to vacate office on ceasing to be the principal.>

**Michael Russell**

- 114 In the schedule, page 30, leave out lines 28 to 30

**Liz Smith**

- 66 In the schedule, page 30, line 28, leave out <at the time of appointment>

**Liz Smith**

- 67 In the schedule, page 30, line 30, leave out <before the member's period of appointment ends>

**Michael Russell**

- 115 In the schedule, page 30, line 32, leave out from <omit> to <college,> and insert <for the words from "such" to "purpose" substitute "—

(a) in the case of the chairing member of the board of a regional college, the Scottish Ministers;

(b) in the case of any other member of the board a regional college, the board;

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(c) in the case of any member of the board of a college which is not a regional college, the regional strategic body.”>

**Liz Smith**

- 68** In the schedule, page 30, line 41, after <bankrupt;> insert—  
<( ) is under 16 years of age;>

**Liz Smith**

**Supported by: Michael Russell**

- 69** In the schedule, page 31, leave out lines 33 and 34

**Michael Russell**

- 116** In the schedule, page 31, line 34, at end insert—  
<5C Paragraphs 5A and 5B do not apply in relation to the principal of the college.>

**Michael Russell**

- 117** In the schedule, page 31, line 36, leave out from <for> to end of line 40 and insert <for “paragraphs 12 and” substitute “paragraph”>

**Liz Smith**

- 70** In the schedule, page 31, leave out lines 37 to 40

**College governance**

**Liz Smith**

- 136** In section 6, page 6, line 8, at end insert—  
<( ) The board of a college which is not a regional college in exercising its functions shall comply with any principles of governance which appear to the Council to constitute good practice in relation to the board of a college which is not a regional college.>

**Liz Smith**

- 137** In section 9, page 10, line 36, at end insert—  
<( ) the requirement that its colleges comply with any principles of governance which appear to the Council to constitute good practice in relation to assigned colleges.>

**Liam McArthur**

**Supported by: Liz Smith**

- 43** After section 9, insert—  
<**Other regional strategic bodies: terms and conditions of funding**  
After section 12B of the 2005 Act, inserted by section 9, insert—  
**“12C Other regional strategic bodies: terms and conditions of funding**

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- (1) The Council may, under section 12(2), when making a payment to any other regional strategic body under section 12(1), impose a condition requiring the regional strategic body to comply with any principles relating to its governance structure, or its administrative arrangements when allocating funds to any of its colleges, which appear to the Council to constitute good practice in relation to the allocation of funds by regional strategic bodies.
- (2) In this section, reference to any other regional strategic body is a reference to a body specified in Part 2 of Schedule 2A.”.>

**Michael Russell**

**150** After section 13, insert—

*<Further education institutions: good governance*

### **Further education institutions: good governance**

After section 9A of the 2005 Act, inserted by section 2, insert—

#### **“9AA Further education institutions: good governance**

- (1) The Scottish Ministers may, under section 9(2), impose a condition that the Council must, when making a payment under section 12(1) to a college of further education which is a fundable post-16 education body, require it to comply with any principles of governance which appear to the Council to constitute good practice in relation to colleges of further education.
- (2) The Scottish Ministers may, under section 9(2), impose a condition that the Council must, when making a payment to a regional strategic body under section 12(1), require it—
  - (a) to comply with any principles of governance which appear to the Council to be appropriate in relation to such a body; or
  - (b) to impose, when making a payment to any of its colleges under section 12B(1), a condition requiring the college to comply with any principles of governance which appear to the Council to constitute good practice in relation to colleges of further education.”.>

**Liz Smith**

**Supported by: Liam McArthur**

**151** After section 13, insert—

*<Terms and conditions of college funding*

### **Terms and conditions of college funding**

After section 9A of the 2005 Act, inserted by section 2, insert—

#### **“9AA Regional colleges: good governance**

The Scottish Ministers may, under section 9(2), impose a condition that the Council must, when making a payment to a regional college under section 12(1), require the regional college to comply with any principles of governance which appear to the Council to constitute good practice in relation to regional colleges.

