

**NORTH EAST
SCOTLAND
COLLEGE**



REGIONAL BOARD

Meeting of 23 October 2017



REGIONAL BOARD

NOTICE

There will be a meeting of the Regional Board of North East Scotland College on Monday 23 October 2017 at 1000 hours in the Boardroom, G10, at Aberdeen City Campus.

AGENDA

Agenda Item		Paper
11-17	Apologies for Absence	
12-17	Declaration of any Potential Conflicts of Interest in relation to any Agenda Items	
13-17	Minute of Previous Meeting – 25 July 2017	X
14-17	Matters Arising from the Previous Meeting	X
	Reports to the Board	
15-17	Report by the Regional Chair	X
16-17	Report by the Principal	X
17-17	Report by Committee Chairs	X
	Matters for Decision	
18-17	Draft Evaluative Report & Enhancement Plan	X
19-17	Performance Reporting	X
20-17	Regional Board Terms of Reference	X
21-17	Programme of Business AY2017-18	X
22-17	Governance Manual	X
23-17	Draft Succession Planning Policy for Board Members	X
24-17	Partnership for Change Pledge	X
25-17	Whistleblowing Policy	X
	Matters for Discussion	
26-17	Board Policies	X
27-17	Charity Trustee Status	X
28-17	Gender Action Plan	X
	Matters for Information	
29-17	Annual Report to the Board by the Audit & Risk Committee	X
30-17	Internal Audit Programme, Year to 31 July 2018	X
31-17	National Collective Bargaining Update	X

Agenda Item		Paper
32-17	Summation of Business and Date of Next Meeting	
	Reserved Items of Business	
	Matter for Decision	
33-17	NESCol-RGU Partnership Proposal	
34-17	Senior Staff Annual Leave Entitlement	
	Matters for Discussion	
35-17	Annual Appraisal of Regional Chair	
36-17	Aberdeen Skills and Enterprise Training Limited – Annual Report by Chair	
37-17	Any Other Business	
38-17	Summation of Reserved Items of Business	

REGIONAL BOARD

Draft Minutes of the meeting of the Regional Board held on Tuesday 25 July 2017 at 1100 hours in G10, Aberdeen City Campus.

Agenda Item	
	<p>Present: Ken Milroy, Regional Chair Dave Anderson Ann Bell (by video conference) Doug Duthie John Harper John Henderson Ian Gossip Liz McIntyre Robin McGregor Andrew Russell Adrian Smith</p> <p>In attendance: Roddy Scott, Vice Principal Finance Pauline May, Secretary to the Board</p>
01-17	<p>Apologies: Shona Cormack Martin Dear Josh Gall Caroline Inglis Anne Simpson Karena Wetherall</p>
02-17	<p>Declaration of any Potential Conflicts of Interest in relation to any Agenda Items Mr Duthie, Mr Gossip and Mr Smith declared potential conflicts of interest by virtue of their role as Directors of ASET.</p>
03-17	<p>Minutes of Previous Meeting – 05 June 2017 The minutes were approved as a true and accurate record.</p>
04-17	<p>Matters Arising from the Previous Meeting Members noted the matters arising report and no further matters were raised.</p> <p>Mr Duthie advised that he would prepare a paper for consideration regarding his ongoing concerns about the impact of developments in the college sector in relation to the charity trustee status of Board Members.</p>
	<p>Mr Milroy advised that Ms Cormack had tendered her resignation from the Regional Board. The Board recorded its thanks to Ms Cormack for her significant contribution during her term of office, and wisher her well in her new role at the Open University.</p>

05-17	<p>Matter for Discussion National Collective Bargaining – Update Members were provided with an update on developments relating to National Collective Bargaining, in particular the 2017-18 pay offer for support staff and the ongoing dispute with the EIS in relation to teaching staff.</p> <p>It was reported that agreement had been reached with Unison and other support staff trade unions in relation to the 2017-18 pay offer, but union members are still to be consulted by means of a ballot. It was noted that the Employers’ Association expected the offer to be accepted. It was noted that the offer included a proposed flat cash settlement of £450 and that this equated to more than the 1% which had been included in the previous version of the College’s budget which was considered by the Board.</p> <p>Discussions regarding an increase in annual leave for support staff were noted. Ms McIntyre advised that the technical implementation note for this proposal was awaited and that the Board would be updated on any implication for NESCol once received.</p> <p>In relation to teaching staff, Ms McIntyre reported that the pay element of the agreement reached is to be implemented with effect from July 2017, backdated to April 2017, and that staff will be paid the first 25% of migration to the new national pay scale for unpromoted lecturing staff in July 2017.</p> <p>Discussions relating to the funding of changes to teaching staff terms and conditions were noted. Ms McIntyre highlighted some complicating factors specific to a small number of colleges, including NESCol, in relation to changes to teaching staff pay grades and the agreement that there will be no incremental progression between April 2017 and 2019. It was noted that letters to explain the impact of agreements reached through National Collective Bargaining on lecturers’ pay scale progression were being prepared, and that the issue would also be discussed with the College’s EIS representative and the LJNC.</p>
06-17	<p>Summation of Business and Date of Next Meeting The Secretary gave a summation of the business conducted. The next meeting of the Regional Board is scheduled to take place on Wednesday 25 October 2017 at 1100 hours at the Aberdeen City Campus.</p>
07-17	<p>Reserved Item of Business – Matter for Decision Financial Forecast Return Academic Years 2017-18 to 2021-22</p>

	<i>Mr Scott and Ms May left the meeting at this time.</i>
08-17	Reserved Item of Business – Matter for Decision Senior Staff Pay Determination – P May
09-17	Reserved Item of Business – Matter for Decision Voluntary Severance Application
10-17	Any Other Business No other matters were discussed.

11-17	Summation of Reserved Items of Business A summation was not required.
	Meeting ended 1325 hours

Agenda Item	Actions from Regional Board Meeting 25/07/17	Responsibility	Deadline
04-17	Prepare paper on concerns relating to charity trustee status of Board Members	D Duthie	Mid-August
05-17	Update Board on any implications for proposed increase to support staff annual leave	L McIntyre	Once technical implementation note has been received
07-17			
07-17			
07-17			
08-17			
09-17			



Agenda Item 14-17

REGIONAL BOARD

An update on matters arising from the meeting of the Regional Board of North East Scotland College held on Tuesday 25 July 2017.

Agenda Item	
04-17	Action: Paper on charity trustee status of Board Members to be prepared.
	Status: This has been included as Agenda Item 27-17.
05-17	Action: Implications for the proposed increase to support staff annual leave to be reported to Committee.
	Status: An update on National Collective Bargaining developments has been provided under Agenda item 12-17.
07-17	
07-17	
07-17	



REGIONAL BOARD
Meeting of 23 October 2017

REPORT BY THE REGIONAL CHAIR

The purpose of this report is to update the Regional Board on recent developments in the FE sector and at the College.

1	<p>Scotland's Colleges Generate £20bn for the Economy</p> <p>At the end of September 2017, the Fraser of Allander Institute published its report 'The Value of College Graduates to the Scottish Economy'.</p> <p>The report assesses the value of college graduates, demonstrates the contribution that Scotland's colleges make to the national and local economy, the benefits that colleges provide and the role that colleges play in helping to achieve the Scottish Government's Economic Strategy</p> <p>The overall findings from the report show that between 2008-09 and 2015-16:</p> <ul style="list-style-type: none">• The Scottish economy will be better off over £20 billion over the working lives of the college graduates.• There will be an additional £55,000 boost to productivity for the Scottish economy per graduate.• Scotland's colleges spent over £663 million to support this economic activity, helping to create jobs and boost economic growth.• The investment is also estimated to support 13,896 FTE jobs.• The total costs to the public sector of investing in these learners through nationally-recognised qualifications was approximately £2.4 billion – just 35% of the cumulative tax revenues generated over the long-term.• The increase in public sector revenues is estimated to be £6.8 billion.• In 2015-16, over 227,000 students attended college and are estimated to have achieved 70 million hours or 8,000 years of learning in total.• Colleges provide 28% of all higher education level study in Scotland.• Scotland's colleges also directly employ around 11,000 staff across the sector. As well as the direct impact of providing employment, colleges also create an economic ripple effect through staff and college spending, benefitting local suppliers.
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2	<p>Attendance at Meetings – Regional Chair</p> <p>The Regional Chair has attended various meetings since the last Board Meeting, including:</p> <ul style="list-style-type: none"> • NESCol’s Governance Steering Group • Employers’ Association • Joint workshops with senior staff of NESCol and RGU including the Chair of RGU’s Board of Governors • Attended the Community Planning Aberdeen Board and the Aberdeenshire Community Planning Board.
3	<p>Colleges Scotland</p> <p>In his role as Chair of the Board of Colleges Scotland, the Regional Chair has:</p> <ul style="list-style-type: none"> • Met with the Chair of CDN on two occasions • Participated in Scottish Government ‘Lessons Learned’ Exercise on National Collective Bargaining • Participated in strategic dialogue meetings with Scottish Government/SFC; Universities Scotland; and COSLA • Attended a strategic planning session with College Scotland Board • Supported the interview process for Head of Communications at Colleges Scotland • Attended the Colleges Scotland Parliamentary Reception • Given evidence on behalf of the sector to the Scottish Parliament’s Equalities and Human Rights Committee on Gender Representation on Scottish Public Bodies • Chaired a meeting of the sector’s Good Governance Steering Group.



REGIONAL BOARD
Meeting of 23 October 2017

REPORT BY THE PRINCIPAL

The purpose of this report is to provide the Regional Board with information relating to key developments since its last meeting.

1	<p>Estates Update</p> <p>Meetings have been held with officials of the Scottish Funding Council (SFC) to progress the development of the Full Business Case (FBC) in support of the Board’s Estates Development Strategy, in particular in relation to the Aberdeen City Campus.</p> <p>The SFC has completed a national Condition Survey that records estimated the backlog maintenance costs of Scottish colleges. North East Scotland College (NESCol) has been ranked a having the second highest cost. Officials have said that this strengthens the College’s case for capital funding and means that the College will be a high priority, if the Scottish Government makes capital funding available to the SFC.</p> <p>The SFC has agreed to support the development of an abridged FBC for redevelopment of the Aberdeen City Campus, which is a necessary next step in preparing plans for redevelopment work.</p> <p>The reality of the situation is that it is unlikely that capital funding would be available to fully fund Campus redevelopment as envisaged in the Outline Business Case. Therefore the FBC would be orientated to deliver a project that focuses on addressing the backlog maintenance issues highlighted in the national Condition Survey and at the same time looks to address the longer term development of the College at the Campus.</p> <p>Preparation of the FBC will probably take about 5 months from the SFC’s authorisation to proceed, which is expected in October 2017. The Scottish Government’s spending plans for 2018-19 are scheduled to be announced on 14 December 2017.</p>
2	<p>Flexible Workforce Development Fund (FWDF)</p> <p>The Scottish Government has now officially launched the Flexible Workforce Development Fund (FWDF). The initiative aims to provide employers, who are Apprenticeship Levy payers, with workforce development training in order to up-skill and re-skill their existing workforce. The main policy drivers for the FWDF are:</p> <ul style="list-style-type: none"> • To support the needs of levy payers; • To support workforce development in line with the aims of the Scottish Government’s Labour Market Strategy, particularly in the

	<p>areas of upskilling and reskilling workers, and consistent with the ambitions to raise productivity;</p> <ul style="list-style-type: none"> • To ensure the Fund further strengthens college engagement with industry. <p>The Scottish Government has earmarked £10 million for the Fund which is to be distributed through the SFC to Scotland’s colleges. NESCol has now been advised that its allocation for the FWDF for 2017-18 will be £1.1 million. In return for this amount it is expected that NESCol will work with levy-paying employers in the region to identify the training requirements which can be funded through a £10,000 allocation per employer from the Fund.</p> <p>Interested employers need to be identified and confirmed by 15 December 2017. All training delivery by the College needs to be completed by 30 June 2018. Any funds not committed by 15 December 2017 will be redistributed to other college regions where there is evidence of unmet demand.</p> <p>The College has already begun extensive work on promoting the FWDF to regional employers. The College website has been updated with FWDF information, including application forms. Companies with 100+ employees have now been identified and contacted by letter. Each one has also been provided with a copy of NESCol Employer Links brochure. Press releases have also been issued and staff are actively engaging with employers to inform them of this funding opportunity.</p> <p>To date over 300 companies have been contacted and the College is working closely with Aberdeen and Grampian Chamber of Commerce to identify and promote the opportunity to a wider range of local employers.</p> <p>Various enquiries have now been received from a variety of employers including NHS Grampian, Schlumberger, Anderson, Anderson & Brown, Gray & Adams, Score Group, Sparrows, Macduff Shipyards, Joseph Robertson Ltd, Dales Marine Ltd, Sulzer Wood, Stats Group and Proserv.</p> <p>The College’s newly convened Business Development Action Team, which includes the College’s Director of Business Development and the three Directors of Curriculum, is overseeing the implementation of the College’s FWDF approach and is meeting on a weekly basis in order to ensure that the momentum already generated is maintained and that the progress already made continues.</p>
3	<p>Weapons in Educational Establishments</p> <p>The College has recently been approached by Police Scotland to become involved in an initiative that already encompasses Aberdeen City, Aberdeenshire and Moray schools.</p> <p>The approach developed by Police Scotland, in conjunction with other key partners and stakeholders, comes in the aftermath of the Bailey Gwynne stabbing at Cults Academy and seeks to create a greater awareness of, and an improved response to, young people attending school with knives and weapons.</p>

	<p>Through this partnership a strategy has already been developed which seeks to:</p> <ul style="list-style-type: none"> • Maximise the safety of all children and young persons in Aberdeen City, Aberdeenshire and Moray, whose wellbeing is paramount; • Maximise the safety of all staff, pupils or public in the vicinity where an incident occurs; • Maximise the welfare of any persons involved including any perpetrator, through a combined multi-agency response; • Fully support partnership working to develop a preventative strategy in relation to weapon incidents in school; • Ensure a thorough investigation to each incident including multi-agency support to victims and suspects with named leads; • Develop a communication strategy to update all stakeholders including children, parents and carers, all school staff and the wider public as appropriate. <p>Police Scotland is now seeking to involve NESCol in such an approach; an approach which merits serious consideration by the College, particular in relation to its responsibilities for safeguarding. The addition of the College in such discussions has come about somewhat late on in proceedings as it seems that no genuine consideration had been previously given to the volume and prevalence of young people attending College. This said, initial discussions between Police Scotland and College representatives have taken place and further discussions involving Police Scotland representatives, the College's Vice Principal (Access & Partnerships) and the Director of Student Access & Support are, at the time of writing, about to be confirmed.</p> <p>A further update on the progress made in developing the College's role within this approach will be provided to the Regional Board in due course.</p>
4	<p>SilverNote Music</p> <p>SilverNote Music was established by the College's Music Team to provide opportunities for students to work collectively, often with peers from different disciplines, to develop a range of enterprising and creative skills and attitudes through the production of original music. Additionally, the project offers staff opportunities to research and develop their own skills and industrial knowledge through their links with partners across the creative industries.</p> <p>SilverNote Music has been shortlisted for two national awards:</p> <ul style="list-style-type: none"> • On 03 November 2017, lecturers from our Music Department will attend the annual SQA Star Awards celebration as SilverNote Music has been shortlisted for an Innovation Award; • On 23 November 2017, Tony Young (CQM for Music, Drama & Media), Martin Moir (Core and Essential Skills Manager) and Susan Betty (Director of Curriculum) will attend the CDN College Awards Event in Glasgow as SilverNote Music has been shortlisted for an Essential Skills Award. <p>In addition, the College's Music Department has created a house band which performed at the Colleges Scotland Parliamentary Reception at the end of September 2017. The band also provided entertainment at</p>

	the Fraserburgh Graduation Ceremony and will provide entertainment at the upcoming Aberdeen Graduation Ceremonies.																						
5	<p>Strategic Planning At its Planning Event in May 2017, a new strategic planning framework to be implemented during AY2017-18 was shared with Members.</p> <p>Key upcoming milestones for the framework are as follows:</p> <table border="1"> <tr> <td>October & November 2017</td> <td>Stakeholder Events</td> <td>MPs & MSPs; Aberdeen City & Aberdeenshire Councillors, Aberdeen City & Aberdeenshire Headteachers; Public Stakeholders</td> </tr> <tr> <td>November 2017</td> <td>Regional Board Strategy Event</td> <td>Draft outline for Strategic Plan 2018-21; Risk Workshop</td> </tr> <tr> <td>January 2018</td> <td>Leadership Team Meeting</td> <td>Strategic Planning Workshop</td> </tr> <tr> <td>January 2018</td> <td>Staff Development Day</td> <td>Strategic Planning Consultations</td> </tr> <tr> <td>February 2018</td> <td>Regional Board Meeting</td> <td>Annual Priorities AY2017-18 – Progress Update</td> </tr> <tr> <td>April 2018</td> <td>Regional Board Strategy Event</td> <td>Consideration of Draft Strategic Plan 2018-2021</td> </tr> <tr> <td>June 2018</td> <td>Regional Board Meeting</td> <td>Approval of Strategic Plan 2018-2021; Review of Annual Priorities AY2017-18; Setting of Annual Priorities AY2018-19</td> </tr> </table>		October & November 2017	Stakeholder Events	MPs & MSPs; Aberdeen City & Aberdeenshire Councillors, Aberdeen City & Aberdeenshire Headteachers; Public Stakeholders	November 2017	Regional Board Strategy Event	Draft outline for Strategic Plan 2018-21; Risk Workshop	January 2018	Leadership Team Meeting	Strategic Planning Workshop	January 2018	Staff Development Day	Strategic Planning Consultations	February 2018	Regional Board Meeting	Annual Priorities AY2017-18 – Progress Update	April 2018	Regional Board Strategy Event	Consideration of Draft Strategic Plan 2018-2021	June 2018	Regional Board Meeting	Approval of Strategic Plan 2018-2021; Review of Annual Priorities AY2017-18; Setting of Annual Priorities AY2018-19
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REGIONAL BOARD
Meeting of 23 October 2017

REPORT BY COMMITTEE CHAIRS

The purpose of this report is to provide the Regional Board with information relating to business conducted at the most recent meetings of its Committees.

At the meeting of 23 October 2017, Committee Chairs will be provided with an opportunity to bring matters considered at these meetings to the attention of Members. Members will also be provided with an opportunity to seek further information on business that has been transacted.

1	<p>The following meetings have been held since the last meeting of the Regional Board</p> <table border="1" style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <thead> <tr style="background-color: #d3d3d3;"> <th style="padding: 5px;">Committee</th> <th style="padding: 5px;">Meeting Date</th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;">Audit & Risk</td> <td style="padding: 5px;">20 September 2017</td> </tr> <tr> <td style="padding: 5px;">Finance & Resources</td> <td style="padding: 5px;">22 September 2017</td> </tr> <tr> <td style="padding: 5px;">Curriculum & Quality</td> <td style="padding: 5px;">29 September 2017</td> </tr> <tr> <td style="padding: 5px;">Human Resources</td> <td style="padding: 5px;">17 October 2017</td> </tr> </tbody> </table> <p>Copies of the draft minutes from the above meetings have been made available in the Regional Board’s Collaborative Space on COLIN.</p> <p>The following agenda items were common at each of the above meetings:</p> <ul style="list-style-type: none"> • Consideration of revised Terms of Reference • Approval of a Programme of Business for AY2017-18 • Discussion of a Performance Reporting to the Board and its Committees • Discussion of policies the Committee is currently responsible for. 	Committee	Meeting Date	Audit & Risk	20 September 2017	Finance & Resources	22 September 2017	Curriculum & Quality	29 September 2017	Human Resources	17 October 2017
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2	<p>Audit & Risk Committee - 20 September 2017</p> <p>Summary of key business</p> <ul style="list-style-type: none"> • Reports of 6 internal audit reviews • Internal Auditor’s Report to the Regional Board, Year to 31 July 2017 • Draft Annual Report to the Regional Board 2017 (See Agenda Item 29-17) • Internal Audit Programme, Year to 31 July 2018 (See Agenda Item 30-17) • College’s approach to risk management • External Audit Plan, Year to 31 July 2017. <p>Agreed actions</p> <ul style="list-style-type: none"> • Two points of clarification from internal audit review reports.
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3	<p>Finance & Resources Committee - 22 September 2017</p> <p>Summary of key business</p> <ul style="list-style-type: none"> • College's financial position • College insurance arrangements • Estates update on summer works. <p>Agreed actions</p> <ul style="list-style-type: none"> • Committee's monitoring of commercial and non-SFC income to be considered • Positive media stories in relation to the Aberdeen City Campus improvement works to be considered. 										
4	<p>Curriculum & Quality Committee - 29 September 2017</p> <p>Summary of key business</p> <ul style="list-style-type: none"> • Student enrolments AY2017-18 • Students' Association future contributions to Committee meetings. <p>Agreed actions</p> <ul style="list-style-type: none"> • Template for future Students' Association Reports to the Committee to be developed. 										
5	<p>Human Resources Committee - 17 October 2017</p> <p>Summary of key business</p> <ul style="list-style-type: none"> • Staff Wellness Survey results • HR & OD Enhancement Plan AY2017-18 • National Collective Bargaining Update • Employee Engagement Update • HR & Payroll System • Staff Qualifications • Employee Handbooks. 										
6	<p>The Committees will next meet as follows:</p> <table border="1" data-bbox="509 1498 1230 1684"> <thead> <tr> <th>Committee</th> <th>Meeting Date</th> </tr> </thead> <tbody> <tr> <td>Curriculum & Quality</td> <td>08 November 2017</td> </tr> <tr> <td>Audit & Risk</td> <td>21 November 2017</td> </tr> <tr> <td>Finance & Resources</td> <td>21 November 2017</td> </tr> <tr> <td>Human Resources</td> <td>18 April 2018</td> </tr> </tbody> </table>	Committee	Meeting Date	Curriculum & Quality	08 November 2017	Audit & Risk	21 November 2017	Finance & Resources	21 November 2017	Human Resources	18 April 2018
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REGIONAL BOARD	
Meeting of 23 October 2017	
Title: Draft Evaluative Report and Enhancement Plan	
Author: John Davidson	Contributor(s): Liz McIntyre, Roddy Scott, Neil Cowie, Pauline May
Type of Agenda Item:	
For Decision	<input checked="" type="checkbox"/>
For Discussion	<input type="checkbox"/>
For Information	<input type="checkbox"/>
Reserved Item of Business	<input type="checkbox"/>
Purpose: To enable the Regional Board to consider the College's draft Evaluative Report and Enhancement Plan for AY2016-17.	
Linked to Strategic Aim:	
3 To achieve maximum impact from the available resources	
Linked to Annual Priority:	
3 To fully implement and embed the new College Quality Arrangements, driving improvement in learner outcomes and student experience	
Executive Summary:	
<p>The new Quality Framework, 'How good is our college?', has been designed to support and enable colleges to evaluate the quality of provision and services alongside reporting on progress in relation to Regional Outcome Agreements (ROA).</p> <p>The Framework is structured around four high-level principles - Leadership and Quality Culture, Delivery of Learning and Services to Support Learning, Outcomes and Impact, and Capacity for Improvement. The Framework provides a structure for evaluation and enhancement, and allows colleges to identify what is working well and what needs to improve.</p> <p>Each college is required to produce an annual Evaluative Report and Enhancement Plan (EREP) for submission to Education Scotland (ES) and the Scottish Funding Council (SFC) for formal, independent endorsement.</p> <p>The draft EREP, which will be issued to Members under separate cover by 20 October 2017, is the outcome of the work undertaken by the College.</p>	

The EREP was prepared by the Vice Principal Curriculum & Quality with input from the Senior Management and Leadership Teams. The document also reflects feedback received from ES and the SFC following their consideration of an initial draft.

At the end of the EREP gradings have been identified for three of the high-level principles. These gradings were reached following discussion at a meeting of the Leadership Team. It should be noted that this is a transition year for the new Quality Framework and as such the grades contained in the EREP will not be published.

Following the submission of the EREP at the end of October 2017, arrangements for its independent scrutiny and endorsement will be completed in three stages:

- Pre-endorsement meeting: ES and SFC to consider if the Evaluative Report provides an accurate and appropriate account of the quality of provision, services and outcomes being delivered by the College including appropriateness of grades, and if the Enhancement Plan is well-informed by and linked appropriately to the findings of the Evaluative Report, and communicates clearly plans to address areas of provision, services and outcomes which require improvement. Following this meeting, a letter will be sent to the college advising of the outcome of the meeting and *provisional* endorsement statements by ES and SFC. There will also be an opportunity to amend and resubmit the EREP in light of comments received.
- Formal notification: Confirmation as to whether ES and SFC endorse or do not endorse the EREP.
- Board presentation: ES and the SFC will present the final endorsement statements to the Regional Board at its meeting scheduled for February 2018. The presentation will be delivered by the College's HMI and the College's Outcome Agreement Manager.

Recommendation:

It is recommended that the Board approve the College's EREP for AY2016-17.

Previous Committee Recommendation/Approval (if applicable):

None

Equality Impact Assessment:

Positive Impact

Negative Impact

No Impact

Evidence:



NORTH EAST SCOTLAND COLLEGE

EVALUATIVE REPORT AND ENHANCEMENT PLAN

2016 - 17

Evaluative Report 2016-17

North East Scotland College (NESCol) is committed to continuous quality improvement. The College recognises that the management of quality is the shared responsibility of every member of staff, with quality improvement processes supported by the collaborative working of cross-College teams.

The College's Evaluative Report and Enhancement Plan forms part of the annual Outcome Agreement process. The College's Outcome Agreement demonstrates NESCol's impact on the region and its contribution to meeting Scottish Government priorities. The Outcome Agreement is also a funding contract between the Scottish Funding Council (SFC) and the College and sets out what the College plans to deliver in return for its funding from the SFC. A copy of the College's Outcome Agreement can be accessed here - <http://www.nescol.ac.uk/about/strategic-planning>

This Report evaluates the provision and services offered by North East Scotland College against the quality indicators identified in the 'How Good is our College?' Quality Framework. The Report provides high-level statements reflecting on the College's performance, including identification of good practice and areas for development.

