

Post-16 Education (Scotland) Bill

3rd 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 third 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

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

Consultation, collaboration, etc.

With 72 – 85, 86, 140, 175, 176, 177, 87, 178, 179, 89, 141, 143, 97, 148, 182, 109, 110, 123, 124

Minor and technical amendments

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

Membership of college and regional boards

With 77 – 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

College governance

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

Mismanagement

With 165 – 91, 189, 125

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Amendments in debating order

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.>

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

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<() 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>

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

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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—

<() 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.”.>

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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—
- <() 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;

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- (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,
 - (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.>

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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>

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);>

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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—
- <*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)”>