#### **9AB Regional boards: good governance**

## THIS IS NOT THE MARSHALLED LIST

The Scottish Ministers may, under section 9(2), impose a condition that the Council must, when making a payment to a regional board under section 12(1), require the regional board to comply with any principles of governance which appear to the Council to constitute good practice in relation to regional boards.”.>

**Liam McArthur**

**152** After section 13, insert—

*<Terms and conditions of college funding*

### **Terms and conditions of college funding**

After section 9A of the 2005 Act, inserted by section 2, insert—

#### **“9AC Other regional strategic bodies: good governance**

The Scottish Ministers may, under section 9(2), impose a condition that the Council must, when making a payment to any other regional strategic body under section 12(1), require the regional strategic body to comply with any principles of governance which appear to the Council to constitute good practice in relation to regional strategic bodies.”.>

**Michael Russell**

**155** In the schedule, page 35, line 5, after <9A> insert <, 9AA>

### **Mismanagement**

**Michael Russell**

**165** In section 7, page 7, line 10, leave out <exercise any of their other functions> and insert <discharge any of their duties>

**Michael Russell**

**166** In section 7, page 7, line 14, leave out <a relevant funding body> and insert <the Council>

**Michael Russell**

**167** In section 7, page 7, leave out lines 19 to 22

**Neil Bibby**

**168** In section 7, page 7, line 29, at end insert—

<( ) A person removed under subsection (3)(a) may appeal to an independent review panel to be established by the Scottish Ministers to decide such appeals.>

**Michael Russell**

**91** In section 10, page 16, line 36, leave out subsection (2)

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### Michael Russell

- 189 In section 12, page 24, line 23, for <exercise any of its other functions> substitute <discharge any of its duties>

### Michael Russell

- 125 In the schedule, page 36, line 35, leave out from <25(1)> to <education"> and insert <25—
- (a) in subsection (1)—
    - (i) for first “fundable” substitute “post-16 education body or regional strategic”,
    - (ii) omit second “fundable”,
  - (b) after subsection (1) insert—

“(1A) A direction made under subsection (1) in relation to any of a regional strategic body’s colleges may, in particular, require the Council to provide such financial support to the regional strategic body as may be specified in the direction (subject to such terms and conditions as may be so specified).”
  - (c) in subsection (2), for the words from second “the” to “concerned” substitute “—
    - (a) the Council;
    - (b) the body to which the direction relates; and
    - (c) where that body is assigned to a regional strategic body by an order made under section 7C(1), the regional strategic body”. >

### Assignment of colleges

### Michael Russell

- 169 In section 8, page 8, line 36, leave out from <regional> to <assigned> and insert <Council>

### Michael Russell

- 170 In section 8, page 9, line 2, leave out <a regional strategic body> and insert <the Council>

### Michael Russell

- 171 In section 8, page 9, line 19, at end insert—
- <( ) The Council may, whenever it considers appropriate, review whether a college which is assigned by order under subsection (2) is a body for which there are suitable provisions, procedures and arrangements of the type described by or under section 7(2).
  - ( ) On completing a review, the Council must provide a report of the review to the Scottish Ministers which—
    - (a) sets out the conclusions which it has reached;
    - (b) explains why it has reached those conclusions; and
    - (c) makes any recommendations for action in consequence of those conclusions as it considers appropriate.>

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### **Performance monitoring**

**Michael Russell**

- 138** In section 10, page 12, line 4, at beginning insert <monitoring or>

**Michael Russell**

- 139** In section 10, page 12, line 11, at end insert—

<( ) A regional strategic body must, when considering whether to take any action under subsection (1), have regard to the desirability of preventing any unnecessary duplication of any action taken, or likely to be taken, by the Scottish Ministers or the Council in relation to the performance of its colleges.>

### **Regional strategic bodies: exercise of functions**

**Neil Bibby**

- 172** In section 10, page 13, line 5, at end insert <; and

<( ) any relevant economic and social regeneration plans prepared for the localities in which its colleges are situated.>

**Neil Bibby**

- 173** In section 10, page 13, line 11, at end insert <; and

<( ) regeneration in the localities in which its colleges are situated.>

**Neil Bibby**

- 174** In section 10, page 13, line 11, at end insert <; and

<( ) reducing social exclusion in the localities in which its colleges are situated.>

**Neil Bibby**

- 180** In section 10, page 14, line 41, at end insert <; and

( ) In exercising its duties under subsection (6), a regional strategic body must in particular promote collaboration to ensure access to fundable further education and fundable higher education for persons who are considered to be socially excluded or who have any protected characteristic within the meaning of section 4 of the Equality Act 2012 (c.15).>