1. College Background

About

North East Scotland College is the only further-education college located within the North East of Scotland, and provides a wide range of education and training opportunities to meet the needs of individuals, communities and employers across the region. The priority of the College is to ensure high quality education and training opportunities for those across Aberdeen and Aberdeenshire in a flexible, engaging and accessible way.

The College serves an extensive geographical area, with three main campuses – two in Aberdeen and one in Fraserburgh – and a presence in regional centres: Ellon, Inverurie, Macduff and Peterhead. NESCol offers a varied portfolio of training, up to SCQF level 8, which is categorised into the following three 'Schools': Engineering, Science and Technology; Creative Industries, Computing and Business Enterprise; and Service Industries. Each of the Schools contain a number of specialised 'Faculties'. Figures from academic year 2015-16 show that 42% of NESCol students reside in Aberdeen City and 37% in Aberdeenshire with the remainder coming from outside the area, relatively evenly spread from 16 other Scottish local authorities. The majority of the region's residents that attend colleges are enrolled at NESCol (91% of those attending a college in 2013-14).

In academic year 2016-17, the College enrolled 18,020 learners on SFC-funded programmes (6,862 studying full-time and 11,058 studying part-time), and met and slightly exceeded its SFC-funded activity target of 137,153 credits.

In addition to its full-time provision, the College also delivers a range of Modern Apprenticeship programmes, and Foundation Apprenticeships in Care, Engineering, Creative Industries, Business, and Computing. Through the School-College Links Programme, the College offers a range of courses to school pupils across the region. Included within the programme offered are SQA Skills for Work Awards, City and Guilds Awards, National Progression Awards, National Certificate courses, a Professional Development Award and a Higher National Certificate course. Some programmes have been designed to allow pupils to complete an NC Award over their 4th and 5th year, allowing, where applicable, direct progression to HNC/D programmes.

The College plays a pivotal role in developing skills of people across the region. This includes working to integrate the Developing the Young Workforce (DYW) initiative and actively addressing skills shortages. Key elements of this work are implemented through the DYW Regional Collaborative Group, led by NESCol, which ensures a region wide approach is taken to all 39 recommendations of the report from the Commission for Developing Scotland's Young Workforce.

This work is supported through the continued strengthening of partnerships with the two local universities, the two local authorities, and a wide range of employers.

Another important aspect in meeting regional needs is curriculum planning – a continuous process which ensures the curriculum is constantly refreshed and updated to meet the needs of current and prospective learners, employers and the local economy. The College’s curriculum planning process is informed by stakeholder engagement, government priorities and curriculum analysis. The approach adopted also ensures that the College is seeking to address key Scottish Government priorities in gender imbalance and widening access, whilst responding to changing demographics in the region and engaging those from areas of deprivation.

Regional context

The North East of Scotland has a population of approximately 492,400 (230,400 in Aberdeen City, 262,000 in Aberdeenshire) - approximately 9% of the Scottish total. The population continues to grow at over double the Scottish rate of growth over the last decade. Important changes in the age profile of the region’s residents over the past decade have been recorded. The Skills Development Scotland (SDS) Aberdeen City & Shire Skills Assessment, published in January 2016, notes the region has experienced:

- An increase in school roll numbers in the next five years when they are falling across Scotland
- An increase in the number of adults aged 20 – 34 years old
- Mixed movements in some ‘prime’ working age groups
- A marked ageing of the population.

Regional labour market participation (2014-15) accounted for 80% of the working age population compared to 73% for Scotland and the UK. FE/HE leavers in the region are deemed more work-ready by employers than the national average although this is the reverse for school leavers.

2. Methodology

Following the publication of ‘How Good is our College?’ in December 2016, the College reviewed its approach to self-evaluation. New templates for Evaluative and Enhancement Plans, based on the new quality framework and focused around relevant quality indicators, were produced:

- College level [Senior Management Team], School level [Directors of Curriculum], Faculty level [Faculty Managers], Course level [Curriculum & Quality Managers in liaison with their respective teaching teams], and Support teams [Heads of Departments in liaison with their teams].

The templates require a review of performance throughout the academic year to be completed, followed by the development of enhancement plans detailing improvement actions and how these relate to College annual priorities. The refreshed approach detailed above ensures that the College’s process for self-evaluation and improvement planning is undertaken at all levels of the organisation.

In support of its self-evaluation process, the College has created an online evidence repository. The repository makes available the source evidence identified in the evaluative plans and is structured on the themes and quality indicators of ‘How good is our college?’ with references to the Framework’s challenge questions throughout.

Throughout the academic year, a Quality Review Group comprised of the College’s Senior Management Team, key supporting College staff, the College’s Outcome Agreement Manager and the College’s HMI met regularly. The Group maintained an oversight of the process to embed the new quality framework and supported the preparation of this Report.

The College’s HMI also provided additional support during AY2016-17, including presentations on the new quality framework to the College’s Regional Board and to key staff groups. Support team workshops were also facilitated, and a number of engagement activities undertaken through attendance at College committees, meetings with the Students’ Association and observation of lesson observations.

To ensure that the self-evaluation process followed by NESCol is sound, the evidence collected was comprehensive and credible and the judgements contained in this Report are accurate, the College sought the views of a Validation Panel of key stakeholders. The Panel was comprised of representatives from Aberdeen City Council, Aberdeen & Grampian Chamber of Commerce, Aberdeenshire Council, Education Scotland (2 members -a HMI & a student member), Robert Gordon University, SFC and the University of Aberdeen.

Following the submission of this Report, the Validation Panel will be asked to scrutinise the College's views, statements and conclusions on its performance and areas for development, and to express views as to whether they are true and fair. This will involve consideration of the evidence contained in the online repository with Panel Members asked to focus on specific areas of the quality framework which relate to their areas of expertise. Feedback from Panel Members will then be shared with Education Scotland and the SFC at a final endorsement meeting with the College.

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1.1 - Leadership and Quality Culture

Areas of positive practice:

- The Regional Board provides very effective strategic support and challenge and regularly reviews performance and progress against outcomes leading to balanced and accurate self-evaluation reports. This ensures that high quality provision is maintained and that improvement is ongoing.
This is demonstrated through:
 - Clearly identified committee structures and responsibilities.
 - Recently reviewed operation of Board and Committee Meetings and a revised approach to focused performance based reporting.
 - Internal and external monitoring of Board effectiveness and appropriate training and development for Board Members.

- The Regional Board has built highly effective relationships with the Students' Association leading to an improved understanding of the issues affecting learners at a Board level and strengthening the impact of the learner voice in decision making to improve outcomes.
This is demonstrated through:
 - Students' Association representation on Board committees and key College committees.
 - Inclusion of a standing item for the Students' Association at Board Strategy Events and each meeting of the Curriculum & Quality Committee.
 - Monitoring of student satisfaction and use of student feedback to improve quality of services with 91% of learners satisfied with their College experience.

- Leadership and management in the College is strong and effective and is focused on the improvement of the learner experience and outcomes.
This is demonstrated through:
 - The effective operation of a new College Leadership Team which is focussed on strategic development, collaboration and scrutiny of performance against agreed targets.
 - The development of a robust evaluation report and enhancement plan which leads to effective planning for improved learner outcomes and which addresses areas of weakness.

- The College has developed strong, collaborative relationships with partners through its on-going activities within Community Planning Aberdeen, Aberdeenshire Community Planning Partnership and the Regional Economic Strategy Group. This enables managers in the College to be responsive to the needs of the region when planning provision across the areas served by the College.
This is demonstrated through:
 - Membership on local Community Planning Partnerships (CPPs) at Regional Chair and Senior management level, the creation of a regional skills strategy, membership of Opportunity North East and the development of a regional Learning and Skills Partnership driven by the College.

Areas for development:

However:

- The Regional Board should build on its existing Governance and Leadership in developing a shared vision for change and improvement.

1.2 - Leadership of Learning and Teaching

Areas of positive practice:

- The College has in place effective arrangements for improving learning and teaching, which ensure that staff are focused on planning and delivering high quality learner experiences.
This is demonstrated through:
 - Strong and forward thinking leadership, which conveys the importance of learner engagement and continuous improvement. Curriculum Performance Reviews for each School are held three times a year with the Senior Management Team and promoted teaching staff to enable professional discussion on learner experience and outcomes.
 - The 'Learning and Teaching Strategy' and its associated sub-strategies provide appropriate guidance for teaching staff.
 - A well-established Curriculum Planning Group ensures that the College's curriculum is effectively planned and monitored, and aligned with regional and client needs.
 - Through an annual Curriculum Area Development Planning Exercise, the College ensures that a systematic analysis of market intelligence is carried out in order to facilitate a review of the strengths and weaknesses of the College's existing provision and to refresh the curriculum offer as required.
 - Programme Delivery Guidelines (PDG) are developed for each curriculum team and circulated to all teaching staff to ensure consistency of approach in the delivery and management of classes across the team.
 - College managers work collaboratively together to influence how learning is provided and this is disseminated to faculty teams allowing the sharing of good practice.

- The College has in place strong arrangements for the induction and development of staff, which ensures that staff have the appropriate skills to deliver learning and positive outcomes. All staff take responsibility for their own CLPL that contributes to improved delivery and outcomes for learners.
This is demonstrated through:
 - A well-structured approach to the delivery of professional teaching and assessor/verifier qualifications for staff is in place with 83% of full-time permanent teaching staff with a TQFE or equivalent qualification. These programmes are delivered at entry level and throughout the careers of individuals.
 - The College has in place a dedicated team of professional development tutors providing ongoing support in the delivery of effective learning and teaching.
 - The College has in place a strong and established system of lesson observation and feedback, which enables professional dialogue, reflective practice and planning for improvement of learner experience and outcomes.

- The College has in place appropriate arrangements that allow the learner voice to influence the developments of learning and teaching, with most learners contributing their views effectively to inform improvements.
This is demonstrated through:
 - Learner representatives' involvement in the College's Learner Engagement Group, which provides an opportunity for learners to influence strategies in the development of learning and teaching.

- The College makes good use of feedback obtained from Student Focus Groups and surveys to plan learning, and most classes have class representatives who contribute well to programme reviews.

Areas for development:

However:

- Although effective arrangements are in place for improving learning and teaching, in some areas these arrangements have yet to deliver the improvement in learner outcomes required by the College.

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1.3 - Leadership of Services to Support Learning

Areas of positive practice:

- The College has in place effective leadership and management arrangements for services to support learning which ensure that staff are focused on planning and providing services, which will enhance the learner experience and improve learner outcomes.

This is demonstrated through:

- A well-established suite of key support-for-learning services, which ensure learners are supported throughout their learner journey. Services include application and funding advice, support and guidance, pre-enrolment interviews and pre-exit advice.
- A clear and well-communicated College ethos and set of core values, outlined in the College's employee engagement plan, ensure that College managers remain committed to leading and managing staff in a collaborative and empowering manner, which, in turn, encourages them to take ownership for the quality of services provided for learners.

- The College has in place effective planning and improvement arrangements for the delivery of high quality services to support learners.

This is demonstrated through:

- College managers engaging with students on service improvement projects to ensure that the learner voice is captured and that services to learners are influenced and enhanced through staff-student collaboration e.g. the co-design and creation of a new Student Portal (a collaboration between the Learning Resources/IT teams and HND computing students).
- The support of College managers when working closely with promoted curriculum staff at all campuses to ensure that students receive support with core skills, study skills and information literacy. This ensures that students obtain responsive, appropriate and effective learning support from several College support departments.
- The representation of all key support functions on the College's Leadership Team and the peer-led support between support and curriculum managers on self-evaluation reporting for quality improvement.
- A programme of enhancement reviews, e.g. student admissions, student induction and central timetabling, which involve both support and curriculum team managers and have, to date, led to service delivery improvements for students.

- College managers engage effectively with external stakeholders to review and plan services to support learning, which, in turn, enhances regional partnership working arrangements as well as learner experiences.

This is demonstrated through:

- Support team managers engaging with external partners to ensure that opportunities for partnership and collaboration are explored and exploited fully e.g. the North East Shared Services (NESS) IT Group brings together senior leaders from the College and both local universities to ensure shared IT services support and enhance IT service delivery to respective partner institutions, staff and students.
- Partnership working between the College's Student Services team and counterparts from Robert Gordon University (RGU), Aberdeen City Council (ACC) and other key stakeholders which has led to the development and implementation of a robust Corporate Parenting strategy; a strategy for which all College staff receive a thorough

induction.

- o Highly effective project planning and developmental, enhancement and step-change initiatives led by senior support team managers. These include the collaborative and well managed Bring Your Own Device (BYOD) and Cloudpath WIFI Solution projects, which have led to significant developments and enhancements in the digital learning experiences of many students.

Areas for development:

However:

- Further engagement between support and curriculum teams is required to ensure that the College's ambitions for improving support are extended to part-time learners and commercial clients.

1.4 – Evaluation Leading to Improvement

Areas of positive practice:

- The College has in place effective leadership arrangements for evaluation, which leads to improvement.
This is demonstrated through:
 - All managers organising teams to include staff in the self-evaluation process and provide effective feedback so that actions are implemented.
 - An established process for electing Class Representatives and Faculty Representatives. These Representatives participate in bi-annual Course Committee Meetings with their relevant curriculum teams to ensure the learner's voice is captured in the delivery of course portfolios. Actions are then incorporated into the Annual Programme Reviews.
 - The Students' Association undertakes Peer-led Reviews each year, and feedback and actions are agreed in partnership with academic teams.
 - Student Focus Groups and survey data, which help achieve improved outcomes.
 - The College's formal Lesson Observation process, where student feedback is gathered and shared with the relevant staff observed.
 - Managers who have strong links with industry which helps students in working with client-led projects that leads to improvement. Managers are members of a number of strategy and steering groups involving external stakeholders to ensure that the curriculum is developed and evaluated in line with national and local priorities.
 - The College makes good use of stakeholder relationships to provide feedback on College services, including the use of an external validation panel as part of the current evaluation process.

- The College makes good use of data, including trend analysis, to evaluate outcomes and progress and to plan for improvement.
This is demonstrated through:
 - The development of data sharing within the College so that equality data, Key Performance Indicator (KPI) data and other evaluation data is available. This has enabled evidence-based reviews to be carried out on current data allowing managers to plan for improvement.
 - Self-evaluation documentation, which includes the analysis of KPI data over a three-year trend. Where KPI's have fallen or targets have not been met, improvement actions are agreed and monitored through team meetings.

Areas for development:

However:

- Some action plans for improvement are not yet impacting on improving outcomes for learners.

2.1 – Safeguarding and Child Protection

Areas of positive practice:

- The College has in place well-embedded, effective and legislatively compliant arrangements for safeguarding and child protection. These arrangements are well communicated and understood by staff, students and other stakeholders. This is demonstrated through:
 - The College maintaining a secure safeguarding register which contains detailed records of disclosure, each containing a clear set of identified actions for staff to follow.
 - College managers with specific responsibility for safeguarding and child protection meeting routinely to discuss disclosure action plans, thus ensuring that collective agreement is reached between managers on the appropriateness of progress for disclosure cases.
 - Established mandatory on-line training for safeguarding which is undertaken by all staff and is reviewed and updated every three years. All newly-recruited members of staff receive face-to-face training on safeguarding as part of the well-embedded College staff induction process.
 - Awareness of safeguarding-related matters and responsibilities which are publicised regularly through updates displayed on TV plasma screens at all College campuses.
 - Targeted safeguarding information and guidance which can be found in designated safeguarding areas located on the College intranet and Virtual Learning Environment (VLE), for College staff and students respectively.
 - The College's Regional Board commitment to fulfilling its Prevent Duty which is demonstrated by the designation of a senior manager to lead on Prevent. The subsequent leadership provided has resulted in targeted awareness-raising training being delivered to all senior managers and front-line staff in respect of the College's duty under the government's Prevent strategy.
 - The sharing of best practice through membership of Grampian area CONTEST Group whereby College-developed Prevent materials and processes are made available via Police Scotland to other key partners including NHS Grampian, local authorities, universities, and Third Sector organisations.

Areas for development:

However:

- Further work is required to ensure the engagement of students in awareness raising, and the development of approaches, for safeguarding.
- Greater engagement with the Police Scotland-initiated approach to dealing with 'Weapons Incidents involving Young People Under 18' is required.

2.2 - Curriculum

Areas of positive practice:

- The College has in place effective arrangements for the design and development of its curriculum. The curriculum and range of provision is based on analysis of a range of data, and takes good account of Government priorities while matching closely with the workforce requirements of local employers.

This is demonstrated through:

- Effective curriculum planning processes with the course portfolio informed by utilising Economic Modelling Software (EMS) data, and regular consultation with key partners/organisations including Job Centre Plus and Skills Development Scotland (SDS). This has supported curriculum teams in determining trends and identifying regional needs.
- Curriculum teams making effective use of appropriate data to plan and design programmes which align with College strategies and meet the needs of learners and stakeholders.

- The College has in place an extensive and appropriate range of programmes that support academic progression through SCQF levels 2 to 8, across its three campuses and outreach centres, and meet the needs, aspirations and vocational interests of learners across the region.

This is demonstrated through:

- Programmes that have clear progression routes to work or further learning with many learners progressing to degree programmes at university.
- The suite of professional qualifications and short courses to meet the needs of specific industry sectors. In some instances, tailoring national qualifications to meet the need of employers and learners. The Business Training Calendar offers programmes which respond well to demand from business and community partners. The College works well with SDS and other stakeholders to deliver these programmes.
- The College's Distance Learning portfolio, which offers a flexible approach to learning with learners able to personalise learning and incorporate their chosen programme around their own lifestyle.
- Curriculum teams who make use of data and the views of learners to inform improvements to ensure the curriculum remains relevant.
- The opportunities that exist for learners to personalise their learning to develop, consolidate and deepen their knowledge, understanding and skills. This would include project work e.g. Science students who research a topic and present findings in a scientific poster; HN Built Environment Students who design a building according to a brief as part of their Graded Unit project and present designs to a judging panel.
- Learners who find out what needs and experiences they have in common when engaged in collaborative project work, and share information in presentations, debates and VLE blogs. Effective inclusive practices in the classroom offer maximum opportunities for learners to engage in their learning, participate and achieve their qualification. Staff and learners set high aspirations and expectations throughout the duration of the course, which supports achievement.
- Feedback from learners' states most are very satisfied with their College programmes and the support they receive. Feedback also confirms they find their College experience interesting, motivating and challenging.

- Curriculum teams ensure learners follow learning pathways, which have appropriate entry and exit transition points.
This is demonstrated through:
 - A detailed Curriculum Pathway booklet that clearly maps out the learner journey from senior school phase through to further and higher education and employment.
 - The expansion of DYW, as the College engages proactively with secondary schools across the region to offer opportunities for pupils in senior phase of Curriculum for Excellence to engage in vocational and work-based learning. The programme consists of an expanded range of courses, including Foundation Apprenticeships (FAs), and these support young people to develop employability skills and work experience. 89 school pupils are enrolled on the FA Programme.
 - A highly effective articulation approach with the two local universities, where there is a shared approach to curriculum planning and development that has streamlined curriculum pathways and allowed wider participation in degree level study.
 - The institutions have benefitted from a more efficient use of resources by avoiding duplication and unnecessary competition. This is evidenced by the effective relationships that exist between staff of the institutions in maintaining a regional approach to curriculum planning.

- The College has in place effective arrangements that enable learners to acquire knowledge, understanding and skills, which help to prepare them for future progression to further education or sustained employment. Curriculum staff ensure that learning experiences help learners to develop skills incrementally and prepare them well for the next steps.
This is demonstrated through:
 - Many learners play an active role in developing opportunities for their further learning, such as work placements, industry visits and voluntary work. This enhances their learning and improves their employability skills. For example, the College won Entrepreneurial FE College of the Year 2016 from Bridge2Business in recognition of the wide range of opportunities for learners to develop skills through learning by doing. In 2017, the College has been Highly Commended as an entrepreneurial FE college.
 - Work with partner organisations that provide learners with incentives to develop employability and vocational skills which lead to potential work e.g. work with CITB in placing full-time students with apprenticeships.
 - Collaboration with university partners enables courses to be designed to facilitate smooth transition to HE e.g. unit choices for HND Electrical Engineering influenced by RGU to support future success.
 - Excellent progression routes and considerate programme design allows learners to enter with few or no qualifications and acquire skills through steady progression up to HND level e.g. Science students enter at Level 5 and have potential to exit to degree courses at several universities.
 - The College's Hair and Beauty competition festival attended by a number of colleges is used very effectively by staff and learners across the college to raise learner aspirations, improve confidence and develop industry standard skills for employment.
 - Choosing topic work, learning resources and learning activities, learners also have the opportunity to influence the pace and approaches in learning and teaching. End of programme questionnaires allow the College to establish from learners what can be changed to improve future delivery.

Areas for development:

However:

- A few programmes do not take sufficient account of the needs of employers and relevant data sources.

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2.3 – Learning, Teaching and Assessment

Areas of positive practice:

- The College has in place a wide range of high-quality resources across all its campuses and all learners make good use of these to develop the skills they need to further achieve their learning goals and progress in their learning.
This is demonstrated through:
 - Two well utilised showcase classrooms, which are highly resourced with the latest digital technologies to support and enhance learning and teaching. Feedback from staff and learners is very positive.
 - Access to the latest industrial equipment, which the College's Modern Apprentice (MA) students benefit from. This resource helps contribute to motivation and successful outcomes for these groups.
 - At the College's Scottish Maritime Academy, learners benefit from access to sophisticated simulation equipment, which accurately replicates marine environments and enables effective learning in safety. This contributes to motivation and builds confidence in learners.
 - The College's Centre of Excellence in Creative Industries has state-of-the-art facilities in TV, Radio, Music and Performing Arts and feedback from learners and industry is very positive.
 - Specialist production kitchens, training restaurants and industry standard hairdressing and beauty salons provide learners with excellent training facilities in which to develop their vocational skills. Almost all learners who complete their level 3 qualifications in these areas progress into employment.
 - State of the art spray booths for body repair and refinishing courses have been recently installed at Altens which allow full-time students and MA students access to the most modern facilities and methods,
 - Unsurpassed training facilities for MAs in the Oil and Gas industry e.g. the Eagle Platform, a high voltage/low voltage training centre at Altens, allows learners to experience very realistic work environments as part of their training for hazardous environments,
 - STEM students at the College's Fraserburgh Campus have enjoyed the benefits of transformational updates to construction and automotive facilities, which contributed to improved retention and attainment in AY 2016-17.
 - Provision of additional science facilities at the College's Fraserburgh Campus, and expanded facility for physics at the College's City Campus have enabled more learners access to high quality science laboratories across the region,

- The majority of learners are well motivated, engaged in their learning experiences, and support each other well in enhancing their learning with many learners working collaboratively on multi-disciplinary project-based activities.
This is demonstrated through:
 - The College's Silver Note project involving learners in several programme areas who work together to develop critical analysis skills.
 - The Greater George Street Traders' Association who commissioned learners to help revitalise this area of the City. Students from different subject areas facilitated a photographic exhibition, created and distributed surveys and collated and distributed responses. This work will continue into AY 2017-18.
 - The annual Film Festival which provides an opportunity for TV, Sound, Drama, and Web and Graphic Design students to work together.

- Staff and learners in Art & Design and Engineering being involved in a project to develop street art for a local council project. Learners will design potential pieces of art which and present to a panel of judges and the winning designs will be manufactured by engineering learners. This provides learners with a real-life client brief and demonstrates collaboration across the College.
 - Curriculum teams in the School of Service Industries work collaboratively across disciplines to enhance the student experience and develop team-working skills e.g. Hair and Beauty students participate with students In Creative Industries on an annual Fashion Show, competitions and other events. Sport students work with Hospitality students on planning and producing fitness and dietary programmes to promote health and well-being.
 - Students in Social Sciences and Learning Opportunities work collaboratively on various projects to support local charities and initiatives, such as reducing homelessness and food banks. The College's Charity Box and other enterprise activities have generated an average of £4,500 per annum to support the local community over the last 10 years.
 - Learners taking responsibility for and reflect on their learning by constructive use of the College's VLE, the use of logbooks and e-portfolios.
- The College has in place effective arrangements that allow learners the opportunity to improve their course work, and learners make good use of feedback opportunities with staff to set goals and improve their learning. This is demonstrated through:
 - Learners contributing their views effectively on their learning and College experiences through a range of cross-College surveys, Focus Groups and unit evaluations. Their views help inform self-evaluation activities and the improvement of College programmes.
 - The elected Class Representative system that ensures there is learner representation at course review meetings. Most class representatives have received training through SPARQS, and in their role they consult with and feedback to fellow learners conscientiously.
 - The College having in place a well-established formal Lesson Observation programme, which gathers feedback to inform evaluation and improve the learning experience. The majority of observed staff indicate that they have implemented improvements based on at least some of the feedback provided.
 - Feedback from learners that indicates teaching staff contextualise learning activities well to promote learner understanding and that they make good use of relevant resources.
- All staff plan learning sessions well and use a wide range of effective teaching approaches to ensure learners are engaged at all times. This is demonstrated through:
 - Effective planning that ensures programme aims are met and learning activities take account of learners' interests, needs and prior learning achievements.
 - The majority of staff using their subject knowledge well to motivate and engage learners. Some staff work part-time and are able to link subjects to their own experiences of working in industry and this enhances the learning experience.
 - Lesson Observations, which highlight that many staff use questioning techniques effectively in class and this ensures learners are making progress in their learning and understanding.

- Lesson Observations that provide a means of feedback for development of learning and teaching which most staff appreciate, and indicate that they apply suggestions provided.
 - Most teaching staff who are skilled and confident in the use of information and communications technology (ICT) to make lessons relevant and interesting. They make good use of the College VLE, and this approach supports learners to contribute effectively during lessons and when studying remotely.
 - The induction of new staff who are well supported on arrival and complete preliminary training on teaching and learning within the first few months of arrival. Almost all then progress through TQFE within 2-3 years of their start date, raising awareness, and enabling them to make use, of a wide range of techniques for learning and teaching from an early stage.
- Most teaching staff plan assessment schedules well and negotiate flexible timing of assessments with learners.
This is demonstrated through:
 - Staff ensuring learners are informed about assessment criteria and requirements and that they are tailored to meet the needs of individual learners.
 - Learners accessing the VLE to check assessment deadlines, upload finished assignments, and check for feedback and grades.
 - Lesson Observation reports that show teaching staff use ongoing assessment to check learners' understanding, affirm achievement and further improve the standard of work.
 - Learner feedback, which demonstrates teaching staff provide helpful oral feedback on ongoing assessment activities and constructive written and oral feedback on final assessment. This helps learners to reflect on performance, remediation and re-assessment.
 - Through the College's Learning Development team, assessment arrangements for learners with additional support needs are highly effective and meet the needs of individual learners.
 - The College has arrangements in place for all curriculum teams to gather and use the views of learners and learner outcome data to reflect on programme performance, evaluate the learning experience, and plan for improvement.
This is demonstrated through:
 - Students at the College's Fraserburgh Campus who reported in a focus group that their experience of open access to PCs with CAD software was limited in the atrium due to incorrect furniture and the noisy environment, so these were moved to the Library to accommodate.

Areas for development:

However:

- The College should develop strategies to involve learners more effectively in evaluation of learning and teaching and ensure that, where learners express concerns about aspects of their programmes, staff consistently respond well to deal with the issues.

2.4 – Services to Support Learning

Areas of positive practice:

- The College has well embedded and effective arrangements for providing potential and current learners with information, advice and support to make informed decisions about their learning.
This is demonstrated through:
 - The College's comprehensive and easily understood suite of information for prospective learners including the prospectus, the part-time guide, employer guide and Modern Apprenticeship guide, all of which are available in print or on-line.
 - An ongoing, year-on-year enhancements to services which, support learner induction and admissions process. For example, the introduction of on-line processes for enrolment has meant that students can now spend less of their induction completing the necessary requirements for enrolments and more time with curriculum staff finding out about their course of study.
 - The recent creation of a singular 'one-stop shop', Student Advice Centre (SAC) approach for student access and support which brings together student admissions, funding, advice, guidance and support within one centre and within one service. This innovation, coupled with a more multi-skilled, centralised compliment of support staff, simplifies the pre- and post-enrolment advice and support experience for learners.

- College staff work well with learner representatives and actively engage with learners in evaluating additional services to support learning.
This is demonstrated through:
 - College staff and student collaboration on on-line, learner-centred projects, each aimed at enhancing service delivery and the learner experience. For example, a group comprising of curriculum staff, support staff and student representatives worked in partnership to design and implement a new web-portal (MyNESCol) for the College that enables learner's much-improved access to essential online information and resources.
 - The consultation and collaboration between College staff from student-facing support teams, the IT and Facilities teams, and representatives from the Students' Association on estates-related projects aimed at redesigning a new and improved student advice and Library/IT facilities and services for the City Campus. This has transformed the delivery of a more inclusive and modern student and learning support service.

- The College has in place well-embedded and highly effective arrangements for supporting the development of digital skills and promoting learning through digital practice for many learners.
This is demonstrated through:
 - Effective collaboration between support teams to ensure learners at all campuses are provided with services and resources to enhance their digital skills development. This is particularly evident within the now well-embedded Bring Your Own Device (BYOD) initiative for students.
 - Cross-team collaboration which has also assisted in the development of additional, digital learning-related enhancements for services to students including the establishment of self-help library pods, IT device charging access, and access to a multi-site student-run IT helpdesk.

- College support teams routinely and effectively capture and reflect upon feedback from learners and internal customers in order to improve the quality of the services offered.

This is demonstrated through:

- Well-established support team self-evaluation approaches which routinely seek feedback from learners and internal customers through online surveys, Focus Groups, face-to-face interviews, bespoke support team KPI data sets e.g. for Student Services and Learning Resources teams.
- The College's bursary application, communication and disbursement arrangements ensures that most learners are informed appropriately, and receive funds promptly. Changes to student support fund management and feedback from both staff and students, have led improvements to the length of time taken to process student applications for support funds.
- Support teams who have developed a significant number of effective links with external agencies to provide cohesive and coherent services between the College and partner organisations for supporting learners with a range of personal issues and/or complex support needs. For example, well-established links with the Social Work Departments for both Aberdeen City and Aberdeenshire have led to learner-centred transition events being hosted by the College's Learner Development Team (LDT) for prospective care-experienced students and their key workers. Such transition approaches support the sharing of information that assists care-experienced learners to adapt to life and learning at College.

Areas for development:

However:

- A recent College review on the admissions service has highlighted issues relating to this student-facing function and further work is required in the areas of admissions policy, application, funding and communication.

2.5 - Transitions

Areas of positive practice:

- The College has well-established and effective partnerships with many key stakeholders and College staff work well, in collaboration with others, to ensure that appropriate and effective transition arrangements exist for College learners. This is demonstrated through:
 - The College's membership of Local Employability Partnerships which has enabled the College to develop close and effective links with other stakeholders when promoting progression opportunities within the Region. For example, the College is an active participant in the Aspire North's Schools for Higher Education Programme (SHEP) which provides valuable support and guidance to school pupils who are considering post-school progression to Higher Education.
 - The Degree-Link programmes which generated significant levels of learner progression with advanced standing from College HN to RGU degree. Data for 2015-16 indicates that 499 College HN students entered RGU degree courses with 77% gaining advanced standing. This well-established programme between the College and RGU sees information available to all learners through a co-developed and co-hosted website, as well as the College and RGU's VLEs.
 - The College's strong links with both local authorities in Aberdeen City and Aberdeenshire which ensures that many College programmes and services are accessible to school-aged learners. For AY 2016-17, the College enrolled 1,200 school pupils on year-long programmes and 200 school pupils on College Experience taster courses from 40 local schools.
 - The College's lead and emerging role in the development and implementation of senior-phase vocational pathways and Foundation Apprenticeships. Involvement in such initiatives not only strengthens school-College partnerships across the region but provides clearer and additional progression opportunities for school pupils locally.
 - The Business Community Development (BCD) team who liaise routinely with partners which helps to support the transition arrangements for a wide range of learners. For example, the College's relationship with certain Third Sector partners allows learners who have complex histories and additional support needs to be afforded opportunities to progress to College which are both realistic and achievable.
 - The College's Modern Apprenticeship (MA) team and its Employer Engagement Manager effective relationship-building approaches with employers which has helped establish popular progression options for many. Presently, approximately 350 employees from 175 local companies undertake an MA programme at NESCol and despite the economic downturn the College has had to, in agreement with SDS, increase its quota of apprenticeship places due to increased employer demand.

Areas for development:

However:

- Initial course KPIs for Foundation Apprenticeship programmes suggest that improvements to outcomes for both retention and attainment are required.

2.6 - Partnerships

Areas of positive practice:

- The College has long-established relationships, and works effectively with, a range of partner organisations which assists the College and its partners in meeting the needs of learners, employers and other stakeholders.
This is demonstrated through:
 - The high value, placed by local partners in education, industry and the community, on the College which has evolved from the College's clear strategic commitment to partnership working. This is, for example, evident in the successful, extensive and effective collaborations that exist between the College and RGU, Aberdeen City and Aberdeenshire Councils and Shell.
 - The formal articulation routes that the College has in place with 11 universities throughout Scotland. In particular, there exists a very strong and effective articulation agreement with Robert Gordon University which has allowed for both institutions to create and deliver a shared approach to joint curriculum planning.
 - The College's schools-link activities with both local authorities which has led to pupils from 40 schools across the region gaining College input to their education whilst still attending school.
 - The College's clearly-defined position as a lead partner within Community Planning Aberdeen activities, local outcome improvement plans and locality plans which is promoting greater cross-agency collaboration for improving outcomes for the people of Aberdeen City.
 - The College's successful partnership with industry partners which has enabled the College to not only meet the needs of employers and learners but has also assisted in addressing national Government priorities. For example, the College partnership with Shell has, year-on-year, led to increasing numbers of female school pupils enrolling onto the 'Girls in Energy' course; a course aimed at redressing gender imbalance within the energy sector. Over many years the course has grown significantly and is now offered to 124 school pupils from 9 Aberdeen City and Aberdeenshire Academies. 75% of learners tracked beyond these programmes have secured employment in the oil and gas sector.
 - Close planning and collaboration arrangements with employer partners which has led to the College's Business Community Development (BCD) team developing bespoke programme content to meet specific industry and business needs. Through such close collaboration, the College now delivers Modern Apprenticeship programmes to over 350 registered apprentices.
 - The College's role as a lead partner in the Regional Economic Strategy Group and its role in the development and implementation of the Regional Skills Strategy. This supports enhanced cross-agency collaboration in meeting the needs of regional learners, employers and other stakeholders.

Areas for development:

However:

- Not all College curriculum managers and teams engage consistently and effectively with local employers.

3.1 – Wellbeing, Equality and Inclusion

Areas of positive practice:

- The College has taken account of its responsibilities in relation to its statutory duties and has in place a comprehensive range of equality-related documents which are published on the College website. These assist in progressing the College's responsibilities and ambitions in relation to the public sector equality duty. This is demonstrated through:
 - The College's Equality Mainstreaming Report and Progress Against Outcomes Report 2015-17; Gender Pay Gap Report 2016; Occupational Segregation Reports 2016 for Race, Disability and Gender; Equality Outcome Report 2017-21; Gender Action Plan 2017-21 and Access and Inclusion Strategy 2017-21, all of which are published on the College's website.
 - The well-embedded vision and values which underpin the College's arrangements to fulfilling its public sector equality duty. The values of 'treating others with dignity and respect', 'creating an accessible, inclusive learning and working environment' and 'being fair, open and transparent to ensure a culture of mutual trust and integrity' act as key drivers for strategy, policy and practice and have been well communicated and promoted throughout the College community through a comprehensive awareness-raising programme.
 - The growing and effective partnership between the College and its Students' Association which has helped to advance equality of opportunity through enhancement activities such as Peer-led Reviews. In addition, through awareness-raising events such as 'Celebrate the Difference', both the College and the Students' Association continue to promote and foster good relations between different people living, learning and working in the communities local to the College.

- The College's existing and effective equality-related arrangements and approaches provide opportunities to access further education for individuals and groups of learners who experience barriers to learning. This is demonstrated through:
 - A revised approach to presenting and analysing equality data which has led to a more consistent approach being taken by curriculum teams to understanding and improving outcomes for learners with protected characteristics. In particular, the Curriculum Performance Review meetings conducted, on a triannual basis, by the SMT with curriculum managers have led to a more targeted approach being taken to understand and improve outcomes for disabled students on certain College courses.
 - The well-established relationships between the College's Business Community Development (BCD) team and community/Third Sector partners which provide tailored part-time learning opportunities for individuals who wish to return to education but who would most likely face significant challenges if they were to undertake full-time study. Such learning opportunities help to provide a more manageable and rewarding 'stepping-stone' approach for such learners who wish to re-engage with education.
 - The College's partnership with the Equality Challenge Unit (ECU) and its contribution to the ECU's on-going Attracting Diversity Project which is assisting the College to consider fully the prevalence of, and possible solutions to, the gender imbalances which exist in certain College courses.
 - The College's strong and effective partnerships with industry which enable collaborative, course-based activities to address gender imbalance within the energy sector. For example, the well-established, Shell-sponsored 'Girls

in Energy' scheme has now led to over 120 female school pupils, across 9 partner schools within Aberdeen City and Aberdeenshire, taking part in the programme annually.

- The College's inclusive culture and equality-related activities help promote, celebrate and support the ethos of inclusion with the College community. This is demonstrated through:
 - The existence of an Equality and Diversity Champion for the Regional Board whose role is to promote and support the College's equality-related ambitions within and beyond the College community. This somewhat unique post has already assisted in the prioritising of equality and diversity matters within the College and is proving to be of interest nationally as organisations such as ECU seek to learn more about this role and the potential it has for adding value to both College governance and equality activities.
 - The College's role as a founding member of the Gender Equality North East Scotland (GENES) Partnership which was established to develop and promote a regional response to gender imbalance in education and employment. This group has supported the development of the 'Nae Gender Limits' initiative; an initiative which aligns with SFC and College's Gender Action Plans and regional DYW priorities, and which has now active participation from many primary and secondary school pupils across the region.

Areas for development

However:

- Further work is required to ensure that outcomes improve for learners with disabilities.
- A more consistent and targeted approach is required to meet the ambitions of the SFC and College's Gender Action Plan.

3.2 – Equity, Attainment and Achievement for all Learners

Areas of positive practice:

- In most subject areas, learner outcomes have improved overall and based on the most up-to-date National Sector Performance results for AY 2015-16, sit at the sector average, or above for both FE and HE programmes.

This is demonstrated through:

- Full-time FE programmes, where 66% of learners completed their programme successfully, with a further 11% of learners completing with partial success – the sector average in AY 2015-16 was 65%.
 - Full-time HE programmes, where 76% of learners completed their programme successfully, with a further 9% of learners completing with partial success – the sector average in AY 2015-16 was 72%.
 - Part-time FE programmes, where 78% of learners completed their programme successfully - a 2% increase on the previous year.
 - Part-time HE programmes, where 80% of learners completed their programme successfully – a 1% increase on the previous year.
- The table below highlights Key Performance Indicators for the previous three years:

College				
FE FT	Early Withdrawal	Further Withdrawal	Partial Success	Completed Successfully
2014-15	8%	18%	12%	62%
2015-16	7%	16%	10%	67%
2016-17	8%	15%	11%	66%
College				
HE FT	Early Withdrawal	Further Withdrawal	Partial Success	Completed Successfully
2014-15	4%	12%	12%	72%
2015-16	3%	11%	9%	77%
2016-17	3%	12%	9%	76%
College				
FE PT	Early Withdrawal	Further Withdrawal	Partial Success	Completed Successfully
2014-15	1%	4%	33%	62%
2015-16	2%	3%	19%	76%
2016-17	2%	4%	16%	78%
College				
HE PT	Early Withdrawal	Further Withdrawal	Partial Success	Completed Successfully
2014-15	1%	3%	14%	82%
2015-16	1%	3%	16%	80%
2016-17	1%	1%	18%	80%

- The College collects data effectively on learner progression routes. This is demonstrated through:
 - Many learners making good progress from prior levels of achievement.
 - Many learners progressing well into relevant post course destinations, including further learning and employment.

- The College has clear arrangements to incorporate essential skills development within programmes.

This is demonstrated through:

- The Core and Essential Skills team having in place a wide range of integrated, contextualised materials suitable for learners to develop their skills.
- Improvements in attainment of core skills over time and for most learners this has helped them achieve their programme.
- The development and enhancement of employability skills through work-placement activity.

Areas for development:

However:

- Across some programmes, particularly SCQF level 4 provision, withdrawal rates are high and too few learners succeed and progress into further learning or employment.
- SIMD figures are not analysed efficiently to ensure learners from lower SIMD areas are achieving.

Enhancement Plan 2016-17

The Enhancement Plan details actions, and their intended impact on College performance, to address the areas for development identified following the Evaluative Report. Please reference each Developmental Driver using the following coding:

Annual Priority – Reference to the codes within the Annual Priority Document (**AP**)

Area for Improvement (from the self-evaluation) – Reference back to the self-evaluation (**AI**) above

Objective (from a College Supporting Strategy) – See each strategy for reference code

Re-establishing a previous strength or as a new development – Reference back to Education Scotland Quality *How Good Is Our College?* 2016

(HGIOC) Corporate Operational Risk – Reference back to the College Risk Register (**R**)

Equality Outcome – Reference to the Equality Outcomes and Action Plan (**E**)

Leadership and Quality Culture					
Area for Development (Developmental Driver)	Impact (intended difference to be made)	Planned Actions for Improvement	Deadline	Developmental Driver Code	Update & Evaluation
The Regional Board should build on its existing Governance and Leadership in developing a shared vision for change and improvement	Improved effectiveness of the College and the way it meets its objectives	Further development on performance against a set of key strategic indicators and outcome agreement targets	July 2018	A1	March 2018
		Further develop strategies for engagement with staff and external stakeholders	July 2018	A1	March 2018
		Improve understanding of the College's Vision and Values for non-promoted staff	July 2018	A1	March 2018
Although effective arrangements are in place for improving learning and teaching, in some areas these arrangements have yet to deliver the improvement in learner outcomes required by the College	Strengthen links with employers to influence a more systematic approach to employer engagement and curriculum	Curriculum teams to review the effectiveness of relationships with employers that will facilitate greater opportunities for employers to influence curriculum content and delivery	July 2018	AP8	Review mid-term
		Provide more CLPL opportunities for extending digital capacity for staff as part of the Digital Futures project.	July 2018	AP8	Staff conference update in January 2018

		Deliver a revised Admissions Policy and Procedure in line with the Internal Review	July 2018	AP9	Review mid-term
Further engagement between support and curriculum teams is required to ensure that the College's ambitions for improving its services are extended to part-time learners and commercial clients	Improved quality of service to all learners regardless of mode of delivery	Review of processes for planning and improving services to support learners involving both support and curriculum areas	July 2018	AP9	Review mid-term
		Service teams to make more use of qualitative feedback that will enhance the service delivery to learners and internal customers	July 2018	AP9	Review mid-term
Some action plans for improvement are not yet impacting on improving outcomes for learners	Stronger partnership working that will have a positive impact on learners, success and achievements	More effective collaboration between the College and Students' Association to ensure the new quality arrangements and The Framework for the Development of Strong and Effective College Students' Associations in Scotland are fully aligned	July 2018	AP10	Review mid-term
		A more consistent approach to carrying out a robust analysis of intelligence and data sharing by curriculum teams with learner representatives for continuous improvement	July 2018	AP10	Review mid-term
		In partnership with the Students' Association and learner representatives, further develop existing processes in taking into account taken the views of learners to inform improvement	July 2018	AP9	Review mid-term
		Deliver a revised Admissions Policy and Procedure in line with the Internal Review			

Delivery of Learning and Services to Support Learning					
Area for Development (Developmental Driver)	Impact (intended difference to be made)	Planned Actions for Improvement	Deadline	Developmental Driver Code	Update & Evaluation
Further work is required to ensure the engagement of learners in awareness raising, and in the development of approaches, for safeguarding	Reduce risk of injury to staff, learners and other stakeholders	The College to further develop a variety of regional partnership initiatives relating to safeguarding	July 2018	A1	Regular updates throughout the academic year
		Greater engagement with the Police Scotland-initiated approach to dealing with 'Weapons Incidents involving Young People Under 18'	July 2018	A1	Regular updates throughout the academic year
A few programmes do not take sufficient account of the needs of employers and relevant data sources	Improved match between curriculum provision and industry needs	Improved input of employers to curriculum planning across all curriculum teams	July 2018	AP4	Review mid-term
		Development and implementation of the College's Business Development Strategy	May 2018	AP4	July 2018
		Curriculum teams to make full use of external data to plan and design curriculum programmes	July 2018	AP4	Review mid-term
Further develop strategies to involve learners more effectively in evaluation of learning and teaching and ensure that, where learners express concerns about aspects of their programmes, staff consistently respond well to deal with the issues	Improved learner experience and outcomes	Further develop the selection and training of learner representatives that will enhance the use of the learner voice	February 2018	A1	Review end of Block 1
		Development of digital skills for staff to ensure all learners have access to high quality enhanced learning	July 2018	A1	Review mid-term
		Gather information through Lesson Observations effectively to share good practice and drive wider achievement	July 2018	A1	Review mid-term

Further work is required in the areas of admissions policy, application, funding and communication	Improved admissions process	Implementation of the internal review on Admissions, Funding and Applications	June 2018	AP9	March 2018
		Significantly reduces the waiting times of students awaiting funding	July 2018	AP9	May 2018
		A phased three approach to identify any duplication of services	July 2018	AP9	April 2018
Initial course KPIs for Foundation Apprenticeship (FA) programmes suggest that improvements to outcomes for both retention and attainment are required	Improved outcomes for retention and attainment	Review of the FA frameworks to determine whether correct content is on offer	July 2018	AP9	April 2018
		Review of strategies that will support pupils on their chosen framework	July 2018	AP9	April 2018
		Further work with SDS, employers and schools to encourage pupils to continue with framework	July 2018	AP9	April 2018
Not all College curriculum managers and teams engage consistently and effectively with local employers	Stronger partnerships that will help raise College profile	Curriculum and Business Community Development working together to further develop partnerships with employers	July 2018	AP4	Review mid-term
		Further develop the role of the College as a lead partner within Aberdeenshire Community Planning	July 2018	AP4	Review mid-term

Outcomes and Impact					
Area for Development (Developmental Driver)	Impact (intended difference to be made)	Planned Actions for Improvement	Deadline	Developmental Driver Code	Update & Evaluation
Further work is required to ensure that outcomes improve for learners with disabilities	Closing of attainment gap for learners with declared disabilities that will assist in improvement of outcomes for learners	Review of strategies to target learner support more effectively that will support all learning regardless of their disability	July 2018	AP5	Review mid-term
		A detailed analysis of equality data to be carried out by all curriculum teams and address areas where outcomes are below targets	July 2018	AP5	February 2018
A more consistent and targeted approach is required to meet the ambitions of the SFC and College's Gender Action Plan	Reduce Gender imbalance in Computing, Care, Engineering, Construction, and Hair & Beauty	Implement strategies as identified through the collaboration with the Equality Challenge Unit	July 2018	AP5	Included as part of the Equality Outcomes project
		A targeted marketing campaign to raise awareness of 'Women in IT', and 'Men into Care'	July 2018	AP5	February 2018
Across some programmes, particularly SCQF level 4 provision, withdrawal rates are high and too few learners succeed and progress into further learning or employment	Incremental improvement in attainment across all three Schools	Special measures to be introduced to support subject areas where KPIs are challenging	December 2017	A1	Monitor through the College's Curriculum Performance Review process
		Review of curriculum design to identify units that are causing those areas to have lower KPIs	July 2018	A1	March 2018
		Curriculum teams to make better use of national benchmarking data in subject areas	July 2018	A1	Review mid-term
		A more focussed approach to support all learners achieving their core skills unit	July 2018	A1	End of Block 1
		Deliver a revised Admissions Policy and Procedure in line with the Internal Review	July 2018	AP9	Review mid-term

SIMD figures are not analysed efficiently to ensure learners from lower SIMD areas are achieving	Achieve Regional Outcome Agreement targets as agreed with SFC	A detailed analysis of SIMD to be carried out to identify areas of low attainment and ensure effective support measures are in place	July 2018	A1	March 2018
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The College will conduct an interim review of progress against the Enhancement Plan in January/February 2018. In addition, the Validation Panel will meet in February 2018 to provide an external review on the College's progress against the identified areas for development and actions for improvement.

Grading Outcomes

Principle	Grade	Justification
Leadership and Quality Culture	Very Good	The College is well-supported by its Regional Board, and has in place very effective arrangements and a long-established quality culture that is well-embedded. Self-evaluation has identified very few significant areas for improvement.
Delivery of Learning Provision	Very Good	The College has a well-designed curriculum with effective arrangements for transitions. The design and delivery is well supported by external partners. Whilst admission services and learning and teaching are working well for most learners, this is not consistent across all campuses.
Outcomes and Impact	Good	The College's KPI outcomes are equal or above the national average and most learners successfully achieve a relevant qualification. However, within a few subject areas, attainment levels at FE are low and learners with declared disabilities have lower success rates.

Capacity to Improve

The College has in place highly effective governance arrangements and has embedded a strong culture for improvement, which is shared by all staff. The Principal, Senior Management Team, and the College Leadership Team provide strong and effective leadership which focusses on improvement and learner outcomes. The College has identified a number of Annual Priorities for improvement which have been shared by all staff, and has also instigated a number of high-level reviews of key processes directly linked to the learner experience. The action following these reviews will lead to improved access to information and guidance, more inclusive matching of learners to programmes and better outcomes for all learners. All staff are involved in evidence-based self-evaluation and are able to implement actions for improvement. The College is enhancing the arrangements to develop the influence of the Students' Association and wider learner voice in evaluation activities. Teaching staff are well inducted into the College and are encouraged to adopt innovative and interactive approaches to learning, in particular using digital technologies. Curriculum areas are well-resourced allowing learners access to industry standard equipment and processes. Improved access to equality data has allowed the College to identify evidence-based actions to address inequalities, which have been included in the both the College's Gender Action Plan and Equality Outcomes. The College will further develop the use of target setting and data analysis to support planning for improvement and will improve the access to timely management information for all managers and staff. The College will continue to work with the Scottish Funding Council and Education Scotland in the development of meaningful outcome agreements, robust evaluative reports and effective enhancement plans.

Endorsement of North East Scotland College EREP	Date
Approval from Regional Board	



REGIONAL BOARD	
Meeting of 23 October 2017	
Title: Performance Reporting	
Author: Liz McIntyre	Contributor(s): SMT
Type of Agenda Item:	
For Decision	<input type="checkbox"/>
For Discussion	<input checked="" type="checkbox"/>
For Information	<input type="checkbox"/>
Reserved Item of Business	<input type="checkbox"/>
Purpose: To enable the Regional Board to consider the establishment of a new performance report to assist with the reporting and monitoring of key information and performance indicators.	
Linked to Strategic Aim:	
3 To achieve maximum impact from the available resources	
Linked to Annual Priority:	
Executive Summary:	
<p>The Regional Board and its Committees are presented with a wide range of information and data to support their governance role. It is proposed that a Performance Report is prepared and presented to Members to draw together information and data in a more relevant and accessible format.</p> <p>It is proposed that the Report is made available on COLIN and is discussed as appropriate at each meeting of the Regional Board and its Committees.</p> <p>At the first AY2017-18 meeting of each of the Board's Committees, a draft version of the proposed Performance Report was considered. At the time of writing this paper, the SMT were reflecting upon feedback received from the Committees and finalising the proposed format, including the population of the data sets it contains. The draft Performance Report will be made available to Members as soon as possible ahead of its discussion at the Regional Board Meeting scheduled for 23 October 2017.</p>	
Recommendation:	
It is recommended that the Board consider the proposed format and monitoring of the new Performance Report.	

Previous Committee Recommendation/Approval (if applicable):

None

Equality Impact Assessment:

Positive Impact

Negative Impact

No Impact

Evidence:

*This is a 'mock up'
All figures are illustrative.*

**North East Scotland College
Performance Report**

Reporting Date - 30 June 2017

Overall status			
Finance		▲	
Human Resources			▲
Curriculum			▲
Student Funding		▲	

Key:

	No significant risks
	Emerging significant risks
	Significant risks yet to be addressed

Highlights:

Financial break-even achieved for AY2017-18

Student activity levels are slightly above the target set by the SFC

The College is operating within the budget set by the Board.