### **Staff and property transfers**

**Liz Smith**

- 44** In section 10, page 15, line 27, leave out <require> and insert <request>

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**Liz Smith**

45 In section 10, page 15, line 29, leave out <requirement> and insert <request>

**Liz Smith**

46 In section 10, page 15, line 32, leave out <requirement> and insert <request>

**Neil Findlay**

142 In section 10, page 16, leave out lines 5 and 6

**Liz Smith**

47 In section 10, page 16, line 7, leave out <requirement> and insert <request>

**Liz Smith**

48 In section 10, page 16, line 10, leave out <requirement> and insert <request>

**Neil Findlay**

144 In section 10, page 16, leave out line 23

**Liz Smith**

49 In section 10, page 16, leave out lines 26 and 27

**Liz Smith**

50 In section 10, page 16, line 28, leave out <requirement> and insert <request>

**Liz Smith**

51 In section 10, page 16, line 29, leave out <falling within subsection (9)>

**Liz Smith**

52 In section 10, page 16, line 30, leave out <requirement> and insert <request>

**Neil Findlay**

145 In section 10, page 16, line 30, at end insert—

<( ) The Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246) apply to the transfer of staff under this section whether or not they would so apply apart from this subsection.>

**Liz Smith**

53 In section 10, page 16, leave out lines 31 to 35

**Employee terms and conditions**

**Neil Findlay**

149 In section 11, page 21, line 18, at end insert—

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- <( ) Before determining the terms and conditions for any employee under subparagraph (1), the board must consult any body established by the Scottish Ministers for the consideration or negotiation of terms and conditions of college staff.>

### **Neil Bibby**

- 183** In section 11, page 21, leave out line 26 and insert—

<( ) arrangements to enable any person employed by the board to join or continue to be a member of an existing pension scheme.>

### **Neil Findlay**

- 153** In the schedule, page 32, line 1, leave out <paragraph 16A> and insert <paragraphs 16A and 16B>

### **Michael Russell**

- 193** In the schedule, page 32, leave out lines 3 to 12 and insert—

<“16A The appointment of a principal of a college which is not a regional college, and the terms and conditions of such an appointment, have effect only if approved by the regional strategic body for the college.”.>

### **Liam McArthur**

- 194** In the schedule, page 32, line 4, leave out from first <regional> to end of line 5 and insert <board of the college on such terms and conditions as the board thinks fit.

(2) The principal of a regional college is to be appointed by the board of the regional college on such terms and conditions as the board thinks fit.”.>

### **Neil Findlay**

- 154** In the schedule, page 32, line 5, at end insert—

<“16B Before determining the terms and conditions for any employee under subparagraph (1), the board must consult any body established by the Scottish Ministers for the consideration or negotiation of pay and conditions of college staff.”.>

### **Liam McArthur**

- 195** In the schedule, page 32, leave out lines 7 to 11

## **Regional boards: general powers**

### **Neil Bibby**

- 186** In section 11, page 22, line 16, after <(9)> insert <and to the requirement that the board secures adequate insurance provision for its activities>

### **Colin Beattie**

- 187** In section 11, page 22, line 23, at end insert—

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<( ) forming or promoting (whether alone or with another) companies under the Companies Act 2006.>

**Neil Bibby**

**188** In section 11, page 22, line 26, after <property> insert <or any other matter>

### **Review of further and higher education**

**Michael Russell**

**190** In section 14, page 26, line 1, leave out from first <fundable> to end of line 19 and insert <—  
( ) any aspect of the funding or provision of fundable further education or fundable higher education (generally or in particular areas); or>

**Michael Russell**

**191** In section 14, page 26, line 28, at end insert—

- <( ) When conducting a review, the Council must consult—
- (a) the governing body of any post-16 education body and any regional strategic body to which the review relates;
  - (b) the representatives of any trade union recognised by any such body or which otherwise appears to the Council to be representative of its staff;
  - (c) any body which appears to the Council to be representative of trade unions in Scotland;
  - (d) the students' association of any post-16 education body to which the review relates; and
  - (e) any body which appears to be the Council to be representative of the interests of students of post-16 education bodies generally.>

**Michael Russell**

**192** In section 14, page 26, line 36, leave out <a report of the review to the Scottish Ministers> and insert <the Scottish Ministers, and any post-16 education body and regional strategic body to which the review relates, with a report of the review>