Levels of staff turnover are in line with expectation

Demand for student support funds is less than expected at this point in the year. Unlikely to need additional funds this year.

KPIs are in line with expectation, except in student retention, which is above the expected level.

Human Resources**Reporting Date:****Turnover:**

Staff category	Turnover in 2017
Lecturing staff	%
Support staff (excluding Guidance tutors/Instructors)	%
Instructors	%
Guidance Tutors	%

Vacancies

The College had xxx vacancies in the period January – December 2017:

Vacancy	Aberdeen	Fraserburgh	Altens	Other	Total
Teaching					
Support					
Manager/SMT					
Post withdrawn/ on hold					
Total					

Appointments

Of the xx vacancies in the period January-December 2017, xx appointments were made and x positions were still open.

Vacancy	Number of appointments
Teaching	
Support	
Manager/SMT	
Total	

Sickness Absence

Campus	Number of days lost in 2016 (Average headcount in 2016 = 590)	Number of days lost in 2017 (Average headcount in 2017 = xxx)
Aberdeen	2334	
Fraserburgh	1505	
Altens	664	
Total number of days lost to absence	4503	
Days lost as % of days available to work	3.3%	

Long-term absence, defined as an absence of 28 days or more, are:

Reason (long-term absence)	Number of working days lost in 2016	Number of working days lost in 2017

Episodes (less than 28 days) of absence

Reason	Number of absences in 2016	Number of absences in 2017

Overall Number of Working Days Lost for Top Three Reasons

Reason	Number of working days lost in 2016	Number of working days lost in 2017

Industrial Relation Cases

Type	Number of Cases Closed 31 December 2016	Number of Cases Closed 31 December 2017
Discipline		
Grievance		
TUPE		
Redundancy		
Non-Voluntary Dismissals	2016 -	2017 -

Staff Qualification KPIs

Staff group and qualification	2016 - 17 Target	2016 – 17 Actual
Lecturers holding TQFE	85%	
Lecturers holding an assessor award	85%	
Lecturers holding a verifier award	70%	
Instructors / VTAs holding an introductory teaching qualification	94%	
Instructors / VTAs holding an assessor award	85%	
Guidance Tutors holding an appropriate post graduate guidance qualification	95%	

Curriculum

Reporting Date: 13 October 2017

Full time Enrolments:-		
	Target	Actual to-date
School of Creative Industries, Computing and Business Enterprise	2,966	3,041
School of Engineering, Science and Technology	1,496	1,316
School of Service Industries	2,346	2,315
Business and Community Development	12	12
Total	6,820	6,684

Full Time Retention to-date:-			
	Enrolled	Early withdrawal	% Rate
School of Creative Industries, Computing and Business Enterprise	3,041	24	99.21
School of Engineering, Science and Technology	1,316	26	98.02
School of Service Industries	2,315	60	97.41
Business and Community Development	12	0	100
Total	6,684	110	98.35%

Part Time Retention to-date:-			
	Enrolled	Early withdrawal	% Rate
School of Creative Industries, Computing and Business Enterprise	303	11	96.37
School of Engineering, Science and Technology	1206	5	99.59
School of Service Industries	760	9	98.82
Business and Community Development	1302	23	98.23
Professional Development			
Total	3,571	48	98.66%

Early Retention (ALL):-			
	Enrolled	Early withdrawal	% Rate
School of Creative Industries, Computing and Business Enterprise	3,344	35	98.95
School of Engineering, Science and Technology	2,522	31	98.77
School of Service Industries	3,075	69	97.76
Business and Community Development	1,314	23	98.25
Professional Development			
Total	10,255	158	98.46%

Key Performance Indicators	Students Enrolled(Actual)				Early student withdrawal (withdrawn students as a % of enrolled students)			
	2014	2015	2016	2017	2014	2015	2016	2017
FT Enrolments	6,245	6,820	6,844	6,684	6.11%	5.50%	6.09%	1.65%
PT Enrolments	11,863	6,371	9,533	3,571	3.25%	3.70%	2.09%	

Credits:-				
	Target Credits	Actual to-date	Planned Provision	Projected Outcome
School of Creative Industries, Computing and Business Enterprise	47,453	47,649	482	48,131
School of Engineering, Science and Technology	33,490	27,715	4,925	32,640
School of Service Industries	41,787	41,896	180	42,076
Business and Community Development	14,318	4,708	9,610	14,318
Professional Development	68			
Total	137,116	121,968	15,197	137,165
Projected Outrun				
Total SFC Target (incl. 3,3035 ESF)				

Foundation Apprenticeships			
	Enrolled	Early withdrawal	Reason
Children and Young People	25	3	3 returned to school as wanted a career change
Engineering	28	6	5 are now undertaking MA qualification, 1 returned to school
Social Work and Health Care	19	2	2 completed year 1 but returned to school
Business	4	2	Withdrew due to duplication of units with school higherers
ICT Hardware	5	0	n/a
Creative and Digital	8	0	n/a
Total	89	13	

*This is a 'mock up"
All figures are illustrative.*

**North East Scotland College
Student Support Funds
Academic Year 2016-17
£000s**

**Reporting Date - 30 June 2017
Monthly Report**

	<u>Actual</u> <u>(Y-to-D)</u>	<u>Budget</u> <u>(Y-to-D)</u>	<u>Commitment</u> <u>(Y-to-D)</u>	<u>Available</u> <u>Funds</u>	<u>Forecast</u> <u>(Full Year)</u>	<u>Budget</u> <u>(Full Year)</u>
Income						
Bursary funds	5,500	5,500	-	-	7,057	7,057
Education Maintenance Allowances (EMAs)	220	220	-	-	236	236
Childcare	590	590	-	-	955	955
Discretionary	520	520	-	-	648	648
			-	-		
Total Income	<u>6,830</u>	<u>6,830</u>	<u>-</u>	<u>-</u>	<u>8,896</u>	<u>8,896</u>
Expenditure						
Bursary funds	5,000	5,500	6,500	557	6,614	7,057
Education Maintenance Allowances (EMAs)	220	220	236	-	236	236
Childcare	460	590	825	130	857	955
Discretionary	380	520	411	237	411	648
Total Expenditure	<u>6,060</u>	<u>6,830</u>	<u>7,972</u>	<u>924</u>	<u>8,118</u>	<u>8,896</u>
Net Surplus/(Deficit)	<u>770</u>	<u>-</u>			<u>778</u>	<u>-</u>
Forecast unspent funding be returned to SFC					<u>778</u>	
Forecast additional funding to be requested from SFC					<u>-</u>	



REGIONAL BOARD	
Meeting of 23 October 2017	
Title: Regional Board Terms of Reference	
Author: Pauline May	Contributor(s): Liz McIntyre
Type of Agenda Item:	
For Decision	<input checked="" type="checkbox"/>
For Discussion	<input type="checkbox"/>
For Information	<input type="checkbox"/>
Reserved Item of Business	<input type="checkbox"/>
Purpose: To enable the Regional Board to review its Terms of Reference.	
Linked to Strategic Aim:	
Linked to Annual Priority:	
Executive Summary: At its Planning Event in May 2017 the Regional Board agreed that its own and the Terms of Reference for each of its Committees should be reviewed. Attached as an appendix are the Board's current Terms of Reference. A review of the attached was undertaken by the Principal and Secretary to the Board on behalf of the Board.	
Recommendation: It is recommended that the Board re-establishes its Terms of Reference.	
Previous Committee Recommendation/Approval (if applicable): None	
Equality Impact Assessment:	
Positive Impact	<input type="checkbox"/>
Negative Impact	<input type="checkbox"/>
No Impact	<input checked="" type="checkbox"/>
Evidence:	

REGIONAL BOARD		
1.1	Membership	The membership of the <u>Regional</u> Board will be constituted as required by the Further and Higher Education (Scotland) Act 1992 (as amended), the Further and Higher Education (Scotland) Act 2005 (as amended) and the Post 16 Education (Scotland) Act 2013 and as per the Standing Orders
1.2	Quorum	No less than one half of the members entitled to vote.
1.3	Remit	<p>General</p> <p>The <u>Regional</u> Board shall observe constitutional arrangements as set out in legislation and the Standing Orders in all its business.</p> <p><u>The Regional Board must ensure compliance with the statutes, ordinances and provisions regulating the College and its framework of governance and, subject to these, take all final decisions on matters of fundamental concern to the College.</u></p> <p>Specific</p> <p>The <u>Regional</u> Board is has responsibility for overseeing the business of the College, determining its strategic future direction and fostering an <u>safe</u> environment in which the College's vision mission is achieved and the potential of all learners is maximised <u>through the delivery of high quality learning and outcomes</u>. <u>The Regional Board must also ensure that the College has in place effective management and financial controls to support the student experience within a framework of public accountability and transparency.</u></p> <p>The Regional Board must ensure compliance with the statutes, ordinances and provisions regulating the College and its framework of governance and, subject to these, take all final decisions on matters of fundamental concern to the College.</p> <p><u>The Regional Board shall:</u></p> <ul style="list-style-type: none"> • <u>Determine the College's vision, strategic direction, educational character, values and ethos</u> • <u>Identify strategic priorities and provide direction within a structured planning framework</u> • <u>Safeguard the financial and institutional sustainability of the College by ensuring that funds are used as economically, efficiently and effectively as possible, and that effective monitoring arrangements are in place.</u> • <u>Monitor agreed key performance indicators to determine if the College's vision and values are being fulfilled and the interests of stakeholders are being met</u> • <u>Work in partnership to secure the coherent provision of high quality fundable further and higher education across the region</u> • <u>Provide leadership in equality and diversity</u> • <u>Ensure that the College conducts its operations in such a way, so far as is reasonably practicable, that employees, students and others who may be affected by its activities are not exposed to risks to their health and safety</u>

- Determine the Board's position regarding National Collective Bargaining and ensure that this is communicated to the Employers' Association

In observance of the Scheme of Delegation, the Regional Board reserves making decisions on the following matters to itself~~following items are retained for approval by the Board~~, upon advice from or recommendation by the relevant Committee where appropriate and must not be delegated:

- determining the objectives of the Board
 - final approval of the College's Strategic Plan and Regional Outcome Agreement
 - approval of the year-end Annual Report and Accounts
 - approval of the Annual Budget
 - final consideration of the Annual Audit Report
 - approval of the High Level Strategic Risk Register
 - acquisition and disposal of heritable property, subject to approval of the SFC
 - appointment of Board Members
 - appointment and removal of the Principal
 - appointment and removal of the Secretary to the approval of terms and conditions of appointment of Board Members
 - approval of the Students' Association constitution and the election regulations for student officers
 - delegation of functions of the Board including remits of Committees and this Scheme of Delegation
 - the making, amendment and revocation of the Standing Orders of the Board.
- ~~The College's Strategic Plan and Regional Outcome Agreement (and any annual updates thereof)~~
 - ~~The Annual Accounts (following consideration by the Audit and Risk Committee)~~
 - ~~The Annual College Budget (following consideration by the Finance & General Purposes Committee)~~
 - ~~The appointment of the Principal and Chief Executive~~
 - ~~The Students' Association Constitution (to be reviewed at least once every five years)~~
 - ~~Any other matters as set out in this manual or which the Board resolves to retain for approval by itself.~~

1.4 Meetings/Reporting

The Regional Board ~~must~~ shall meet a minimum of four times per year. The Regional Board will normally hold two Strategy Events during each academic year.



REGIONAL BOARD	
Meeting of 23 October 2017	
Title: Programme of Business AY2017-18	
Author: Pauline May	Contributor(s): Liz McIntyre
Type of Agenda Item:	
For Decision	<input checked="" type="checkbox"/>
For Discussion	<input type="checkbox"/>
For Information	<input type="checkbox"/>
Reserved Item of Business	<input type="checkbox"/>
Purpose: To enable the Regional Board to consider its Programme of Business for AY2017-18.	
Linked to Strategic Aim:	
Linked to Annual Priority:	
Executive Summary: The attached Programme of Business details the proposed schedule of key items of Board Business throughout academic year 2017-18.	
Recommendation: It is recommended that the Board set the Programme of Business for AY2017-18.	
Previous Committee Recommendation/Approval (if applicable):	
None	
Equality Impact Assessment:	
Positive Impact	<input type="checkbox"/>
Negative Impact	<input type="checkbox"/>
No Impact	<input checked="" type="checkbox"/>
Evidence:	

REGIONAL BOARD PROGRAMME OF BUSINESS AY2017-18

Please note that the Programme of Business will be amended as required to include agenda items that arise throughout the academic year.

23 OCTOBER 2017
For Decision
Regional Board Terms of Reference
Programme of Business AY2017-18
Whistleblowing Policy
Governance Manual
Draft Succession Planning Policy for Board Members
Draft Evaluative Report & Enhancement Plan
Partnership for Change Pledge
NESCol-RGU Partnership Proposal
Senior Staff Annual Leave Entitlement
For Discussion
Board Policies
Charity Trustee Status
Gender Action Plan
Annual Appraisal of Regional Chair
Aberdeen Skills and Enterprise Training Limited – Annual Report by Chair
For Information
Annual Report to the Board by the Audit & Risk Committee
Internal Audit Programme 2017-18

16 & 17 NOVEMBER 2017
Strategy Event (to include consideration of an outline of new Strategic Plan, draft Business Development Strategy and a risk management workshop)

08 DECEMBER 2017
For Decision
Financial Statements 2017-18
Students' Association - Partnership Agreement
For Discussion
Draft Outcome Agreement 2018-19
Principal's Performance Management Objectives
For Information
Letter of Guidance
Health & Safety Report

21 FEBRUARY 2018
For Decision
Draft Outcome Agreement 2018-19
Equality & Diversity Policy
Anti-bribery & Corruption Policy
Premature Retirement Compensation Policy
ASET Memorandum of Understanding
Policy on the Appointment of Directors
Senior Staff Pay Proposal
For Discussion
Annual Student KPIs 2016-17
Annual Priorities 2017-18 – Progress Report
Interim College Funding Allocation 2018-19
Equality & Diversity and Access & Inclusion Report
Environmental Sustainability Annual Report
For Information
College Annual Evaluative & Enhancement Plan – Education Scotland & SFC Presentation on Endorsement Statements
PREVENT Update
ASET Report by Nominated Officer

25 APRIL 2018
Mid-year Strategy Event (to include consideration of draft Strategic Plan 2018-21, revised Risk Registers)

20 JUNE 2018
For Decision
Strategic Plan 2018-21
Draft Annual Priorities 2018-19
Fellowship Nominations 2018
Programme of Meetings 2018-19
Committee Membership 2018-19
Induction Policy for Board Members
Recruitment & Selection Policy for Board Members
Risk Management Policy
Strategic Planning Policy
Local Government Pension Scheme Discretionary Functions
College Budget
Capital Programme
For Discussion
Annual Priorities 2017-18 – progress update
Board Self-evaluation 2017-18
College Funding Allocation 2018-19
For Information
Health & Safety Report

STANDING ITEMS
Minutes of Previous Meeting
Matters Arising from the Previous Meeting
Report by the Regional Chair
Report by the Principal
Report by Committee Chairs
National Collective Bargaining
Performance Reporting

AD HOC ITEMS
Report by the Governance Steering Group

Red denotes Reserved Item of Business

DRAFT



REGIONAL BOARD	
Meeting of 23 October 2017	
Title: Governance Manual	
Author: Pauline May	Contributor(s): Governance Steering Group
Type of Agenda Item:	
For Decision	<input checked="" type="checkbox"/>
For Discussion	<input type="checkbox"/>
For Information	<input type="checkbox"/>
Reserved Item of Business	<input type="checkbox"/>
Purpose: To enable the Regional Board to consider an updated version of its Governance Manual.	
Linked to Strategic Aim:	
Linked to Annual Priority:	
<p>Executive Summary: At its last two meeting, the Board's Governance Steering Group has considered a number of amendments to the Governance Manual.</p> <p>Attached as Appendix 1 is a copy of the updated Manual. Significant amendments to the document are as follows:</p> <ul style="list-style-type: none"> • Updated Standing Orders in line with model Standing Orders circulated to the sector by the Good Governance Steering Group for Scotland's Colleges (page 7); • An update Scheme of Delegation in line with a model Scheme of Delegation circulated to the sector by the Good Governance Steering Group for Scotland's Colleges (page 18); • Updated Terms of Reference for the Board and its Committees (page 30); • Inclusion of information on the Board's role in relation to College Companies (page 40); • Inclusion of role descriptions for the Senior Independent Member and the Equality & Diversity Champion (pages 41 & 42). 	
<p>Recommendation: It is recommended that the Board:</p> <ul style="list-style-type: none"> • approve the updated Governance Manual, and in doing so, • adopt the updated Standing Orders, Scheme of Delegation and revised Terms of Reference. 	

Previous Committee Recommendation/Approval (if applicable):

The revised Terms of Reference for the Audit & Risk Committee, Finance & Resources Committee, and Human Resources Committee have each been considered and approved by the respective Committee.

Equality Impact Assessment:

Positive Impact

Negative Impact

No Impact

Evidence: The Governance Manual contains information on the role of the Regional Board and its Committees in terms of equality and diversity and of the Board's Equality & Diversity Champion.



REGIONAL BOARD

GOVERNANCE MANUAL

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1. INTRODUCTION

1.1 This document sets out:

- The statutory and regulatory responsibilities underpinning the operation of the Regional Board of North East Scotland College
- The Constitution and Standing Orders of the Board and its Committees
- The Scheme of Delegation, including delegation to the Chair, Committees, the Principal and the Secretary to the Board
- The Regional Board Code of Conduct
- The Terms of Reference of the Board and its Committees.

1.2 This Manual is not intended to undermine or supersede the formal Instruments and Articles of Governance, under which the College has its charitable status. In the event of any conflict between the contents of this Manual and the Instruments and Articles, the Instruments and Articles take precedence. Any changes to those Instrument and Articles will, as appropriate, be reflected in the content of this Manual.

1.3 This Manual should be read in conjunction with the [Code of Good Governance for Scotland's Colleges](#)

2. STATUTORY AND REGULATORY RESPONSIBILITIES

- 2.1 The Board is constituted in accordance with the Acts and any relevant Regulations, Statutory Provisions or Orders made by the Scottish Government. Any changes to the Acts or any relevant Regulations, Statutory Provisions or Orders made by the Scottish Government will supersede any arrangements or procedures set out in this Manual.
- 2.2 The Board shall be the College's legal authority and, as such, shall ensure that systems are in place for meeting the College's legal obligations, including those arising from contracts and other legal commitments made in the College's name.
- 2.3 The Board shall act as trustee for any legacy, endowment, bequest or gift given to it in support of the work and welfare of the College.
- 2.4 The Board shall ensure that constitutional arrangements as set out in legislation are followed and that appropriate advice is available to enable this to happen.
- 2.5 The Board shall be the employer of all employees of the College.
- 2.6 The Board shall ensure that the College operates ethically, responsibly and with respect for the environment and for society at large and will ensure that the College provides public benefit in Scotland and elsewhere through:
 - the advancement of education and training; and
 - the advancement of citizenship or community development.
- 2.7 The Board shall ensure that it maintains a balance of appropriate knowledge, skills and experience amongst its membership in order to meet its primary responsibilities.
- 2.8 The Board shall be the principal financial and business authority of the College; shall ensure that proper books of account are kept; shall approve the annual budget and financial statements; and shall have overall responsibility for the assets, property and estate of the College and the use thereof.
- 2.9 The Board shall ensure the establishment and monitoring of systems of control and accountability, including: financial and operational controls; systems in respect of risk assessment and management; clear procedures for handling internal grievances; clear procedures for managing conflicts of interest; and clear procedures for public interest disclosure, all so as to maintain the solvency of the College and safeguard its assets.
- 2.10 The Board shall ensure that processes are in place to monitor and evaluate the performance and effectiveness of the College against approved plans and key performance indicators, which should be benchmarked against other comparable institutions, wherever possible.
- 2.11 The Board shall ensure that arrangements are in place to promote the proper management of the health, safety and security of students, staff and others affected by the College and its operations.
- 2.12 It is the duty of the Board to comply with any direction, requirement, notice or duty imposed by the Charities and Trustee Investment (Scotland) Act 2005.

- 2.13 The Board shall make provision, in consultation with the Students' Association, for the general welfare of students.

3. CONSTITUTION AND STANDING ORDERS

Executive Summary

- 3.1 North East Scotland College is established under the Further and Higher Education (Scotland) Act 1992. The College's constitutional arrangements are set out expressly in the Act, most notably in section 12 and Schedule 2. A Guide produced by the Scottish Government highlighting the key functions, constitution and proceedings of boards of management is attached as Appendix G.
- 3.2 Under the Act, boards of management are responsible for developing Standing Orders. The Standing Orders of North East Scotland College Regional Board set out the Board's policy and practice on those issues which it has powers to determine.
- 3.3 The Standing Orders are to be read in conjunction with the following:
- The Further and Higher Education (Scotland) Act 1992 (as amended), the Further and Higher Education (Scotland) Act 2005 (as amended) and the Post-16 Education (Scotland) Act 2013. In the event of any conflict arising between the Standing Orders and the Acts, the terms of the Acts shall prevail;
 - The Ethical Standards in Public Life etc. (Scotland) Act 2000;
 - Charities and Trustee Investment (Scotland) Act 2005;
 - The Code of Good Governance for Scotland's Colleges;
 - The Scheme of Delegation; and
 - The Regional Board Code of Conduct.
- 3.4 The Regional Board of North East Scotland College is established under the provisions of the 1992 Act and is a charity registered in Scotland in terms of the Charities and Trustee Investment (Scotland) Act 2005 with registered number SC021174.
- 3.5 In the event of a dispute as to the interpretation of constitutional arrangements or the Standing Orders the ruling of the Chair shall be sought. In the event of a challenge to the Chair's authority the Board shall refer the matter to statutory provisions.

Purpose and Powers

- 3.6 The Regional Board shall have the duty to manage and conduct the business of the College in accordance with the terms of its statutory responsibilities and, in particular, ensure that it provides suitable and efficient further and higher education to students at the College.
- 3.7 The Board has the responsibility for the appointment of the College Principal, and for the conduct of any disciplinary or other action taken against the Principal as the result of an allegation of misconduct or the investigation of a grievance. It shall put in place suitable arrangements for monitoring his/her performance.
- 3.8 The Board shall delegate to the Principal, as Chief Executive, authority for the academic, corporate, financial, estate and human resource management of the College, and shall establish and monitor such management functions as shall be undertaken by and under the authority of the Principal.

3.9 The Board has powers to:

- charge fees;
- provide assistance of a financial or other nature (including waiving or granting remission of fees unless specifically prohibited by legislation from doing so);
- receive any property, rights, liabilities and obligations transferred under the 2013 Act and to acquire property for the College's benefit;
- provide facilities of any description appearing necessary for the managing of the College's activities;
- subject to Section 11 of the 2013 Act and with the written consent of the Scottish Ministers, to dispose of property;
- supply goods and services; and enter into contracts, including staff contracts and the supply of goods and services necessary for the management of the College's activities;
- to form or promote or join with any other person in forming or promoting companies (within the meaning of the Companies Act 2006);
- subject to the terms of the Financial Memorandum with the SFC, to borrow such sums as it sees fit; invest such sums as are not immediately required by the Board for the purpose of carrying out the College's activities; and raise funds and accept gifts of money, land or property and apply it to the purpose of carrying out College activities.

3.10 The Board may, having particular regard to any requirements laid down by the SFC with respect to financial management, delegate the performance of its functions to its Chair or any Committee appointed by it or any member of its staff with the exception of the following:

- the determination of the educational character and mission of the College;
- monitoring and review of College systems and procedures;
- approval of annual estimates of income and expenditure;
- ensuring solvency of the College and safeguarding its assets;
- approval of the College's Strategic Plan and Regional Outcome Agreement; and
- appointment and dismissal of the Principal.

3.11 The Board may pay to Board members such allowances and expenses as they may determine subject to any criteria issued from time to time by the Secretary of State.

3.12 The Board shall not without written consent of the Scottish Ministers:

- borrow money from any source other than within the limits established by the Financial Memorandum;
- give a guarantee or indemnity or create any trust or security over or in respect of the College's property; nor
- effect a material change in the character of the College.

3.13 The Board may be given direction of a general or a specific character by the Scottish Government or the SFC or its equivalent, with regard to the discharge of its functions, and it is the duty of the Board to comply with any directions given.

3.14 The Board has a duty to keep proper accounts which shall be prepared and audited in accordance with the requirements of the SFC.

- 3.15 Subject to the responsibilities of the Board, the Principal is responsible for the executive management of the College, including its financial management, internal organisation and discipline.

Appointment of Chair

- 3.16 The Chair of the Regional Board is appointed by Scottish Ministers.
- 3.17 Regional college chair appointments are subject to standard terms and conditions of appointment. A copy of these terms and conditions can be found on the Scottish Government website - <http://www.gov.scot/Topics/Education/post16reform/hefegovernance/TermsandConditions>
- 3.18 The Chair holds and vacates office on such terms and conditions as the Scottish Ministers may determine.

Appointment of Vice Chair

- 3.19 The Board shall appoint, as Vice Chair, one of its members, not being a person who is:
- a student at the College;
 - the Principal or Acting Principal of the College or any other employee of the College.
- 3.20 The period of appointment of the Vice Chair shall be four years from their date of appointment or as otherwise determined by the Board from time to time.
- 3.21 The Vice Chair may at any time by notice in writing to the Secretary to the Board, resign their respective office as Vice Chair, and/or from the Board itself.
- 3.22 At the first meeting following the expiry of their term of office, or following their resignation, the Board shall appoint a new Vice Chair, as the case may be, from amongst their number for a period in line with the arrangements set out in Section 3.19 above. The Vice Chair retiring at the end of their respective term of office, are eligible for re-election subject to the terms of the Tenure of Office.
- 3.23 When the Vice Chair cease to be a member of the Board, he or she shall cease to be the Vice Chair.
- 3.24 The Board will appoint the Vice Chair as the senior independent member (Appendix B) to provide a sounding board for the Chair and to serve as an intermediary for the other Board members and Secretary to the Board as necessary.

Appointment of Equality and Diversity Champion

- 3.25 The Board shall appoint, as Equality and Diversity, one of its members, to help ensure that the Board observes good practice in regard to equality and diversity (Appendix C).
- 3.26 The period of appointment of the Equality and Diversity Champion shall be four years from their date of appointment or as otherwise determined by the Board from time to time.

Membership

3.27 The Board shall consist of no fewer than 15 nor more than 18 members. The Board shall comprise:

- a) a person appointed by the Scottish Ministers to chair meetings of the Board (the “chairing member”);
- b) the principal of the college;
- c) a person appointed by being elected by the teaching staff of the college from among their own number;
- d) a person appointed by being elected by the non-teaching staff of the college from among their own number;
- e) two persons appointed by being nominated by the Students’ Association of the college from among the students of the college; and
- f) other members appointed by the Board.

An appointment made in pursuance of (f) has effect only if approved by the chairing member and the Scottish Ministers.

3.28 All Board vacancies for membership of the Regional Board shall be filled in line with the Recruitment and Selection Policy for Board Members.

3.29 Upon appointment, all Board members are required to complete a Declaration Form (Appendix B). Board members will also be required to complete an induction process, as detailed in the Induction Policy for Board Members.

3.30 Procedural arrangements for any elections to the Board shall be delegated to the Secretary to the Board (Appendix C).

3.31 Board members (except the Principal) may resign at any time, by giving notice in writing to the Chair or the Secretary to the Board.

3.32 Board members who are members of staff (including the Principal) or students of the College cease to be Board members if they cease to be staff or students of the College.

3.33 A person nominated to fill a vacancy may attend Board meetings prior to the resignation of the Board member who he or she is replacing, and may speak at meetings, but not take part in any vote on a Board item.

3.34 Without prejudice to the rights of any Committee to co-opt members from time to time, the Board may from time to time co-opt persons to any Committee and may at any time revoke such co-option. Any person co-opted to any Committee may attend any meeting of that Committee and take part in that Committee’s discussions. Co-optees may not chair any Committee, nor may they vote in any decisions determined by a vote of any Committee, but they shall in all other respects have equivalent status to Committee members.

Terms and Tenure of Office

- 3.35 A member of the Board (other than the Principal or Students' Association nomination) shall hold office for a period of four years.
- 3.36 Board members who have been absent without reasonable excuse from the Board for more than six months may, by resolution of the Board and notice in writing from the Chair, be removed from the Board.
- 3.37 Board members may not act as such unless and until he or she is eligible for appointment as a Board member in terms of Schedule 2 to the 1992 Act.
- 3.38 Individuals who are disqualified from being a charity trustee under Section 69 of the Charities and Trustee Investment (Scotland) Act 2005; or have failed to pass a PVG check are ineligible to be a Board Member.
- 3.39 Board members shall at all times comply with:
- any duties imposed on Board members in their capacity as charity trustees pursuant to section 66 of the Charities and Trustee Investment (Scotland) Act 2005;
 - any other legislation and/or statutory or regulatory guidance applicable to the College from time to time; and
 - the terms of the Regional Board Code of Conduct
 - the Code of Good Governance for Scotland's Colleges.

Meetings

- 3.40 The Board shall hold as many Board and Committee meetings as may be necessary for the performance of its functions and at such times, places and frequency as the Board determines.
- 3.41 The Secretary to the Board shall produce an annual programme of meetings which shall be presented to the Board for approval.
- 3.42 Meetings of the Board shall be quorate if no less than one half of the members entitled to vote at such a meeting are present. Members participating are counted in the quorum in line with the following arrangements:
1. Board members participate in a meeting or part of a meeting when they can each communicate to the other members any information or opinions they have on any particular item of the business of the meeting.
 2. In determining whether members are participating in a meeting, it is irrelevant where any member is or how they communicate with each other.
 3. If all the Committee members participating in a meeting are not in the same place, they may decide that the meeting is to be treated as taking place wherever any of them is.
- 3.43 If a quorum is not present, the Chair shall adjourn the meeting for 15 minutes and, after this time, if a quorum is still not present, the Chair shall have the power to decide to close the meeting or to take such items on the agenda that may require discussion on an advisory basis only, subject to a vote taken by the next quorate meeting of the Board.

3.44 The Chair shall be responsible for the general conduct of meetings and shall:

- preserve order and ensure every member has a fair hearing;
- decide upon all matters of order, competency and relevancy; and
- determine all questions of procedure in reference to which no express provision is made in legislation or under these Standing Orders.

All business at Board and Committee meetings shall be conducted through the Chair by members indicating to the Chair that they wish to speak. The Chair shall be heard without interruption.

3.45 The ruling of the Chair on all matters within his/her jurisdiction as Chair is final.

3.46 If both the Chair and Vice Chair are absent from any meeting of the Board, the Board members present shall choose one of their numbers to act as Chair for the meeting.

3.47 Notification to Board members of the time and place of the meeting and a copy of the agenda will be sent to Board members at least five working days in advance of the meeting, or if the meeting is convened at a shorter time, then at the time it is convened.

3.48 The order of business will be determined at the start of the meeting and will generally follow the format contained in the agenda accompanying the notice calling the meeting. Matters to be raised under Any Other Business should be notified to the Chair or the Secretary to the Board prior to the meeting. Any such matters may, subject to the approval of the Chair or the Vice Chair, be considered by the Board.

3.49 A Extraordinary Meeting of the Board or a Committee may be called on the instructions of the Chair or by agreement by a majority of Board members entitled to vote at such a meeting. If there are matters requiring urgent attention, notice will be given as soon as is reasonably practicable and giving no less than two working days' notice.

3.50 If any Board member disregards the authority of the Chair or displays obstructive or offensive conduct, that Board member may be suspended for the remainder of the meeting.

3.51 Subject at all times to its constitutional arrangements and the terms of the Standing Orders, the Board shall regulate its proceedings as it thinks fit. The Chair may from time to time, adopt, amend and/or replace any procedures of the Board in respect of the regulation of proceedings.

Attendance at Meetings

3.52 The Secretary to the Board shall have oversight of all Board and Committee meetings in order to ensure meetings are conducted in accordance with legislation, terms and conditions of grant (including in relation to its Financial Memorandum, the Scottish Public Finance Manual, the Code of Good Governance for Scotland's Colleges), the Board's Scheme of Delegation and these Standing Orders, and in order to ensure a record is kept of proceedings.

3.53 It shall be a matter for the Board or Committee to determine which College employees (with the exception of the staff Board Members who shall be invited to attend all meetings of the Board and Committees they are a member of) or other individuals should be invited to attend any Board or Committee meeting or any part of

it in an advisory capacity in order to ensure that the Board or Committee has the required advice to fulfil its functions. Where invited to do so by the Chair at the meeting, these employees or individuals may contribute to the discussion, but may not vote.

- 3.54 The Board may decide to meet privately without the Principal or any Senior Management Team members being present. In these circumstances the Secretary to the Board shall be present at the meeting unless requested by the Chair to leave. Where the Secretary to the Board is requested to leave, there must be a clear and specific reason for this recorded in the minutes and the Chair shall ensure that appropriate arrangements are made for recording the discussion and any decisions taken at the meeting in the minutes. Staff and student Board members are permitted to attend such meetings unless they have a conflict of interest in relation to the matter being discussed.

Agenda and Papers

- 3.55 The Secretary to the Board in consultation with the Chair and Principal shall prepare the draft agenda. Other members may request for an item to be included on the agenda for discussion by submitting this to the Secretary to the Board no later than 10 working days in advance of the meeting (except in the case of an extraordinary meeting where only the urgent business notified at the time the meeting was requested will be placed on the agenda). The Secretary shall ensure that all items placed on the agenda fall within the remit of the Board or Committee.
- 3.56 All matters for consideration by the Board or Committee shall be clearly identified on the agenda as to whether it is for decision, discussion or for information purposes.

The order of business shall be:

- Apologies for absence
 - Declarations of any Potential Conflicts of Interest in relation to any agenda items
 - Approval of the minutes of the previous meeting
 - Matters arising
 - All other business with those items of business requiring approval or a decision taking precedence over items of business for noting
 - Date and time of the next meeting.
- 3.57 Board and Committee papers may be submitted by the Chair, Vice Chair, Principal, a member of the Senior Management Team or the Secretary to the Board. Others may also submit papers following agreement with the Chair.
- 3.58 The Secretary to the Board shall ensure the circulation of papers to Board or Committee members at least five working days prior to the meeting. Where this timescale is not possible, the Secretary to the Board shall advise members of this and advise of the reason for the delay and when papers might be expected.

Minutes

- 3.59 After each Board or Committee meeting, the draft minutes shall, normally within five working days, be submitted to the relevant Chair for consideration in the first instance. After consideration by the relevant Chair, the draft minutes shall be circulated by email, normally within in ten working days, to all Board or Committee members. Draft minutes will then be submitted to the next meeting for approval. After

the minutes have been approved as a correct record of the meeting to which they relate, subject to or without amendment, the relevant Chair shall sign them.

- 3.60 After the minutes have been approved, and before the next business on the agenda, any Board member may ask any question in regard to matters arising out of them. Questions shall be allowed for the purposes of information only.
- 3.61 All Committee minutes will be submitted to the Board for information and discussion at the next scheduled meeting of the Board regardless of whether the minutes are draft or have been approved by the Committee.

Quorum and Voting Rights

- 3.62 The quorum for a meeting of the Board or Committee shall be no less than one half of the members entitled to vote at such a meeting.
- 3.63 If a meeting does not have a quorum of members present 15 minutes after its scheduled start time or falls below having a quorum of members present part way through, the Chair must either adjourn the meeting to a new date and time, or proceed with the agenda, ensuring that any decisions are taken by members at the next meeting of the Committee or Board, whichever is the sooner.
- 3.64 If the Chair of the Board or Committee is not present at any meeting, the Vice Chair (where this office exists) shall assume that role. Where a Vice Chair is not available, members shall elect from amongst themselves a Board member who is entitled to vote as the Chair of that meeting.
- 3.65 A question on when a vote is required shall be determined by a majority of votes of the members of the Board present and voting on the question and, in the case of an equal division of votes, the Chair of the meeting shall have a second or casting vote.
- 3.66 Only matters identified on the agenda as requiring a decision shall, if consensus is not possible, be decided by vote.
- 3.67 In exceptional circumstances, such as for matters requiring urgent attention, and when the approval of the Board or Committee is required, decisions can be taken, with the prior agreement of the Chair, by written procedure. That is, decisions can be taken without calling a physical meeting of the Board or Committee. In such circumstances for a decision to be deemed to be taken:
- The Secretary shall email all Board members outlining the decision required, together with relevant briefing information.
O the Board
 - A quorum, as defined above, must have replied to the email.
 - The Secretary to the Board shall ensure that a deadline for response is clearly specified and Board members shall endeavour to respond within that timeframe.
 - Any decisions taken in this way shall be homologated at the next relevant meeting of the Board or Committee.
- 3.68 Where a proposal is amended, voting will take place on the amendment against the proposal, or the series of amendments, in the order of the last amendment first, until a single amendment is put against the proposal. Thereafter, voting will take place upon the proposal amended. All members have a single vote.

- 3.69 No-one shall be entitled to tender his or her dissent from any decision, except at the meeting at which it has been passed; but any member not present may at the next meeting have his or her dissent recorded.
- 3.70 No proposal nor any amendment to any such proposal, shall be moved if it involves a reconsideration of any question or proposal which has been decided or adopted by the Board at any time within the preceding six months unless:
- it is moved by the Chair
 - in addition to being signed by the mover, it is signed by at least one third of the total members of the Board.
- 3.71 In the case of an equality of votes at any meeting of the Board, or Committee, the Chair or, in his/her absence, the Vice Chair shall have a second or casting vote.
- 3.72 In the absence of the Principal, the Chair will nominate a member of the College Senior Management Team to attend and speak at any meeting of the Board or its Committees. The nominee shall not be entitled to vote at any such meeting.
- 3.73 Staff and student members of the Board shall, unless invited to remain by the Chair, withdraw from any part of any meeting of the Board or its Committees at which the appointment, promotion, conduct, suspension, dismissal, retirement or terms and conditions of employment of any employee of the College is to be considered.
- 3.74 Meetings of the Board are not normally open to the public. At any meeting of the Board at which the College's Annual Report is presented, the Chair, with the consent of a majority of the Board members, may admit members of the public for that item.

Proceedings and Publication of Board Papers

- 3.75 Meetings shall be minuted by the Secretary to the Board or nominated deputy.
- 3.76 The Board may regulate its own proceedings and those of any Committee appointed by it. The validity of any proceedings of the Board or of any Committee appointed by them shall not be affected by any defect in the appointment of any member of the Board - or any member of such Committee or by a vacancy amongst the members of the Board.
- 3.77 The Board shall make available on the College website or for inspection at the principal office of the College, at all reasonable times, for anyone who wishes to inspect them, copies of the documents to which this sub paragraph applies:
- the agenda for any meeting of the Board or any Board Committee;
 - the draft minutes of any such meeting as approved by the Chair of the meeting;
 - the minutes of such meeting as agreed by the Board or as the case may be, the Committee; and
 - any report or document considered by such meeting.
- 3.78 There may be excluded from any item required to be made available under paragraph 3.77 above, any material relating to:
- a named person employed at or proposed to be employed at the College
 - a named student at, or candidate for admission to, the College
 - information relating to any particular applicant for, or recipient or former recipient of, any service provided by the College

- information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the College
- information relating to the financial or business affairs of any particular person (other than the College)
- the amount of any expenditure proposed to be incurred by the College under any particular contract for the acquisition of property or the supply of goods or services
- any terms proposed or to be proposed by or to the College in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services
- the identity of the College as the person offering any particular tender for a contract for the supply of goods or services
- information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the College and employees of the College
- any instructions to counsel and any opinion of counsel (whether or now in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:
 - a) any legal proceedings by or against the College, or
 - b) the determination of any matter affecting the College
(whether, in either case, proceedings have been commenced or are in contemplation)
- any action taken or to be taken in connection with the prevention, investigation or prosecution of crime
- the identity of a protected informant.

Committees

- 3.79 The Board shall appoint such Committees, as it considers necessary.
- 3.80 The Board, unless resolved otherwise, will establish, as a minimum, the following Committees:
- Audit and Risk Committee
 - Curriculum and Quality Committee
 - Finance and Resources Committee
 - Human Resources Committee
 - Remuneration Committee
 - Selection and Appointments Committee.
- 3.81 The Chair of the Board and the Principal may attend any meetings of any Committee (other than the Audit and Risk Committee, which they may only attend by invitation) but may not vote unless they are members of the Committee.
- 3.82 Committees may include persons who are not Board members but such persons will not be entitled to vote at meetings of the Committee.
- 3.83 The Standing Orders of the Board shall also be the Standing Orders of its Committees.
- 3.84 Committees shall determine or advise the Board on any matters which the Board remits to them.
- 3.85 The Chairs of Committees can request support to undertake the role from the Chair of the Regional Board and from other Committee Chairs. Support in relation to items

of Committee business is also available from relevant members of the College's Senior Management Team.

- 3.86 Terms of Reference for the Committees can be found in Section 6 of this Manual, and detail:
- Membership
 - Quorum
 - Remit
 - Frequency of Meetings.
- 3.87 Each Committee shall review its remit annually and shall submit any proposed changes to the Board for approval.

Board Members' Interests

- 3.88 Board members may not take or hold any interest in any property held or used for the purpose of the College.
- 3.89 A Board member who has any financial or material interest in:
- the supply of work or goods to or for the purpose of the College;
 - any contract or proposed contract concerning the College; or
 - any other matter relating to the College

must, at any meeting when the item is considered, declare an interest and withdraw from the meeting, unless the Board allows the member to remain when she or he may talk on the item, but they may not vote on any question in relation to it. In considering whether to make a declaration in any proceedings, members must consider not only whether they will be influenced but whether anybody else would think that they might be influenced by the interest. Members must keep in mind that the test is whether a member of the public, acting reasonably, might think that a particular interest could influence a member's actions.

- 3.90 In accordance with the terms of the Ethical Standards in Public Life Etc. (Scotland) Act 2000, a Register of Interests will be maintained by the Secretary to the Board. Such Register of Interests shall be available for inspection at all reasonable times at the principal office of the College or as otherwise required by the Standards Commission for Scotland.
- 3.91 There will be a biannual review of the Register of Interests but, notwithstanding the annual review, it is the responsibility of members of the Board to declare all relevant information and to promptly notify any changes.
- 3.92 Guidance to Board members is provided in the Code of Conduct and Register of Interests sections of this manual.

Confidentiality of Information

- 3.93 Any information received or obtained by any person in connection with his/her functions as a Board member, or a member of any Committee, shall be treated as confidential to the Board or that Committee.

- 3.94 Papers and reports shall not be divulged or disclosed to anyone prior to meetings of the Board or its Committees. Papers, discussion and decisions agreed by the Board and its Committees to be confidential shall be separately minuted and shall not be made available to anyone other than members of the Board and the Secretary to the Board.
- 3.95 In particular, but without limitation, Board members must treat the following information as confidential and must not divulge or disclose any such information to any third party:
- personal information held about individuals;
 - information relating to a person who is, has been, or is likely to be a student of the College;
 - matters related to or concerned with legal disputes or actions concerning the College;
 - any information the disclosure of which is prohibited by anything in any enactment (including, but not limited to, the 1992 Act and any enactment contained in a subordinate instrument) or rule of law;
 - matters relating to the business of the College, its transactions and financial affairs;
 - matters relating to the business of the College's funders, partners, contractors and other third parties with which the College has or may have business or commercial relationships; and
 - matters which are identified by the Board as being confidential or which, given their nature, may be regarded as being confidential to the College.

Suspension and Review of Standing Orders

- 3.96 Any one or more provisions of the Standing Orders may be suspended, except where such suspension might lead to an action contrary to law, provided that at least two thirds of the members present entitled to vote agree to such a motion.
- 3.97 The Board shall, at least once every three years, review the Standing Orders in order to determine whether any amendments and/ or additions should be made thereto.

4. SCHEME OF DELEGATION

Preamble

- 4.1 In accordance with paragraph 12(4) of the Further and Higher Education (Scotland) Act 1992 ("the 1992 Act") a board may delegate the performance of any of their functions to their chair, to any Committee appointed by them or to any member of their staff.
- 4.2 In accordance with paragraph C.8 of the Code of Good Governance for Scotland's Colleges ("the Code") delegation of responsibilities from, and matters reserved to, the Board and its Committee must be clarified through a Scheme of Delegation including the functions delegated by the Board to the Chair, Committees, the Principal and the Secretary to the Board.

Authority Reserved to the Regional Board

- 4.3 Whilst initial discussion or consideration may take place by Committees or individuals, the Board reserves making decisions on the following matters to itself:
- determining the objectives of the Board
 - final approval of the College's Strategic Plan and Regional Outcome Agreement
 - approval of the year-end Annual Report and Accounts
 - approval of the Annual Budget
 - final consideration of the Annual Audit Report
 - approval of the High Level Strategic Risk Register
 - acquisition and disposal of heritable property, subject to approval of the Scottish Funding Council
 - appointment of Board members, in accordance with the 1992 Act and the College Sector Board Appointments: 2014 Guidance
 - appointment and removal of the Principal
 - appointment and removal of the Secretary to the Board (in accordance with paragraph D.13 of the Code)
 - approval of terms and conditions of appointment of Board members
 - approval of the Students' Association constitution and the election regulations for student officers
 - delegation of functions of the Board including remits of Committees and this Scheme of Delegation
 - the making, amendment and revocation of the Standing Orders of the Board.

Delegation to Committees

- 4.4 In accordance with paragraph 13 of Schedule 2 to the 1992 Act, the Board may establish Committees for any purpose and any such Committee may appoint Sub Committees.
- 4.5 In accordance with paragraph C.8 of the Code, the minimum Committees required are Audit, Remuneration, Finance and Nominations/Appointments.
- 4.6 Each Committee and Sub Committee shall have a clearly defined remit which shall set out the duties and responsibilities delegated. The remit must be approved by the Board. The Committee may suggest amendments to the remit, but any amendments must be approved by the Board before they are implemented.
- 4.7 The Board may delegate functions to a specific Committee and this shall be clearly detailed within the minutes of the appropriate meeting.
- 4.8 The Board reserves the right to review the Committees required and the authority delegated to them as and when it deems it appropriate to do so.
- 4.9 The minutes of each Committee meeting will be submitted to the Board for information at the next appropriate meeting. In addition, the Committee Chair shall give an update to the Board on key issues where requested to do so.

Delegation to Chair of the Regional Board

4.10 The Chair must abide by the terms and conditions of their appointment in leading the Board and ensuring its effectiveness, and in exercising any delegated authority. The Chair has delegated authority to:

- exercise judgement in the event of a need for an urgent decision during the period between Board meetings, such that:
 - an extraordinary Board meeting is called in the case of material decisions;
 - a proposal is circulated and a decision is approved by email (in accordance with the Standing Orders) and is thereafter homologated at the next Board meeting.
- on behalf of the Board, sign and date the College's Annual Report and Accounts, after Board approval, and other documents as may be required.
- represent the Board within the College and externally.
- issue communications on behalf of the Board in whatever form is appropriate, both within and out with the College.
- monitor, review and record the Principal's performance at least annually against performance measures agreed by the Board.
- monitor, review and record the Secretary to the Board's performance at least annually against performance measures agreed by the Board.
- ensure each Board member participates in an annual development meeting, facilitated either by the Chair or Vice Chair as appropriate.
- initiate action further to a decision of the Board to take disciplinary action against, or suspend, the Principal or Secretary to the Board.
- initiate action further to a decision of the Board to appoint a new Principal or Secretary to the Board.

Delegation to the Principal

4.11 The Principal, as Chief Executive of the College, shall be responsible for the operational management of the College subject to strategic and policy direction by the Board and the terms of any specific authority reserved to the Board. The Principal may in turn delegate tasks as appropriate to staff, including the Secretary to the Board.

4.12 The Principal has delegated authority to:

General Management

- as appropriate, take such measures as may be required in emergencies, subject to advising the Chair where possible and homologation at the appropriate Committee or to the Board as soon as possible thereafter, on any items for which approval of the Committee or the Board would normally be necessary.
- facilitate the management of the College and its provision of services within the framework determined by the College's Strategic Plan and Regional

Outcome Agreement, the approved budget, and any other policies and strategies determined by the Board.

- consult on behalf of the Board with representatives from key organisations, local and national, about the priorities contained within the College's Strategic Plan and Regional Outcome Agreement prior to final approval by the Board.
- respond on behalf of the Board to consultative documents that may be sent to the College by the Scottish Government, the Scottish Funding Council or other external agencies.
- incur expenditure in making visits and the provision of reasonable hospitality to representatives of other Colleges, organisations and companies, taking into account the principles of the Bribery Act 2010.
- give a direction in special circumstances that any member of staff shall not exercise a delegated function.
- take out membership of and attend meetings of outside bodies and professional associations where it is compatible with the duties of Principal and in the interests of the College to do so.
- authorise the issue of press releases for publication and broadcasting on behalf of the College.
- authorise the publication of any document on behalf of the College.
- engage the services of outside persons, firms or organisations and enter into contracts and sign all deeds and other documents binding the Board for all purposes except those where the power to engage such services is not delegated to a Committee or is not reserved to the Board.
- raise funds for and supply them to any of the activities which the Board has power to undertake.
- provide courses as required by outside agencies and negotiate appropriate charges for these.
- determine the dates of the College holidays and other details of the College's academic calendar.
- appoint a senior member of staff to deputise for the Principal during periods of planned absence.

Staff Management

- determine an appropriate staff structure for the College consistent with the conditions of employment that currently apply after consultation and where appropriate, negotiation with representatives of recognised trade unions.
- consult and negotiate with representatives of recognised trade unions on behalf of the Board.

- establish procedures for the appointment of College staff in circumstances where the power to appoint has not been delegated to a Committee or is not reserved to the Board.
- supervise, manage and deploy staff within the College and arrange appropriate induction and training for College staff.
- establish procedures for taking disciplinary action against College staff up to and including dismissal subject to complying with the policies laid down by the Board.
- grant unpaid leave of absence to any member of College staff in accordance with the relevant policies laid down by the Board.
- represent the Board in negotiating and implementing conditions of service in relation to relevant College staff, including participation in national collective bargaining.
- approve the secondment of College staff to external agencies in accordance with relevant policies laid down by the Board and to approve the appointment, where necessary, of a temporary replacement for the duration of the secondment.
- in exceptional circumstances, agree individual severance arrangements with staff, taking into account limits set by the Scottish Funding Council and functions delegated to the Board or a Committee.
- establish any other procedures required for the orderly management of College staff.

Student Management

- arrange for the provision of appropriate curriculum and support services for students and clients.
- administer, in accordance with any policy determined by the Scottish Government or the Scottish Funding Council or the Board the disbursement of monies to students attending the College.
- administer, in accordance with any policy of the Board, the provision of financial or other assistance to students of the College.
- set and amend as necessary the level of tuition fees, examination expenses, maintenance and contribution scales for all courses offered by the College and to waive or grant remission of such fees or expenses in special cases within guidelines set by the Board.
- authorise students and to make grants to students, to enable them to attend courses and conferences, and to undertake educational visits and excursions within the UK or abroad, within approved budgets and policies of the Board.
- take appropriate disciplinary action including exclusion, against students in accordance with any policies of the Board.

- provide financial or other assistance to the Students' Association of the College within the terms approved by the Board.

Property Management

- allocate accommodation within the College in order to meet student and staff needs and to arrange for any necessary alterations or adaptations to College property.
- apply to the appropriate authority for any necessary statutory consents.
- grant any way leave or servitude over property of the College on such terms as may be appropriate.
- grant the use of College accommodation to outside bodies or persons for the purpose of holding meetings and functions on such terms and conditions as are reasonable in the circumstances.

Financial Management

- take personal responsibility for ensuring the proper and effective operation of financial, planning and management controls, and for giving effect to the Board's policies for securing the efficient, economical and effective management of all the College's income, assets and expenditure. This includes agreeing Board approved budgetary limits.
- act at all times in compliance with the Financial Memorandum, Conditions of Grant, Scottish Public Finance Manual and to follow the College's Financial Regulations, taking particular account of the delegated financial limits.
- enter into and negotiate contracts and other binding arrangements for the supply of goods and services (whether bought, leased, hired or otherwise acquired) to the College or to authorise another to enter into such contracts up to a value of the relevant EU Procurement threshold or Board approved budgetary limits and all in accordance with the College's financial regulations.
- terminate contracts, when it is in the best interests of the College to do so.
- check the financial standing of potential contractors.
- dispose of assets up to the value of the delegated financial limit as set out in the Finance Regulations and in line with the requirements of the Scottish Public Finance Manual.
- administer any educational endowment which transferred to and vested in the Board in terms of Section 19(1) of the 1992 Act.
- take out any necessary insurances to protect the interests of the College.
- settle any claims whether or not such claims are insured or whether or not a court action has been raised.
- spend public funds only for the purposes for which they were given and in accordance with any terms and conditions attached to them.