**Joan McAlpine**

**11** In section 14, page 27, line 4, at end insert—

#### **<14B Review of fundable further and higher education: Dumfries and Galloway**

- (1) The Council must from time to time review the arrangements for the delivery of fundable further and higher education in the Dumfries and Galloway local authority area and report to the Scottish Ministers.
- (2) When conducting a review under subsection (1), the Council must consult—
  - (a) The Crichton Foundation,
  - (b) The University of Glasgow,
  - (c) The University of the West of Scotland,

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- (d) Dumfries and Galloway College,
  - (e) Dumfries and Galloway Council,
  - (f) The Open University,
  - (g) SRUC (Scotland's Rural College).
- (3) The Scottish Ministers may by order modify the list of persons in subsection (2).”.>

**Duty to provide information to Skills Development Scotland**

**Michael Russell**

**104** In section 15, page 27, line 16, at end insert—

<(2A) The Scottish Ministers may, by order, require The Skills Development Scotland Co. Limited to provide information it holds about a young person to such persons who provide education or training to young persons as may be specified in the order.

(2B) Such an order may specify—

- (a) the information, or type of information, which must be provided, and
- (b) the form and manner in which it is to be provided.>

**Michael Russell**

**106** In section 15, page 27, line 21, leave out from second <by> to end of line 25 and insert <—

(a) by replacing the references in subsections (1), (2A) and (3) to the person to whom information is to be provided in pursuance of subsection (1) and who may be required to provide information in pursuance of subsection (2A) with references to such other person as they consider appropriate, or

(b) where that person changes its name, by modifying references to that person in subsections (1), (2A) and (3) to reflect that change of name.>

**Michael Russell**

**107** In section 15, page 27, line 27, leave out from <and> to end of line 29

**Michael Russell**

**108** In section 15, page 27, line 30, leave out subsection (8) and insert—

<( ) An order under subsection (1) or (2A) is subject to the affirmative procedure.

( ) An order under subsection (5)(a) is subject to the negative procedure.>

**Liam McArthur**

**62** In section 15, page 27, line 30, leave out <negative> and insert <affirmative>

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### Power to vary board size: parliamentary procedure

**Michael Russell**

**111** In the schedule, page 29, line 27, at end insert—

<( ) In section 60—

(a) in subsection (1), after second “Act” insert “or which falls within subsection (2A)”;

(b) after subsection (2) insert—

“(2A) An order falls within this subsection if it is made under section 3(5) of this Act and makes provision other than provision varying the maximum or minimum number of members of a board of management established in pursuance of Part 1 of this Act.

(2B) An order falling within subsection (2A) is subject to the affirmative procedure.”>

**Michael Russell**

**126** In the schedule, page 37, line 15, at end insert —

<(baa) an order under section 7B(2)(a) which establishes a regional board;

(bab) an order under section 7B(2)(b) which adds or removes an entry (but not including an order which removes an entry relating to a body which has been closed, wound up or has otherwise ceased to exist);>

**Michael Russell**

**127** In the schedule, page 37, line 17, leave out <or> and insert—

<(bba) an order under section 9C(2) (other than an order which does no more than increase the amount specified in a previous order by an amount that is no greater than the amount which the Scottish Ministers, having had regard to any retail price index, consider is required in order to maintain the value of the previously specified amount in real terms);”>

**Michael Russell**

**128** In the schedule, page 37, line 17, at end insert—

<( ) after paragraph (c) insert “; or

(ca) an order under paragraph 18 of schedule 2B (other than an order which does no more than vary the minimum number of members of a regional board or vary the maximum number of members which may be appointed in pursuance of paragraph 3(2)(e));”>

### Public appointments

**Michael Russell**

**118** In the schedule, page 32, line 33, at end insert—

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<*Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4)*

In schedule 2 to the Public Appointments and Public Bodies etc. (Scotland) Act 2003, after the cross-heading “*Offices*” insert—

“The chairing member of the board of management of a college of further education which is designated as a regional college by order under section 7A of the Further and Higher Education (Scotland) Act 2005

The chairing member of a regional board established by or in pursuance of section 7B of that Act”>

### Neil Bibby

**196** In the schedule, page 32, line 33, at end insert—

<*Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4)*

In schedule 2 to the Public Appointments and Public Bodies etc. (Scotland) Act 2003, after the italic cross-heading “*Offices*” insert—

“The chairing member of the board of a college which is not a regional college and is assigned by order under section 7C(1) of the Further and Higher Education (Scotland) Act 2005 (asp 6)”>