- arrange for the presentation to the Board for approval an Annual Budget of income and expenditure, including revenue and capital, and to give regular updates on income and expenditure account, balance sheet and cash flow statement.
- arrange for the preparation, audit and presentation to the Board of Accounts following the end of each financial year in compliance with the requirements of the Accounts Direction and encompassing Audit Scotland and the Scottish Funding Council instruction.
- report to the Scottish Funding Council should the Board adopt a policy or commission an action which is incompatible with the terms of the Financial Memorandum or the Scottish Public Finance Manual, or which would infringe on the requirements of propriety or regularity, and report to the Board in writing on such matters being considered and advise the Board that, should it wish to choose to continue with the policy or action, then as Accounting Officer he or she must report the Board's intentions to the Scottish Funding Council in writing.

Absence of the Principal

- 4.13 In the absence of the Principal, the Senior Management Team shall ensure that the essential functions and delegated authorities of the Principal are carried out with due regard to any relevant provisions of the Financial Memorandum with Fundable Bodies in the College Sector.
- 4.14 After a period of four weeks' unplanned continuous absence of the Principal, the Board shall designate a Vice Principal as the accountable officer for the duration of the Principal's absence, ensuring that the Scottish Funding Council is advised of such absence at the earliest opportunity.

Delegation to the Secretary to the Board

- 4.15 The Secretary to the Board has delegated authority to:
- administer, circulate, retain and publish as appropriate the records of all Board and Committee business.
 - undertake appropriate actions to ensure that the Board is sufficiently informed of its obligations as defined in legislation, the terms and conditions of grant, the Scottish Public Finance Manual, the Code and the Standing Orders.
 - administer staff elections to the Board and act as returning officer.
 - act as Standards Officer in accordance with Advice on the Role of a Standards Officer (issued by the Standards Commission for Scotland).
 - in accordance with the Code, report any unresolved concerns about the governance of a body to the relevant funding body (i.e. the Scottish Funding Council).

Absence of the Secretary to the Board

- 4.16 In the absence of the Secretary to the Board, the Board shall agree temporary arrangements that can be put in place either by appointing a staff member to fulfil the delegated functions, or by making such other arrangements as may be required.

5. EVALUATION

- 5.1 The Board will undertake an annual self-evaluation, which will include a review of its effectiveness against the Code of Good Governance for Scotland's Colleges and the development of an action plan for improvement.
- 5.2 The Board will evaluate, on an annual basis, the effectiveness of the Chair. This process will be led by the Vice Chair and will provide all Board Members with an opportunity to comment on the Chair's performance through the use of an anonymous online questionnaire. The Principal will also be asked to provide a commentary on the effectiveness of their relationship with the Chair.
- 5.3 In line with the Code of Good Governance for Scotland's College, the Chair will also be evaluated by the Scottish Government.
- 5.4 The Chair will conduct annual one to one meetings with each Board member to discuss performance and training and development needs. Members who hold the office of Committee Chair will also be evaluated on this role at this time including the observations of Committee Members in relation to Chairs' performance through the use of an anonymous online questionnaire.
- 5.5 The Governance Steering Group, on behalf of the Board, will evaluate, on an annual basis, the effectiveness of the Secretary to the Board. This process will be led by the Chair.
- 5.6 The Board's evaluation processes will take into account the "Guidance Notes for Boards in the College Sector: A Board Development Framework".
- 5.7 The Board will ensure that an externally facilitated evaluation of its effectiveness is undertaken at least every three years.

6. REGIONAL BOARD CODE OF CONDUCT

Introduction to the Code of Conduct

- 6.1 The Scottish public has a high expectation of those who serve on the boards of public bodies and the way in which they should conduct themselves in undertaking their duties for the public body. You, as a member of the Regional Board of North East Scotland College must meet those expectations by ensuring that your conduct is above reproach.
- 6.2 The Ethical Standards in Public Life etc. (Scotland) Act 2000 provides for new Codes of Conduct for local authority councillors and members of relevant public bodies; imposes on councils and relevant public bodies a duty to help their members to comply with the relevant code; and establishes a Standards Commission for Scotland to oversee the new framework and deal with alleged breaches of the codes.

- 6.3 As a member of the Regional Board, it is your responsibility to make sure that you are familiar with, and that your actions comply with, the provisions of this Code of Conduct.

Guidance on the Code of Conduct

- 6.4 Board members must observe the rules of conduct and it is each member's personal responsibility to comply with the rules contained in the Code.
- 6.5 Board members must review regularly their collective performance, and at least annually, their personal circumstances with this in mind, particularly when your circumstances change. Members must not at any time advocate or encourage any action contrary to this Code of Conduct.
- 6.6 The key principles listed below provide additional information on how the principles should be interpreted and applied in practice. The Standards Commission for Scotland may also issue guidance. No Code can provide for all circumstances and if uncertain Board members should seek advice from the Secretary to the Board. Members may also choose to consult their own legal advisers and, on detailed financial and commercial matters, seek advice from other relevant professionals.

Enforcement

- 6.7 Part 2 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 sets out the provisions for dealing with alleged breaches of this Code of Conduct and the sanctions that shall be applied if the Standards Commission for Scotland finds that there has been a breach of this Code. Those sanctions are outlined in Appendix A.

Key Principles of the Code of Conduct

- 6.8 The general principles upon which this Code is based should be used for guidance and interpretation only. These general principles are:

Duty

You have a duty to uphold the law and act in accordance with the law and the public trust placed in you. You have a duty to act in the interests of the Regional Board and in accordance with the core functions and duties of the public body.

Selflessness

You have a duty to take decisions solely in terms of public interest. You must not act in order to gain financial or other material benefit for yourself, family or friends.

Integrity

You must not place yourself under any financial, or other, obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.

Objectivity

You must make decisions solely on merit and in a way that is consistent with the functions of the public body when carrying out public business including making appointments, awarding contracts or recommending individuals for rewards and benefits.

Accountability and Stewardship

You are accountable for your decisions and actions to the public. You have a duty to consider issues on their merits, taking account of the views of others and must

ensure that the Regional Board uses its resources prudently and in accordance with the law.

Openness

You have a duty to be as open as possible about your decisions and actions, giving reasons for your decisions and restricting information only when the wider public interest clearly demands.

Honesty

You have a duty to act honestly. You must declare any private interests relating to your public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

You have a duty to promote and support these principles by leadership and example, to maintain and strengthen the public's trust and confidence in the integrity of the Regional Board and its members in conducting public business.

Respect

You must respect fellow members of the Regional Board and employees of the Regional Board and the role they play, treating them with courtesy at all times. Similarly you must respect members of the public when performing duties as a member of the Regional Board. You should apply the principles of this Code to your dealings with fellow members of the Board of Management, its employees and other stakeholders. Similarly you should also observe the principles of this Code in dealings with the public when performing duties as a member of the Regional Board.

General Conduct

- 6.9 The rules of good conduct in this section must be observed in all situations where you act as a member of the public body.

Conduct at Meetings

You must respect the chair, your colleagues and employees of the public body in meetings. You must comply with rulings from the chair in the conduct of the business of these meetings.

Relationship with Board Members and Employees of the Public Body (including those employed by contractors providing services)

You will treat your fellow board members and any staff employed by the body with courtesy and respect. It is expected that fellow board members and employees will show you the same consideration in return. It is good practice for employers to provide examples of what is unacceptable behaviour in their organisation. Public bodies should promote a safe, healthy and fair working environment for all. As a board member you should be familiar with the policies of the public body in relation to bullying and harassment in the workplace and also lead by exemplar behaviour.

Remuneration, Allowances and Expenses

You must comply with any rules of the public body regarding remuneration, allowances and expenses.

Gifts and Hospitality

You must not accept any offer by way of gift or hospitality which could give rise to real or substantive personal gain or a reasonable suspicion of influence on your part to show favour, or disadvantage, to any individual or organisation. You should also consider whether there may be any reasonable perception that any gift received by your spouse or cohabitee or by any company in which you have a controlling interest, or by a partnership of which you are a partner, can or would influence your judgement. The term “gift” includes benefits such as relief from indebtedness, loan concessions or provision of services at a cost below that generally charged to members of the public.

You must never ask for gifts or hospitality.

You are personally responsible for all decisions connected with the offer or acceptance of gifts or hospitality offered to you and for avoiding the risk of damage to public confidence in your public body. As a general guide, it is usually appropriate to refuse offers except:

- (a) isolated gifts of a trivial character, the value of which must not exceed £50;
- (b) normal hospitality associated with your duties and which would reasonably be regarded as appropriate; or
- (c) gifts received on behalf of the public body.

You must not accept any offer of a gift or hospitality from any individual or organisation which stands to gain or benefit from a decision your body may be involved in determining, or who is seeking to do business with your organisation, and which a person might reasonably consider could have a bearing on your judgement. If you are making a visit in your capacity as a member of your public body then, as a general rule, you should ensure that your body pays for the cost of the visit.

You must not accept repeated hospitality or repeated gifts from the same source.

Members of devolved public bodies should familiarise themselves with the terms of the Bribery Act 2010 which provides for offences of bribing another person and offences relating to being bribed.

Confidentiality Requirements

There may be times when you will be required to treat discussions, documents or other information relating to the work of the body in a confidential manner. You will often receive information of a private nature which is not yet public, or which perhaps would not be intended to be public. You must always respect the confidential nature of such information and comply with the requirement to keep such information private.

It is unacceptable to disclose any information to which you have privileged access, for example derived from a confidential document, either orally or in writing. In the case of other documents and information, you are requested to exercise your judgement as to what should or should not be made available to outside bodies or individuals. In any event, such information should never be used for the purposes of personal or financial gain, or for political purposes or used in such a way as to bring the public body into disrepute.

Use of Public Body Facilities

Members of public bodies must not misuse facilities, equipment, stationery, telephony, computer, information technology equipment and services, or use them for party political or campaigning activities. Use of such equipment and services etc. must be in accordance with the public body's policy and rules on their usage. Care must also be exercised when using social media networks not to compromise your position as a member of the public body.

Appointment to Partner Organisations

You may be appointed, or nominated by your public body, as a member of another body or organisation. If so, you are bound by the rules of conduct of these organisations and should observe the rules of this Code in carrying out the duties of that body.

Members who become directors of companies as nominees of their public body will assume personal responsibilities under the Companies Acts. It is possible that conflicts of interest can arise for such members between the company and the public body. It is your responsibility to take advice on your responsibilities to the public body and to the company. This will include questions of declarations of interest.

7. BOARD AND COMMITTEE TERMS OF REFERENCE

REGIONAL BOARD	
1.1	<p>Membership The membership of the Regional Board will be constituted as required by the Further and Higher Education (Scotland) Act 1992 (as amended), the Further and Higher Education (Scotland) Act 2005 (as amended) and the Post 16 Education (Scotland) Act 2013 and as per the Standing Orders</p>
1.2	<p>Quorum No less than one half of the members entitled to vote.</p>
1.3	<p>Remit</p> <p>The Regional Board shall observe constitutional arrangements as set out in legislation and the Standing Orders in all its business.</p> <p>The Regional Board must ensure compliance with the statutes, ordinances and provisions regulating the College and its framework of governance and, subject to these, take all final decisions on matters of fundamental concern to the College.</p> <p>The Regional Board is responsible for overseeing the business of the College, determining its strategic direction and fostering a safe environment in which the College's vision is achieved and the potential of all learners is maximised through the delivery of high quality learning and outcomes. The Regional Board must also ensure that the College has in place effective management and financial controls to support the student experience within a framework of public accountability and transparency.</p> <p>The Regional Board shall:</p> <ul style="list-style-type: none"> • Determine the College's vision, strategic direction, educational character, values and ethos • Identify strategic priorities and provide direction within a structured planning framework • Safeguard the financial and institutional sustainability of the College by ensuring that funds are used as economically, efficiently and effectively as possible, and that effective monitoring arrangements are in place. • Monitor agreed key performance indicators to determine if the College's vision and values are being fulfilled and the interests of stakeholders are being met • Work in partnership to secure the coherent provision of high quality fundable further and higher education across the region • Provide leadership in equality and diversity • Ensure that the College conducts its operations in such a way, so far as is reasonably practicable, that employees, students and others who may be affected by its activities are not exposed to risks to their health and safety • Determine the Board's position regarding National Collective Bargaining and ensure that this is communicated to the Employers' Association

	<p>In observance of the Scheme of Delegation, the Regional Board reserves making decisions on the following matters to itself, upon advice from or recommendation by the relevant Committee where appropriate and must not be delegated:</p> <ul style="list-style-type: none"> • determining the objectives of the Board • final approval of the College’s Strategic Plan and Regional Outcome Agreement • approval of the year-end Annual Report and Accounts • approval of the Annual Budget • final consideration of the Annual Audit Report • approval of the High Level Strategic Risk Register • acquisition and disposal of heritable property, subject to approval of the SFC • appointment of Board Members • appointment and removal of the Principal • appointment and removal of the Secretary to the approval of terms and conditions of appointment of Board Members • approval of the Students’ Association constitution and the election regulations for student officers • delegation of functions of the Board including remits of Committees and this Scheme of Delegation • the making, amendment and revocation of the Standing Orders of the Board.
<p>1.4</p>	<p>Meetings/Reporting</p> <p>The Regional Board shall meet a minimum of four times per year. The Regional Board will normally hold two Strategy Events during each academic year.</p>

COMMITTEE TERMS OF REFERENCE

AUDIT AND RISK COMMITTEE	
1.1	<p>Membership 8 Members, one of whom shall be appointed Committee Chair.</p> <p>The Chair of the Audit and Risk Committee is precluded from serving on the Finance and General Purposes Committee.</p> <p>The internal audit service provider and representatives of the external auditor will be expected to attend meetings of the Audit and Risk Committee and to be provided with the agenda and papers for meetings.</p>
1.2	<p>Quorum 5 members</p>
1.3	<p>Remit</p> <p>General The Audit and Risk Committee shall make its recommendations to the Regional Board as appropriate. The Committee shall make its decisions and report these to the Regional Board. The Audit and Risk Committee shall observe the Standing Orders in all its business.</p> <p>The Audit and Risk Committee is established in accordance with the Financial Memorandum between the Scottish Funding Council (SFC) and the Regional Board of North East Scotland College.</p> <p>The Audit and Risk Committee is an advisory body with no executive powers, and will adopt and ensure compliance with Audit Scotland’s Code of Audit Practice.</p> <p>Specific Duties The following provides a summary of the main duties of the Audit and Risk Committee</p> <p>Internal Control</p> <ul style="list-style-type: none"> • Reviewing and advising the Regional Board of the Internal Audit Services (IAS) and the external auditor’s assessment of the effectiveness of the College’s financial and other internal control systems, including controls specifically to prevent or detect fraud or other irregularities as well as those for securing economy, efficiency and effectiveness reviewing and advising the Regional Board on its compliance with corporate governance requirements and good practice guidance. <p>Internal Audit</p> <ul style="list-style-type: none"> • Advising the Regional Board on the selection, appointment or reappointment and remuneration, or removal of the IAS provider where the service is contracted-out • Advising the Regional Board on the terms of reference for the IAS; reviewing the scope, efficiency and effectiveness of the work of internal audit, considering the adequacy of the resourcing of internal audit and advising the Regional Board on these matters • Advising the Regional Board of the Audit and Risk Committee’s approval of the basis for and the results of the internal audit planning process

- Reviewing the IAS's monitoring of management action on the implementation of agreed recommendations reports in internal audit assignment reports and internal audit annual reports
- Considering salient issues arising from internal audit assignment reports, progress reports, annual reports and management's response thereto and informing the Regional Board thereof
- Informing the Regional Board of the Audit and Risk Committee's approval of the IAS's annual report
- Ensuring establishment of appropriate performance measures and indicators to monitor appropriate liaison and co-ordination between internal and external audit
- Ensuring good communication between the Committee, the Head of IAS and the external auditor
- Responding appropriately to notification of fraud or other improprieties received from the Head of IAS or other persons.

External Audit

- Considering and approving the College's annual financial statements and the external auditor's report prior to submission to the Regional Board. If within its terms of reference, the Committee should consider the external audit opinion, the Statement of Member's Responsibilities and any relevant issue raised in the external auditor's management letter
- Reviewing the external auditor's annual Management Letter and monitoring management action on the implementation of the agreed recommendations contained therein
- Advising the Regional Board of salient issues arising from the external auditor's management letter and any other external audit reports and of management's response thereto
- Reviewing the statement of corporate governance as part of the consideration of the College's annual financial statements
- Reviewing the external audit strategy and plan
- Holding discussions with external auditors and ensuring their attendance at Audit and Risk Committee and Regional Board meetings as required
- Considering the objectives and scope of any non-statutory audit work undertaken or to be undertaken, by the external auditor's firm and advising the Regional Board of any potential conflict of interest
- Securing appropriate liaison and co-ordination between external and internal audit.

Value for Money

- Establishing and overseeing a review process for evaluating the effectiveness of the College's arrangements for securing the economical, efficient and effective management of the College's resources and the promotion of best practice and protocols, and reporting to the Regional Board thereon
- Advising the Regional Board on potential topics for inclusion in a programme to undertake individual assignments considering the required expertise and experience
- Advising the Regional Board of action that it may wish to consider in the light of national value for money studies in the further education sector.

	<p>Risk Management</p> <ul style="list-style-type: none"> • Reviewing the Risk Management Policy, ahead of its consideration by the Regional Board • The Committee will be responsible for satisfying itself that risks are being managed and will seek assurance on the adequacy of their management, including from Internal and External Auditors and the Senior Management Team. <p>Governance</p> <ul style="list-style-type: none"> • Reviewing the College's governance arrangements in line with the Code of Good Governance for Scotland's Colleges. <p>Advice to the Board</p> <ul style="list-style-type: none"> • Reviewing the College's compliance with the Code of Audit Practice and advising the Board on this • Producing an annual report for the Regional Board • Advising the Board of significant, relevant reports from the SFC, Audit Scotland and the Auditor General and, where appropriate, management's response thereto • Reviewing reported cases of impropriety to establish whether they have been appropriately handled.
1.4	<p>Meetings / Reporting</p> <p>The Audit and Risk Committee will normally meet at least four times per year.</p> <p>The Chair of the Finance and General Purposes Committee may attend meetings of the Audit and Risk Committee in an observer's role.</p> <p>Once a year, subsequent to a meeting of the Audit and Risk Committee, Lay members of the Audit and Risk Committee will meet with the internal audit service provider and representatives of the external auditor. The Chair of the Board of Management may elect to attend this meeting.</p> <p>At its discretion, the Audit and Risk Committee may sit privately without any non-Members present for all or part of a meeting if they so decide.</p> <p>The Audit and Risk Committee will report to the Regional Board on a regular basis, and the Audit Chair will produce an Annual Report for submission to the Board following the end of the financial year.</p>
1.5	<p>Senior Management Support</p> <p>The following member of the Senior Management Team provides objective, specialist advice to support the Committee to discharge its remit:</p> <ul style="list-style-type: none"> • Vice Principal – Finance

CURRICULUM & QUALITY COMMITTEE	
1.1	<p>Membership A minimum of 5 Members, one of whom shall be appointed as Committee Chair Principal Up to two Staff and up to two Student Board Members</p>
1.2	<p>Quorum 5 Members</p>
1.3	<p>Remit</p> <p>General The Committee shall make its recommendations to the Regional Board as appropriate. The Committee shall make its decisions and report these to the Regional Board. The Committee shall observe the Standing Orders in all its business.</p> <p>Specific Duties The Committee has overall responsibility for maintaining a strategic overview of the College's curriculum offer and its development, and monitoring the quality of the student experience. The Curriculum & Quality Committee shall:</p> <ul style="list-style-type: none"> • Maintain oversight of the College's curriculum offer to secure coherent provision which meets the needs of learners and employers across the region • Review and approve the College's curriculum and quality related strategies • Monitor the Colleges' student activity, student outcome and quality related performance indicators • Monitor student-related equality data • Receive reports on progress against student related targets from the College's Outcome Agreement • Ensure that appropriate mechanisms are in place for the effective oversight of the quality and inclusivity of the learning experience in the College • Monitor progress against the College Level Enhancement Plan • Maintain oversight of the College's Internal Review Process • Support meaningful ongoing engagement and dialogue with students, the Students' Association and as appropriate staff in relation to the quality of the student experience • Consider the results of key student surveys and monitor related action plans that could impact on the quality of learners' experience • Support and monitor the implementation of the Partnership Agreement between the College and the Students' Association • Consider and approve the Students' Association annual budget proposal ahead of its inclusion in the College's draft annual budget • Monitor the implementation of the College's Business Development Strategy • Receive, as appropriate, reports from the Curriculum & Quality Action Team, and Business Development Action Team • Ensure that, on behalf of the Regional Board,, the College is addressing Scottish Government and Scottish Funding Council student and curriculum relation priorities as required.
1.4	<p>Meetings The Curriculum & Quality Committee will normally meet at least four times per year.</p>
1.5	<p>Senior Management Support</p>

<p>The following members of the Senior Management Team provide objective, specialist advice to support the Committee to discharge its remit:</p>
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- Vice Principal - Access & Partnerships
- Vice Principal - Curriculum & Quality

FINANCE AND RESOURCES COMMITTEE	
1.1	<p>Membership A minimum of 6 Members, one of whom shall be appointed as Committee Chair Principal One Staff and one Student Member</p> <p>The Chair of the Finance and Resources Committee is precluded from serving on the Audit and Risk Committee.</p>
1.2	<p>Quorum 4 members</p>
1.3	<p>Remit</p> <p>General The Committee shall make its recommendations to the Regional Board as appropriate. The Committee shall make its decisions and report these to the Regional Board. The Committee shall observe the Standing Orders in all its business.</p> <p>Specific Duties The Committee has overall responsibility (within the Financial Memorandum between the College and the Scottish Funding Council (SFC)) for the direction and oversight of the College's financial affairs. The Finance and Resources Committee shall:</p> <ul style="list-style-type: none"> • Monitor the College's financial position • Review and monitor the Colleges' key financial performance indicators, student funding performance indicators, and student activity performance indicators • Monitor performance against specific targets relating to the generation of commercial income as defined by the College • Consider and recommend the College budget for the following financial year to the Regional Board • Consider the College's annual financial performance through the Annual Financial Statements • Consider the proposed SFC Financial Forecast Return (FFR) and make recommendations to the Regional Board • Review, on behalf of the Regional Board, long term financial plans and consider a range of strategic financial scenarios as presented by the College Management • Approve and review the College's Finance and Procurement Strategies • Undertake an annual review of the College's Financial Regulations • Approve annually, all course fees (other than those fixed by statutory regulations) • Approve fee waivers on behalf of the Regional Board • Approve the write-off of bad debts (in accordance with limits set in the Financial Regulations) • Oversee cash management and the Scottish Government Banking Service • Agree and monitor the College's insurance arrangements • Approve the lease of any heritable property which relate to the College's title thereto • Review information on the award of contracts over a value of £50,000 • Consider and monitor the College's Estates Development Strategy (including capital proposals) making recommendations to the Regional Board as appropriate

	<ul style="list-style-type: none"> • Ensuring that the College's existing buildings and estates comply with statutory and regulatory requirements, are maintained to an appropriate standard and remain fit for purpose • Approve, review and monitor major capital works.
1.4	<p>Meetings</p> <p>The Finance and Resources Committee will normally meet at least four times per year.</p>
1.5	<p>Senior Management Support</p> <p>The following member of the Senior Management Team provides objective, specialist advice to support the Committee to discharge its remit:</p> <ul style="list-style-type: none"> • Vice Principal – Finance

HUMAN RESOURCES COMMITTEE	
1.1	<p>Membership A minimum of 6 Members, one of whom shall be appointed Committee Chair Principal One Staff and one Student Board Member</p>
1.2	<p>Quorum 4 Members</p>
1.3	<p>Remit</p> <p>General The Committee shall make its recommendations to the Regional Board as appropriate. The Committee shall make its decisions and report these to the Regional Board. The Committee shall observe the Standing Orders in all its business.</p> <p>Specific Duties The Committee has overall responsibility for the direction and oversight of all human resource matters relating to the function of the Regional Board as employer of the College's staff. The Human Resources Committee shall:</p> <ul style="list-style-type: none"> • Monitor the implementation of the College's Human Resources Strategy • Monitor key performance indicators with regard to HR and OD objectives and College staff • Monitor staff-related equality data • Ensure that the College maintains positive employer relations through the implementation of its approach to employee engagement • Ensure that the College promotes the physical and mental wellbeing of its staff • Maintain oversight of organisational and staff development activities within the College • Approve the College's annual Equal Pay Statement and Policy, Occupational Segregation and Gender Pay Gap Reports • Approve College HR policies and procedures as appropriate • Monitor progress against the HR & OD Enhancement Plan • Undertake appropriate monitoring to ensure that the College meets all legislative duties in relation to human resources • Monitor progress against the implementation of the outcomes of National Collective Bargaining.
1.4	<p>Meetings The Human Resources Committee will normally meet twice per year.</p>
1.5	<p>Management Support The following member of the Leadership Team provides objective, specialist advice to support the Committee to discharge its remit:</p> <ul style="list-style-type: none"> • Director HR & OD

REMUNERATION COMMITTEE	
1.1	<p>Membership</p> <p>Chair of Regional Board Vice Chair of Regional Board Chair of the Curriculum & Quality Committee Chair of the Finance & Resources Committee Chair of the Human Resources Committee, who shall be appointed as Committee Chair Staff Representative Student Representative</p>
1.2	<p>Quorum 4 members</p>
1.3	<p>Remit</p> <p>The Remuneration Committee shall:</p> <ul style="list-style-type: none"> • Advise the Board and make recommendations on matters relating to the pay, conditions of service and structure of the College's Senior Management Team and such other staff as the Regional Board may from time to time determine; • Seek comparative information on salaries and other emoluments and conditions of service in the FE sector; • Ensure that the performance of the Principal as head of the College is assessed on an annual basis; • Oversee severance arrangements for senior staff and ensure that account is taken of the SFC Guidance on Severance Arrangements in respect of senior staff. Where consideration of severance arrangements is delegated, to ensure that the boundaries of delegated authority are clear, and to receive formal reports of any severance arrangements.
1.4	<p>Meetings</p> <p>The Remuneration Committee will meet as required.</p>

SELECTION AND APPOINTMENTS COMMITTEE	
1.1	<p>Membership</p> <p>Chair of Regional Board Vice Chair of Regional Board Chair of the Finance & Resources Committee Chair of the Curriculum & Quality Committee Chair of the Human Resources Committee Equality and Diversity Champion</p>
1.2	<p>Quorum 3 members</p>
1.3	<p>Remit</p> <p>The Committee has responsibility for advising the Regional Board on matters relating to the appointment of the Chairs, Vice Chairs and membership of the Board's Committees.</p>
1.4	<p>Meetings</p> <p>The Selection and Appointments Committee will meet as required.</p>

8. GOVERNANCE STEERING GROUP

GOVERNANCE STEERING GROUP	
1.1	Membership Chair of Regional Board Vice Chair of Regional Board Equality and Diversity Champion
1.2	Quorum 3 members
1.3	Remit The Governance Steering Group will support the Regional Board in maintaining high standards of governance. The Governance Steering Group shall: <ul style="list-style-type: none">• Consider and approve amendments to the Regional Board's Governance Manual• Ensure that the Regional Board complies with the Code of Good Governance for Scotland's Colleges• Provide a forum to consider any governance issues that arise centrally or in other college regions and any possible related implications or considerations for the Regional Board of North East Scotland College.
1.4	Meetings The Governance Steering Group will meet as required.

9. COLLEGE COMPANIES

Aberdeen Skills and Enterprise Training (ASET)

- 9.1 The College's Regional Board is also required to approve the Memorandum of Understanding between the College and ASET, the Policy on the Appointment of Directors of ASET, any amendments to ASET's Articles of Association, and the appointment of external auditors of ASET.
- 9.2 As the Company's sole shareholder, the College's Regional Board is invited to attend the Annual General Meeting at which attendees are asked to consider and, if so minded, approve the Company's Annual Directors' Report and Financial Statements, and the payment of dividend.

Clinterty Estates Limited (CEL)

- 9.3 As the Company's sole shareholder, the College's Regional Board is invited to attend the Annual General Meeting at which attendees are asked to consider and, if so minded, approve the Company's Annual Directors' Report and Financial Statements, and the payment of dividend.

APPENDIX A

SANCTIONS AVAILABLE TO THE STANDARDS COMMISSION FOR BREACH OF THE CODE

Censure – the Commission may reprimand the member but otherwise take no action against them;

Suspension – of the member for a maximum period of one year from attending one or more, but not all, of the following:

- all meetings of the Board of Management;
- all meetings of one or more committees or sub-committees of the Board of Management; or
- all meetings of any other public body on which that member is a representative or nominee of the Board of Management.

Suspension – for a period not exceeding one year, the member's entitlement to attend all of the meetings referred to above.

Disqualification – removing the member from membership of the Board of Management for a period of no more than 5 years.

Where a member has been suspended, the Commission may direct that any remuneration or allowance received from membership of the Board of Management be reduced, or not paid.

Where the Commission disqualifies a member of the Board of Management, it may go on to impose the following further sanctions:

- Where the member of the Board of Management is also a councillor, the Commission may disqualify that member (for a period of no more than five years) from their public body and terminating being nominated for election as, or from being elected, a councillor. Disqualification of a councillor has the effect of disqualifying that member from membership of any committee, subcommittee, joint committee, joint board or any other body on which that member sits as a representative of their local authority.
- Direct that the member be removed from membership, and disqualified in respect of membership, of any other devolved public body (provided the members' code applicable to that body is then in force) and may disqualify that person from office.

In some cases the Standards Commission do not have the legislative powers to deal with sanctions, for example if the respondent is an executive member of the board or appointed by the Queen. Sections 23 and 24 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 refer. Full details of the sanctions are set out in Section 19 of the Act.

APPENDIX B

SENIOR INDEPENDENT MEMBER ROLE DESCRIPTION

The Senior Independent Member (SIM) is appointed by the Board as a whole to provide advice and guidance to the Board Chair, as required and on its members' behalf, in order to support good standards of corporate governance and the maintenance of collective responsibility. Situations in which that advice and guidance may be required include:

- a) Leading the annual appraisal of the Board Chair, including ensuring
 - i. All Board Members and the Principal have an opportunity to express their views on the Chair's performance over the last year and areas for development over the coming 12 months
 - ii. The Chair is given the opportunity to understand and discuss the collective views with the SIM
 - iii. An annual development plan is agreed with the Chair and the SIM ensures the Board is informed of its content
 - iv. If required, the SIM facilitates the provision of information from the appraisal process to the Chair's appointing body (Scottish Government or the Regional Strategic Body).

- b) Intervening with the Chair, on behalf of the Board, if Board members, the Board Secretary or senior staff are concerned that the Chair's actions are undermining good standards of corporate governance and the maintenance of collective responsibility, including if the Chair
 - i. Is unable to fulfil the responsibilities set out in the letter of appointment
 - ii. Fails to make pertinent information available to the Board as a whole
 - iii. Undermines the collective responsibility of the Board as a whole
 - iv. Acts in a manner which brings the Board into disrepute, including failing to address personal conflicts of interest
 - v. Is unable to work with the Principal to ensure that the staff of the organisation provide the Board with the service required, including adequate sources of information and assurance and delivery of performance.

- c) Acting as a sounding board for the Chair in pursuit of good standards of corporate governance and collective responsibility.

Should the SIM ever have serious concerns about the propriety, regularity or governance of the College, and these cannot be resolved satisfactorily with the Chair, they should inform the SFC.

APPENDIX C

EQUALITY AND DIVERSITY CHAMPION ROLE DESCRIPTION

Key Objectives

- To help ensure that the Board observes good practice in regard to equality and diversity
- To further embed equality and diversity in the Board's strategic and decision-making processes
- To help ensure that the Board complies with its legal obligations in regard to equality and diversity and meets the requirements of the Equality Act 2010 and the Public Sector Equality Duty.

Main Tasks

- Attend meetings of the College's Equality and Diversity Strategy Group, as appropriate, to ensure that there is effective communication between the Group and the Board of Management
- Attend meetings of the Board's Governance Steering Group, as appropriate when equality and diversity matters are being considered
- Participate in reviews of key College documentation relating to equality and diversity, such as the Equality Outcomes and the Equality and Diversity Strategy
- Attend equality and diversity training and briefings, in addition to those provided to the Board as a whole, to disseminate knowledge gained to other Board Members and to advise if changes to Board practices should be considered.

Desired Attributes

The Champion should have an interest and enthusiasm for improving their knowledge and understanding of equality and diversity and in advancing equality and diversity issues.

APPENDIX D



GOOD PRACTICE GUIDANCE FOR THE ELECTION OF STAFF MEMBERS TO BOARDS

Appointment of Teaching (Academic) and Non-Teaching (Support) Staff Members to the Board of Management of College

Election Rules

- 1 In accordance with Schedule 2 to the Further and Higher Education (Scotland) Act 1992 ("Schedule 2), the Board must include two members of staff. One shall be appointed by being elected by the teaching ("academic") staff of the college from amongst their own number and the other shall be appointed by the non-teaching ("support") staff of the college from amongst their own number.
- 2 Paragraph 3B(1) of Schedule 2 provides that such elections must be held in accordance with rules made by the Board.
- 3 Before making, varying or replacing these Election Rules, the Board must, as required under 3B of Schedule 2, consult the representatives of any trade union which the Board recognises as being, or which otherwise appears to the Board to be, representative of the academic/support staff of the College.
- 4 Having consulted relevant representatives as required under paragraphs 3(B)(2) and (3) of Schedule 2, these election rules have been made by the Board under paragraph 3(B)(1) of Schedule 2.
- 5 For the purposes of these election rules, staff groups are defined as follows:
 - **Teaching Staff/Academic Staff** – all staff (including Managers) who are on the academic staff payroll.
 - **Non-Teaching Staff/Support Staff**– all staff (including Managers) who are on the support staff payroll.
- 6 Appointments shall proceed as follows:
 - (a) The appointment shall be made by election administered by the Returning Officer (the Returning Officer shall normally be the Secretary to the Board. Where the Secretary to the Board is unavailable, the Board must appoint another staff member to act as Returning Officer).
 - (b) The Returning Officer shall communicate to staff any vacancies that arise and request nominations for membership from the Academic or Support Staff as relevant.

- (c) Such nominations must be received by the Returning Officer by the date specified in the communication, being not less than fourteen days from the date of the communication.
 - (d) Each nomination must be signed by the nominee, the proposer and one other person all being members of the academic or support staff as appropriate. Only academic members of staff may nominate the academic member and only support staff may nominate the support staff member.
 - (e) If more than one nomination is received, the Returning Officer shall thereafter arrange for an election to be conducted using an appropriate electronic system and shall notify each member of the academic or support staff of the college as appropriate of the names of the nominees and the process to be followed.
 - (f) The election shall be completed by the date and time specified in the notice issued by the Returning Officer being not less than seven days from the date of the issue of the notice of the election. Only academic members of staff may vote for the academic member and only support staff may vote for the support staff member. All staff members who are eligible to vote shall each be entitled to one vote.
- 7 The following rules shall be followed as regards counting votes:
- (a) The Returning Officer shall offer each nominee the opportunity to be present or represented at the counting of votes.
 - (b) The counting of votes shall take place within 24 hours of the time set for the close of the election and shall be done by the Returning Officer in the presence of such nominees or their representatives as have chosen to attend.
 - (c) The nominee receiving the most votes shall be declared elected.
 - (d) In the event of a tie the election shall be decided by the drawing of cards or lots amongst the nominees with the most number of votes.
 - (e) In the event of elections for academic and support staff members being held concurrently, the counting of votes shall be done as a separate and consecutive process for each election.
 - (f) The Returning Officer may use such staff of the College as may be necessary to assist in the counting of votes.
 - (g) The names of the persons elected shall be reported to the next meeting of the Board after the election, and announced to all staff.

The 'counting of votes' may be a physical count of ballot papers where a paper system has been used, or the opening of an electronic report where an electronic voting system has been used.

- 8 The following rules shall apply in the event of a vacancy arising in respect of the appointment for a staff member:

- (a) In the event of an election requiring to be held because of the expiry of the term of office of the respective members of the Board the procedures set out above shall be completed no later than four weeks prior to the date of expiry.
- (b) In the event of an election requiring to be held because of a resignation or death of the respective members of the Board the procedures set out shall be completed no later than eight weeks after the vacancy occurs. The eight weeks excludes College vacation periods to ensure that all staff have the opportunity to participate.

Good Governance Steering Group
June 2016

APPENDIX F

REGISTER OF INTERESTS FORM

NAME OF MEMBER:
INTERESTS RELATING TO REMUNERATION:
INTERESTS RELATING TO RELATED UNDERTAKINGS:
INTERESTS RELATING TO CONTRACTS:
INTERESTS RELATING TO HOUSES, LAND AND BUILDINGS:
INTERESTS RELATING TO SHARES AND SECURITIES:
INTERESTS RELATING TO GIFTS AND HOSPITALITY:
INTERESTS RELATING TO NON-FINANCIAL INTERESTS:
DATE:

APPENDIX G

REGISTER OF INTERESTS - GUIDELINES

The following paragraphs set out the kinds of interests, financial and otherwise which you have to register. These are called “Registerable Interests”. You must, at all times, ensure that these interests are registered, when you are appointed and whenever your circumstances change in such a way as to require change or an addition to your entry in the body’s Register. It is your duty to ensure any changes in circumstances are reported within one month of them changing.

The Regulations¹ as amended describe the detail and timescale for registering interests. It is your personal responsibility to comply with these regulations and you should review regularly and at least once a year your personal circumstances. **Annex B** contains key definitions and explanatory notes to help you decide what is required when registering your interests under any particular category. The interests which require to be registered are those set out in the following paragraphs and relate to you. It is not necessary to register the interests of your spouse or cohabitee.

Category One: Remuneration

You have a Registerable Interest where you receive remuneration by virtue of being:

- employed;
- self-employed;
- the holder of an office;
- a director of an undertaking;
- a partner in a firm; or
- undertaking a trade, profession or vocation or any other work.

In relation to above, the amount of remuneration does not require to be registered and remuneration received as a member does not have to be registered.

If a position is not remunerated it does not need to be registered under this category. However, unremunerated directorships may need to be registered under category two, “Related Undertakings”.

If you receive any allowances in relation to membership of any organisation, the fact that you receive such an allowance must be registered.

When registering employment, you must give the name of the employer, the nature of its business, and the nature of the post held in the organisation.

When registering self-employment, you must provide the name and give details of the nature of the business. When registering an interest in a partnership, you must give the name of the partnership and the nature of its business.

Where you undertake a trade, profession or vocation, or any other work, the detail to be given is the nature of the work and its regularity. For example, if you write for a newspaper, you must give the name of the publication, and the frequency of articles for which you are paid.

¹ SSI - The Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests) Regulations 2003 Number 135, as amended.

When registering a directorship, it is necessary to provide the registered name of the undertaking in which the directorship is held and the nature of its business.

Registration of a pension is not required as this falls outside the scope of the category.

Category Two: Related Undertakings

You must register any directorships held which are themselves not remunerated but where the company (or other undertaking) in question is a subsidiary of, or a parent of, a company (or other undertaking) in which you hold a remunerated directorship.

You must register the name of the subsidiary or parent company or other undertaking and the nature of its business, and its relationship to the company or other undertaking in which you are a director and from which you receive remuneration.

The situations to which the above paragraphs apply are as follows:

- you are a director of a board of an undertaking and receive remuneration declared under category one – and
- you are a director of a parent or subsidiary undertaking but do not receive remuneration in that capacity.

Category Three: Contracts

You have a registerable interest where you (or a firm in which you are a partner, or an undertaking in which you are a director or in which you have shares of a value as described below) have made a contract with the public body of which you are a member:

- (i) under which goods or services are to be provided, or works are to be executed; and
- (ii) which has not been fully discharged.

You must register a description of the contract, including its duration, but excluding the consideration.

Category Four: Houses, Land and Buildings

You have a registerable interest where you own or have any other right or interest in houses, land and buildings, which may be significant to, of relevance to, or bear upon, the work and operation of the body to which you are appointed.

The test to be applied when considering appropriateness of registration is to ask whether a member of the public acting reasonably might consider any interests in houses, land and buildings could potentially affect your responsibilities to the organisation to which you are appointed and to the public, or could influence your actions, speeches or decision making.

Category Five: Interest in Shares and Securities

You have a registerable interest where you have an interest in shares comprised in the share capital of a company or other body which may be significant to, of relevance to, or bear upon, the work and operation of (a) the body to which you are appointed and (b) the **nominal value** of the shares is:

- (i) greater than 1% of the issued share capital of the company or other body; or

- (ii) greater than £25,000.

Where you are required to register the interest, you should provide the registered name of the company in which you hold shares; the amount or value of the shares does not have to be registered.

Category Six: Gifts and Hospitality

You must register the details of any gifts or hospitality received within your current term of office. This record will be available for public inspection. It is not however necessary to record any gifts or hospitality as described on page 22 of this Manual.

Category Seven: Non-Financial Interests

You may also have a registerable interest if you have non-financial interests which may be significant to, of relevance to, or bear upon, the work and operation of the body to which you are appointed. It is important that relevant interests such as membership or holding office in other public bodies, clubs, societies and organisations such as trades unions and voluntary organisations, are registered and described.

In the context of non-financial interests, the test to be applied when considering appropriateness of registration is to ask whether a member of the public might reasonably think that any non-financial interest could potentially affect your responsibilities to the organisation to which you are appointed and to the public, or could influence your actions, speeches or decision-making.

DECLARATION OF INTERESTS

General

The key principles of the Code, especially those in relation to integrity, honesty and openness, are given further practical effect by the requirement for you to declare certain interests in proceedings of the public body. Together with the rules on registration of interests, this ensures transparency of your interests which might influence, or be thought to influence, your actions.

Public bodies inevitably have dealings with a wide variety of organisations and individuals and this Code indicates the circumstances in which a business or personal interest must be declared. Public confidence in the public body and its members depends on it being clearly understood that decisions are taken in the public interest and not for any other reason.

In considering whether to make a declaration in any proceedings, you must consider not only whether you will be influenced but whether anybody else would think that you might be influenced by the interest. You must, however, always comply with the **objective test** (“the objective test”) which is whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as a member of a public body.

If you feel that, in the context of the matter being considered, your involvement is neither capable of being viewed as more significant than that of an ordinary member of the public, nor likely to be perceived by the public as wrong, you may continue to attend the meeting and participate in both discussion and voting. The relevant interest must however be declared. It is your responsibility to judge whether an interest is sufficiently relevant to particular proceedings to require a declaration and you are advised to err on the side of

caution. If a board member is unsure as to whether a conflict of interest exists, they should seek advice from the board chair.

As a member of a public body you might serve on other bodies. In relation to service on the boards and management committees of limited liability companies, public bodies, societies and other organisations, you must decide, in the particular circumstances surrounding any matter, whether to declare an interest. Only if you believe that, in the particular circumstances, the nature of the interest is so remote or without significance, should it not be declared. You must always remember the public interest points towards transparency and, in particular, a possible divergence of interest between your public body and another body. Keep particularly in mind the advice on page 23 of this Manual about your legal responsibilities to any limited company of which you are a director.

Interests which Require Declaration

Interests which require to be declared if known to you may be financial or non-financial. They may or may not cover interests which are registerable under the terms of this Code. Most of the interests to be declared will be your personal interests but, on occasion, you will have to consider whether the interests of other persons require you to make a declaration. The paragraphs which follow deal with (a) your financial interests (b) your non-financial interests and (c) the interests, financial and non-financial, of other persons.

You will also have other private and personal interests and may serve, or be associated with, bodies, societies and organisations as a result of your private and personal interests and not because of your role as a member of a public body. In the context of any particular matter you will need to decide whether to declare an interest. You should declare an interest unless you believe that, in the particular circumstances, the interest is too remote or without significance. In reaching a view on whether the objective test applies to the interest, you should consider whether your interest (whether taking the form of association or the holding of office) would be seen by a member of the public acting reasonably in a different light because it is the interest of a person who is a member of a public body as opposed to the interest of an ordinary member of the public.

Your Financial Interests

You must declare, if it is known to you, any financial interest (including any financial interest which is registerable under any of the seven categories). If, under category one (or category seven in respect of non-financial interests), you have registered an interest

- (a) as the Principal of the College;
- (b) as a member of the teaching staff of the College having been elected from their number to the Board;
- (c) as a member of the non-teaching staff of the College having been elected from their number to the Board;
- (d) as a student of the College having been nominated by the Students' Association of the College to the Board; or in relation to any particular experience or position which was relevant to / a reason for your appointment to the public body (for example, as director of an education authority) you do not, for that reason alone, have to declare that interest.

There is no need to declare an interest which is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

You must withdraw from the meeting room until discussion of the relevant item where you have a declarable interest is concluded. There is no need to withdraw in the case of an interest which is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

Your Non-Financial Interests

You must declare, if it is known to you, any non-financial interest if:

- (i) that interest has been registered under category seven (Non-Financial Interests) of Section 4 of the Code; or
- (ii) that interest would fall within the terms of the objective test.

There is no need to declare an interest which is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

You must withdraw from the meeting room until discussion of the relevant item where you have a declarable interest is concluded. There is no need to withdraw in the case of an interest which is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

The Financial Interests of Other Persons

The Code requires only your financial interests to be registered. You also, however, have to consider whether you should declare any financial interest of certain other persons.

You must declare if it is known to you any financial interest of:-

- (i) a spouse, a civil partner or a co-habitee;
- (ii) a close relative, close friend or close associate;
- (iii) an employer or a partner in a firm;
- (iv) a body (or subsidiary or parent of a body) of which you are a remunerated member or director;
- (v) a person from whom you have received a registerable gift or registerable hospitality;
- (vi) a person from whom you have received registerable expenses.

There is no need to declare an interest if it is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

You must withdraw from the meeting room until discussion of and voting on the relevant item where you have a declarable interest is concluded. There is no need to withdraw in the case of an interest which is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

This Code does not attempt the task of defining “relative” or “friend” or “associate”. Not only is such a task fraught with difficulty but is also unlikely that such definitions would reflect the intention of this part of the Code. The key principle is the need for transparency in regard to any interest which might (regardless of the precise description of relationship) be objectively regarded by a member of the public, acting reasonably, as potentially affecting your responsibilities as a member of the public body and, as such, would be covered by the objective test.

The Non-Financial Interests of Other Persons

You must declare if it is known to you any non-financial interest of:-

- (i) a spouse, a civil partner or a co-habitee;
- (ii) a close relative, close friend or close associate;
- (iii) an employer or a partner in a firm;
- (iv) a body (or subsidiary or parent of a body) of which you are a remunerated member or director;
- (v) a person from whom you have received a registerable gift or registerable hospitality;
- (vi) a person from whom you have received registerable election expenses.

There is no need to declare the interest if it is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

There is only a need to withdraw from the meeting if the interest is clear and substantial.

Making a Declaration

You must consider at the earliest stage possible whether you have an interest to declare in relation to any matter which is to be considered. You should consider whether agendas for meetings raise any issue of declaration of interest. Your declaration of interest must be made as soon as practicable at a meeting where that interest arises. If you do identify the need for a declaration of interest only when a particular matter is being discussed you must declare the interest as soon as you realise it is necessary.

The oral statement of declaration of interest should identify the item or items of business to which it relates. The statement should begin with the words "I declare an interest". The statement must be sufficiently informative to enable those at the meeting to understand the nature of your interest but need not give a detailed description of the interest.

Frequent Declarations of Interest

Public confidence in a public body is damaged by perception that decisions taken by that body are substantially influenced by factors other than the public interest. If you would have to declare interests frequently at meetings in respect of your role as a board member you should not accept a role or appointment with that attendant consequence. If members are frequently declaring interests at meetings then they should consider whether they can carry out their role effectively and discuss with their chair. Similarly, if any appointment or nomination to another body would give rise to objective concern because of your existing personal involvement or affiliations, you should not accept the appointment or nomination.

Dispensations

In some very limited circumstances dispensations can be granted by the Standards Commission in relation to the existence of financial and non-financial interests which would otherwise prohibit you from taking part and voting on matters coming before your public body and its committees.

Applications for dispensations will be considered by the Standards Commission and should be made as soon as possible in order to allow proper consideration of the application in advance of meetings where dispensation is sought. You should not take part in the consideration of the matter in question until the application has been granted.

LOBBYING AND ACCESS TO MEMBERS OF PUBLIC BODIES

Introduction

In order for the public body to fulfil its commitment to being open and accessible, it needs to encourage participation by organisations and individuals in the decision-making process. Clearly however, the desire to involve the public and other interest groups in the decision-making process must take account of the need to ensure transparency and probity in the way in which the public body conducts its business.

You will need to be able to consider evidence and arguments advanced by a wide range of organisations and individuals in order to perform your duties effectively. Some of these organisations and individuals will make their views known directly to individual members. The rules in this Code set out how you should conduct yourself in your contacts with those who would seek to influence you. They are designed to encourage proper interaction between members of public bodies, those they represent and interest groups.

Rules and Guidance

You must not, in relation to contact with any person or organisation that lobbies do anything which contravenes this Code or any other relevant rule of the public body or any statutory provision.

You must not, in relation to contact with any person or organisation who lobbies, act in any way which could bring discredit upon the public body.

The public must be assured that no person or organisation will gain better access to or treatment by, you as a result of employing a company or individual to lobby on a fee basis on their behalf. You must not, therefore, offer or accord any preferential access or treatment to those lobbying on a fee basis on behalf of clients compared with that which you accord any other person or organisation who lobbies or approaches you. Nor should those lobbying on a fee basis on behalf of clients be given to understand that preferential access or treatment, compared to that accorded to any other person or organisation, might be forthcoming from another member of the public body.

Before taking any action as a result of being lobbied, you should seek to satisfy yourself about the identity of the person or organisation that is lobbying and the motive for lobbying. You may choose to act in response to a person or organisation lobbying on a fee basis on behalf of clients but it is important that you know the basis on which you are being lobbied in order to ensure that any action taken in connection with the lobbyist complies with the standards set out in this Code.

You should not accept any paid work:-

- (a) which would involve you lobbying on behalf of any person or organisation or any clients of a person or organisation.
- (b) to provide services as a strategist, adviser or consultant, for example, advising on how to influence the public body and its members. This does not prohibit you from being remunerated for activity which may arise because of, or relate to, membership of the public body, such as journalism or broadcasting, or involvement in representative or presentational work, such as participation in delegations, conferences or other events.

If you have concerns about the approach or methods used by any person or organisation in their contacts with you, you must seek the guidance of the public body.

APPENDIX H

ANTI-BRIBERY AND CORRUPTION STATEMENT

Introduction

The Regional Board of North East Scotland College (the **College**) recognise that bribery and corruption has a detrimental effect on communities wherever they occur. Corrupt acts expose the College and its employees to the risk of prosecution, fines and imprisonment, as well as endangering the College's reputation.

It is the College's policy to comply with all anti-bribery and corruption laws. In line with the requirements of the UK Bribery Act 2010, the College has taken steps to introduce "adequate procedures" which are rigorously applied and reviewed to ensure that we are fully compliant.

It is the College's policy to maintain the highest level of ethical standards in the conduct of its business affairs and the College has a zero tolerance towards bribery and corruption.

Scope

The College's zero tolerance of bribery and corruption is intended to be all encompassing. It applies to all members, officers, directors, employees, agency/seconded workers, volunteers, interns, as well as any agents, contractors, external consultants, third-party representatives or other parties acting on behalf of the College or any subsidiary, of which the College has effective control, in any country that we operate. The College has developed a detailed internal policy setting out the expectations on, and responsibilities of, everyone working for or on behalf of the College.

The College also expects our business partners, sponsors, suppliers, contractors or any other person associated with us to act with integrity, and not be involved in bribery and/or corruption. We will, where appropriate, include clauses to this effect in relevant contracts.

The Statement

The College has prepared the following Anti-Bribery statement setting out clearly its position in relation to bribery and corruption.

The Regional Board of North East Scotland College prohibits: the offering, the giving, the solicitation or the acceptance of any bribe, whether cash or other inducement to or from any person or company, wherever they are situated and whether they are a public official or body or private person or company by any individual employee, agent or other person or body acting on North East Scotland College's behalf in order to gain any commercial, contractual or regulatory advantage for North East Scotland College in a way which is unethical or in order to gain any personal advantage, financial or otherwise, for the individual or anyone connected with the individual.

Responsibility

The Principal has lead responsibility for compliance with the College's obligations under the Bribery Act 2010 and this statement is signed by the Principal to demonstrate the Regional Board's commitment.

L McIntyre
Principal and Chief Executive
North East Scotland College

APPENDIX I

GLOSSARY OF TERMS

In this document the following definitions shall apply:

“**1992 Act**” means the Further and Higher Education (Scotland) Act 1992.

“**2005 Act**” means the Further and Higher Education (Scotland) Act 2005.

“**2013 Act**” means the Post 16 Education (Scotland) Act 2013.

“**The Acts**” mean the Further and Higher Education (Scotland) Acts 1992 and 2005 and the Post 16 Education (Scotland) Act 2013.

“**Board**” or “**Regional Board**” means the Regional Board of North East Scotland College being a body corporate established as a board of management of a college of further education under the Further and Higher Education (Scotland) Act 1992.

“**Board Member**” means a member of the Regional Board of North East Scotland College.

“**College**” means North East Scotland College.

“**Committee**” means any committee referred to in this document and any other committee established by the Board. The term “Committee member” shall be construed accordingly.

“**Financial Memorandum**” means the financial memorandum of the College as the same may be amended from time to time.

“**SFC**” means The Scottish Further and Higher Education Funding Council or any body which takes over or adopts its functions and obligations.

“**OSCR**” means the Office of the Scottish Charity Regulator.

“**Remuneration**” includes any salary, wage, share of profits, fee, expenses, other monetary benefit or benefit in kind. This would include, for example, the provision of a company car or travelling expenses by an employer.

“**Undertaking**” means: a body corporate or partnership; or an unincorporated association carrying on a trade or business, with or without a view to a profit.

“**Related Undertaking**” is a parent or subsidiary company of a principal undertaking of which you are also a director. You will receive remuneration for the principal undertaking though you will not receive remuneration as director of the related undertaking.

“**Parent Undertaking**” is an undertaking in relation to another undertaking, a subsidiary undertaking, if a) it holds a majority of the voting rights in the undertaking; or b) it is a member of the undertaking and has the right to appoint or remove a majority of its board of directors; or c) it has the right to exercise a dominant influence over the undertaking (i) by virtue of provisions contained in the undertaking’s memorandum or articles or (ii) by virtue of a control contract; or (d) it is a councillor of the undertaking and controls alone, pursuant to an agreement with other shareholders or councillors, a majority of the voting rights in the undertaking.

“Group of companies” has the same meaning as “group” in section 474(1) of the Companies Act 2006. A “group”, within section 474(1) of the Companies Act 2006, means a parent undertaking and its subsidiary undertakings.

“Public body” means a devolved public body listed in Schedule 3 of the Ethical Standards in Public Life etc (Scotland) Act 2000.

“A person” means a single individual or legal person and includes a group of companies.

“Any person” includes individuals, incorporated and unincorporated bodies, trade unions, charities and voluntary organisations.

“Spouse” does not include a former spouse or a spouse who is living separately and apart from you.

“Partner” includes a person, whether of the opposite sex or not, who is living with you in a relationship similar to that of a husband or wife.

APPENDIX J

GUIDE TO KEY FUNCTIONS, CONSTITUTION AND PROCEEDINGS OF INCORPORATED COLLEGE BOARDS

Purpose

1.1 This guide describes and brings together key pieces of legislation relating to the key functions, constitution and proceedings of boards of management established under the Further and Higher Education (Scotland) Act 1992 (“the 1992 Act”). A college with a board of management under the 1992 Act is sometimes referred to as an “incorporated college”. Some of the legislative provisions are relevant specifically to boards of regional colleges, others to boards of assigned colleges.

1.2 An incorporated college board (“a board”) derives its functions and constitution from legislation. Legislation does not give a board the power to develop or modify its constitution. What might be considered for day-to-day purposes to be a ‘board constitution’ is largely the legislative provisions that are either specific to incorporated colleges or are particularly relevant to them.

1.3 The main piece of legislation that specifically makes provisions for boards is the 1992 Act. It has over the years been amended, including by the Post-16 Education (Scotland) Act 2013 (“the 2013 Act”). The Further and Higher Education (Scotland) Act 2005 (“the 2005 Act”) also confers functions on boards. It has similarly been amended over the years, including by the 2013 Act.

1.4 Extracts from legislation (as amended) that are particularly pertinent to incorporated college boards have been reproduced in this annex. Yellow identifies provisions specific to regional colleges; green identifies provisions specific to assigned incorporated colleges. Non-highlighted provisions apply to all incorporated colleges.

2. ‘Core’ functions of a board

2.1 What might be considered as ‘core’ functions² of a board are set out in section 12 of the 1992 Act (see **Appendix 1**).

3. Delegation, constitution and proceedings of the board

3.1 Section 12(4) of the 1992 Act gives a board powers to delegate the performance of any of its functions to its chair, to any board committee or to any member of the college staff. This is commonly achieved through a board’s **Scheme of Delegation**.

3.2 Provisions relating to the constitution and proceedings of a board are set out in Schedule 2 to the 1992 Act (see **Appendix 2**).

3.3 Paragraph 3B of Schedule 2 to the 1992 Act requires a board to make **rules for the election of staff members to the board**, following consultation.

3.4 Paragraph 11(1) of Schedule 2 to the 1992 Act gives a board powers to regulate its own proceedings and those of any committee appointed by it. This regulation is commonly achieved through a board’s **Standing Orders**. Standing Orders should not merely restate legislative provisions, for example, those set out in Schedule 2 to the 1992 Act. Standing Orders are a means to *supplement* such regulation. Legislation does not require to be

² This is simply a convenient term to use. There is no hierarchy of function.

restated to have effect and to do so is potentially confusing because boards do *have* powers to determine Standing Orders whereas they *do not have* powers to determine legislative provisions. A board should also not seek to use Standing Orders to subvert the will of Parliament by, for example, reinstating in Standing Orders a repealed legislative provision.

4. Other Key Legislative Provisions

Regional colleges: functions

4.1 Some additional functions of a regional college board are set out in sections 23A-23D of the 2005 Act (see **Appendix 3**).

Assigned colleges: information and directions

4.2 An assigned college board has additional functions to provide information to its regional strategic body and to comply with directions issued by it under section 23N of the 2005 Act (see **Appendix 4**).

Board failure/mismanagement

4.3 Provisions relating to board failure/mismanagement are set out in section 24 of the 1992 Act (see **Appendix 5**).

Code of Governance

4.4 Provisions relating to principles of good governance for the college sector are set out under section 9B of the 2005 Act.

4.5 Ministers have required the Scottish Further and Higher Education Funding Council (commonly known as the Scottish Funding Council or “SFC”) to identify principles of good practice for publicly funded colleges and regional strategic bodies.

4.6 Publicly funded colleges are required to comply the **Code of Good Governance for Scotland’s Colleges**³ as a term and condition of grant provided by either the SFC or a regional strategic body. Regional strategic bodies are similarly required to comply with the Code.

Equality

4.7 A board is subject to section 26A of the 2005 Act, which is reproduced below (a board is a post-16 education body).

26A Equal opportunities: post-16 education bodies etc.

(1) Every post-16 education body and regional strategic body must, when making appointments to its governing body or exercising any of its other functions, do so in a manner which encourages equal opportunities and in particular the observance of the equal opportunities requirements.

³ The [Code of Good Governance for Scotland’s Colleges](#) has been identified by the SFC as the principles of good governance for the purposes of section 9B of the 2005 Act.

(2) In subsection (1), “equal opportunities” and “equal opportunity requirements” have the same meanings as in Section L2 (equal opportunities) of Part II of Schedule 5 to the Scotland Act 1998.

4.8 A board is also bound by the Equality Act 2010 and the [Equality Act 2010 \(Specific Duties\) \(Scotland\) Regulations 2012](#)⁴, which introduced specific equality duties to assist bodies to meet the general public sector equality duty. The general equality duty requires public authorities, in the exercise of their functions, to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct;
- advance equality of opportunity between people who share a relevant protected characteristic and those who do not; and
- foster good relations between people who share a protected characteristic and those who do not.

Charity

4.9 Every board is a charitable body under the Charities and Trustee Investment (Scotland) Act 2005. As such it is regulated by the Office of the Scottish Charity Regulator and board members have duties under section 66 of that Act to act in the charity’s interest, subject to obeying other laws. It is a legal requirement that a board complies with directions from its regional strategic body and, as such, compliance with directions would not compromise individual board members in their capacity as charity trustees⁵.

4.10 [The Charity Test \(Specified Bodies\) \(Scotland\) Order 2008](#) (as amended) disapplies the Ministerial control aspect of the charity test in section 7 of the Act in relation to the boards of management of colleges listed in the Schedule to that Order⁶. Ministerial controls do not therefore disbar such colleges from being charities.

Ethical Standards

4.11 The Ethical Standards in Public Life etc. (Scotland) Act 2000 provides for Codes of Conduct for members of relevant public bodies and imposes on them a duty to help their members to comply with the relevant code. A board is subject to this legislation. Board members accordingly have a responsibility to make sure that they are familiar with, and that their actions comply with, the provisions of the Code of Conduct adopted by the board.

⁴ The Regulations were amended by the [Equality Act 2010 \(Specific Duties\) \(Scotland\) Amendment Regulations 2015](#) to ensure that they continue to apply to all publicly funded colleges (i.e. colleges that are generally eligible to be funded by the SFC or a regional strategic body).

⁵ The Scottish Government’s view on this is set out in a [letter published on the Scottish Parliament’s website](#).

⁶ The Schedule, which lists incorporated colleges, was updated by the [Post-16 Education \(Scotland\) Act 2013 \(Modification of Legislation\) Order 2015](#)

Protection of Vulnerable Groups (PVG) Scheme

4.12 It is an offence under section 35(1) of the Protection of Vulnerable Groups (Scotland) Act 2007 for a regional college board or in the case of an assigned incorporated college, a regional strategic body, to appoint a person to the college board if that individual is barred from regulated work⁷. By virtue of paragraph 18 of schedule 2 to that Act, regulated work with children includes being a member of the board. Under section 35(7) of that Act, the regional college board/regional strategic body can offer a board appointment subject to it being satisfied that the individual is suitable, e.g. by requesting a PVG scheme record. It is an offence under section 34 of that Act for any person who is barred from regulated work with children to seek to be a board member.

Scottish Public Services Ombudsman

4.13 Under the Scottish Public Services Ombudsman Act 2002, a publicly funded college falls within the remit of the Scottish Public Services Ombudsman.

Freedom of Information

4.14 Under the Freedom of Information (Scotland) Act 2002, a publicly funded college falls within the remit of the Scottish Information Commissioner.

Auditor General for Scotland

4.15 Paragraph 18(2A) of Schedule 2 to the 1992 Act provides that the college accounts are audited by the Auditor General for Scotland. The Auditor General for Scotland may under section 21 of the Public Finance and Accountability (Scotland) Act 2000 appoint another person to audit the accounts. Under section 23(2)(a) of that Act the Auditor General for Scotland may initiate examinations into the economy, efficiency and effectiveness of the college.

Academic Freedom

4.16 A board is subject to section 26 of the 2005 Act, which is reproduced below (a board is a post-16 education body)⁸.

26 Academic freedom

- (1) A post-16 education body must have regard to the desirability of—
 - (a) ensuring the academic freedom of relevant persons; and
 - (b) ensuring that the matters mentioned in subsection (2) are not adversely affected by the exercise of a relevant person's academic freedom.
- (2) Those matters are—
 - (a) the appointment held; and
 - (b) any entitlements or privileges enjoyed,by the relevant person at the post-16 education body.
- (3) In this section, a “relevant person” is a person who is engaged in—
 - (a) teaching, or the provision of learning, at a post-16 education body; or

⁷ Section 91(2) of, and schedule 2 to, the Protection of Vulnerable Groups (Scotland) Act 2007 define “regulated work with children” and section 92 sets out when an individual is “barred from regulated work”.

⁸ Please note that the [Higher Education Governance \(Scotland\) Bill](#) introduced in the Scottish Parliament on 16 June 2015 proposes to amend section 26.

(b) research at a post-16 education body.

(4) For the purposes of this section, “academic freedom” includes freedom (within the law) to–

(a) hold and express opinion;

(b) question and test established ideas and received wisdom; and

(c) present controversial or unpopular points of view.

APPENDIX 1

SECTION 12 OF THE 1992 ACT (AS AMENDED)

BOARDS OF MANAGEMENT

12. (1) A board of management shall have the duty of managing and conducting their college.

(2) A board of management shall have the power -

(a) to provide or secure the provision of further education (within the meaning of section 1(5)(b) of the 1980 Act);

(aa) to provide part-time and full-time courses of instruction for persons of school age;

(b) to charge fees for or in connection with the provision by them of any form of further education or any course of instruction provided under subparagraph (aa);

(c) to provide to students of the college such assistance of a financial or other nature (including waiving or granting remission of fees) as they may consider appropriate;

(d) for the purpose of the administration and management of the college, to receive any property, rights, liabilities and obligations transferred to the board under or in pursuance of any provision of this Part of this Act or of the Further and Higher Education (Scotland) Act 2005;

(e) to provide facilities of any description appearing to the board to be necessary or expedient for the purpose of or in connection with the carrying on of any of the activities mentioned in this subsection or in subsection (1) above (including boarding accommodation and recreational facilities for students and staff and facilities to meet the needs of students who have learning difficulties and disabled staff);

(f) to supply goods and services;

(g) subject to subsection (7)(a) below and section 18 of this Act, to acquire, hold and dispose of land and other property;

(h) to enter into contracts, including in particular -

(i) contracts for the employment of teachers and other staff for the purpose of or in connection with the carrying on of any such activities as are mentioned in this subsection or in subsection (1) above; and

(ii) contracts with respect to the carrying on by the board of any of such activities;

(i) to form or promote, or to join with any other person in forming or promoting, companies under the Companies Act 2006;

(j) subject to subsection (7)(a) below and the said section 18, to borrow such sums as the board think fit for the purpose of carrying on any of the activities they have power to carry on or for meeting any liability or obligation transferred to them under or in pursuance of any provision of this Part of this Act and, in connection with such borrowing, to grant such security or give such guarantee or indemnity as they think fit;

(k) to invest any sums not immediately required by the board for the purpose of their carrying on any of the activities which they have power to carry on or for meeting any liability or obligation transferred to them under or in pursuance of any provision of this Part of this Act;

(l) subject to subsection (7)(a) below and the said section 18, to raise funds, accept gifts of money, land or other property and apply it to, or hold or administer it in trust for, the purpose of carrying on any of the activities which they have power to carry on; and

(m) to do all such other things as are calculated to facilitate or are incidental or conducive to the carrying on of any of the activities which the board have power to carry on.

(3) In carrying out their functions under this section a board of management shall have regard to the requirements of persons who have learning difficulties.

(4) A board of management may delegate the performance of any of their functions to their chairman, to any committee appointed by them or to any member of their staff.

(4A) A board of management of a regional college is to pay to the chairing member appointed under paragraph 3(2)(a) of Schedule 2 such remuneration as the Scottish Ministers may in each case determine.

(5) A board of management may pay to persons appointed to be members of the board such allowances and expenses as they may determine; and any allowances and expenses to be paid by virtue of this subsection shall be calculated by reference to such criteria as the Secretary of State may determine.

(6) A board of management shall make such reports or returns and give such information to the Secretary of State as he may require for the purposes of the exercise of his powers and the performance of his duties under this Part of this Act.

(7) A board of management shall not, without the prior consent, given in writing, of the Secretary of State -

(a) borrow money from any source, give any guarantee or indemnity or create any trust or security over or in respect of any of their property; or

(b) effect any material change in the character of their college.

(8) The Secretary of State may by order amend the provisions of subsection (2) above by varying, adding to or removing the powers conferred by that subsection.

(9) An order shall not be made under subsection (8) above unless the Secretary of State has consulted such persons or organisations appearing to him to be

representative of boards of management and such other persons as appear to him to be appropriate as to the amendments proposed to be made by the order.

(10) Schedule 2 to this Act shall have effect with respect to the constitution and proceedings of and other matters relating to every board of management established in pursuance of any provision of this Part of this Act.

References to:

“the 1980 Act” are to the Education (Scotland) Act 1980;
“the Secretary of State” are to the Scottish Ministers.

APPENDIX 2

SCHEDULE 2 TO THE 1992 ACT

CONSTITUTION AND PROCEEDINGS OF BOARDS OF MANAGEMENT

Status

1. A board of management (in this Schedule referred to as “the board”) shall not-
 - (a) be regarded as the servants or agents of the Crown;
 - (b) have any status, immunity or privilege of the Crown,and their property shall not be regarded as property of, or held on behalf of, the Crown.

Membership

3. (1) The board of a regional college is to consist of no fewer than 15 nor more than 18 members.

(2) The board is to be comprised of—

(a) a person appointed by the Scottish Ministers to chair meetings of the board (the “chairing member”);

(b) the principal of the college;

(c) a person appointed by being elected by the teaching staff of the college from among their own number;

(d) a person appointed by being elected by the non-teaching staff of the college from among their own number;

(e) two persons appointed by being nominated by the students’ association of the college from among the students of the college; and

(f) other members appointed by the board.

(3) An appointment made in pursuance of sub-paragraph (2)(f) has effect only if approved by -

(a) the chairing member; and

(b) the Scottish Ministers.

(4) A person is not eligible for appointment as the chairing member under subparagraph (2)(a) if the person is -

(a) a member of the Scottish Parliament;

(b) a member of the House of Lords;

(c) a member of the House of Commons; or

(d) a member of the European Parliament,

but such a person may otherwise be appointed as a member of the board⁹.

3A. (1) The board of a college which is not a regional college is to consist of no fewer than 13 nor more than 18 members.

(2) The board is to be comprised of -

(a) a person appointed by the regional strategic body to chair meetings of the board (the “chairing member”);

(b) the principal of the college;

(c) a person appointed by being elected by the teaching staff of the college from among their own number;

(d) a person appointed by being elected by the non-teaching staff of the college from among their own number;

(e) two persons appointed by being nominated by the students’ association of the college from among the students of the college; and

(f) other members appointed by the regional strategic body.

3B. (1) An election to appoint members in pursuance of paragraph 3(2)(c) or (d) or 3A(2)(c) or (d) is to be conducted in accordance with rules made by the board.

(2) Before making, varying or replacing rules about elections to be held in pursuance of paragraph 3(2)(c) or 3A(2)(c), the board must consult the representatives of any trade union which the board recognises as being, or which otherwise appears to the board to be, representative of the teaching staff of the college.

(3) Before making, varying or replacing rules about elections to be held in pursuance of paragraph 3(2)(d) or 3A(2)(d), the board must consult the representatives of any trade union which the board recognises as being, or which otherwise appears to the board to be, representative of the non-teaching staff of the college.

3C. (1) In appointing members under paragraph 3(2) or 3A(2) and in extending the period of appointment of any member so appointed, the board or, as the case may be, regional strategic body must have regard to any guidance issued by the Scottish Ministers in relation

⁹ This reflects the provision as amended by the [Post-16 Education \(Scotland\) Act 2013 \(Modification of Legislation\) Order 2015](#)

to the making of such appointments (including any guidance on the desirability of appointing members with particular skills and experience).

(2) 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 a 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.

(3) Different guidance may be issued for different purposes.

Qualifications and tenure of office

5. (1) Subject to this paragraph and paragraphs 5A and 5B below, a member of the board -

(a) if appointed in pursuance of paragraph 3(2)(a) as the chairing member of the board of a regional college, holds and vacates office on such terms and conditions as the Scottish Ministers may determine;

(b) if appointed in pursuance of paragraph 3(2)(c) to (f) as a member of the board of a regional college, holds and vacates office on such terms and conditions as the board may determine;

(c) if appointed in pursuance of paragraph 3A(2)(a) or (c) to (f) as a member of the board of a college which is not a regional college, holds and vacates office on such terms as the regional strategic body may determine; and

(d) is, on ceasing to hold office, eligible for re-appointment.

(2) Subject to sub-paragraphs (2A) to (2G) below—

(a) a member appointed by being elected in pursuance of paragraph 3(2)(c) or (d) or 3A(2)(c) or (d) is to hold office for 4 years;

(b) a member appointed in pursuance of paragraph 3(2)(e) or 3A(2)(e) is to hold office until 31 August following appointment; and

(c) each other member of the board (including the chairing member) is to hold office for such period (not exceeding 4 years) as is specified in the member's terms of appointment.

(2A) The Scottish Ministers may extend the period of appointment of the chairing member of a regional college for a single further period not exceeding 4 years.

(2B) The board of a regional college may extend the period of appointment of a member appointed under paragraph 3(2)(f) for a single further period not exceeding 4 years (but such an extension has effect only if approved by the chairing member and the Scottish Ministers).

(2C) A regional strategic body may extend the period of appointment of a member it appoints under paragraph 3A(2)(a) or (f) for a single further period not exceeding 4 years.

(2D) The chairing member of a regional college is to vacate office if the member becomes a person of the type described in paragraph 3(4).

(2E) The principal of a college is to vacate office on ceasing to be the principal.

(2F) A member appointed under paragraph 3(2)(c) or (d) or 3A(2)(c) or (d) is to vacate office if the member ceases to be a member of the teaching or, as the case may be, non-teaching staff of the college before the member's period of appointment ends.

(2G) A member appointed in pursuance of paragraph 3(2)(e) or 3A(2)(e) is to vacate office if the member ceases to be a student of the college before the member's period of appointment ends.

(5) A member of the board, other than the principal of the college, may resign his office at any time by giving notice in writing to -

(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;

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

5A. (1) A person is not eligible for appointment as a member of the board if the person –

(a) has within 5 years of the date on which the appointment would take effect, been sentenced (following conviction for an offence in the United Kingdom, the Channel Islands, the Isle of Man or the Irish Republic) to imprisonment for

a period of not less than 3 months, whether suspended or not, without the option of a fine;

(b) is an undischarged bankrupt; or

(c) has been removed from office under section 24 of this Act or section 23Q of the Further and Higher Education (Scotland) Act 2005.

(2) For the purposes of sub-paragraph (1)(b), “undischarged bankrupt” means a person -

(a) whose estate has been sequestrated and who has not been discharged (or against whom a bankruptcy order has been made and is still in force);

(b) who has granted a trust deed for, or made a composition or arrangement with, creditors (and has not been discharged in respect of it);

(c) who is the subject of a bankruptcy restrictions order, or an interim bankruptcy restrictions order, made under the Bankruptcy (Scotland) Act 1985 or the Insolvency Act 1986;

(d) who is the subject of a bankruptcy restrictions undertaking entered into under either of those Acts;

(e) who has been adjudged bankrupt (and has not been discharged); or

(f) who is subject to any other kind of order, arrangement or undertaking analogous to those described in paragraphs (a) to (d), anywhere in the world.

5B. (1) The relevant person must remove a member of the board from office (by giving notice in writing to the member) if—

(a) the member—

(i) is sentenced as mentioned in paragraph 5A(1)(a); or

(ii) has become a person to whom paragraph 5A(1)(b) applies; or

(b) the relevant person is satisfied that the member -

(i) has been absent from meetings of the board for a period longer than 6 consecutive months without the permission of the board; or

(ii) is otherwise unable or unfit to discharge the member’s functions.

(2) In sub-paragraph (1), “relevant person” -

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

(b) in the case of any other member of the board of a regional college, means the board of management of that college,

(c) in the case of a member of the board of a college which is not a regional college, means the regional strategic body for that college.

(3) The Scottish Ministers must, by giving notice in writing to the member, remove a member from office if the member is removed from office under section 24 of this Act (in relation to any other college) or section 23Q of the Further and Higher Education (Scotland) Act 2005 (in relation to any regional board).

(4) Where a member removed under sub-paragraph (3) was appointed under paragraph 3(2)(f) or 3A(2)(a) or (f), the Scottish Ministers may appoint another person in place of the removed member¹⁰.

(5) An appointment made under sub-paragraph (4) has effect as if made under the provision under which the removed member was appointed.

5C. Paragraphs 5A and 5B do not apply in relation to the principal of the college.

Proceedings

11. (1) Subject to paragraph 13 below, the board may regulate their own proceedings and those of any committee appointed by them.

(2) The validity of any proceedings of the board or of any committee appointed by them shall not be affected by any defect in the appointment of any member of the board or any member of such committee or by a vacancy amongst the members of the board.

(3) Subject to sub-paragraph (5) below, the board shall make available for inspection at the college at all reasonable times by anyone who wishes to inspect them copies of the documents to which this sub-paragraph applies.

(4) The documents to which sub-paragraph (3) above applies are -

- (a) the agenda for any meeting of the board or of any committee of theirs;
- (b) the draft minutes of any such meeting as approved by the chairman of the meeting;
- (c) the minutes of such meeting as agreed by the board or, as the case may be, committee; and
- (d) any report or other document considered by such meeting.

(5) Sub-paragraph (3) above shall not apply to any document or part thereof which relates to -

- (a) an employee, former employee or applicant for employment in relation to the college;
- (b) a person who is, has been, or is likely to be a student of the college;

¹⁰ This reflects the provision as amended by the [Post-16 Education \(Scotland\) Act 2013 \(Modification of Legislation\) Order 2015](#)

(c) any information the disclosure of which is prohibited by anything in any enactment (including this Act and an enactment contained in a subordinate instrument) or rule of law;

(d) anything which it appears to the board should be treated as confidential because of its commercial nature or otherwise.

Committees

13. (1) The board may establish committees for any purpose and any such committee may appoint sub-committees.

(2) Such committees may include persons who are not members of the board; but such persons shall not be entitled to vote at meetings of a committee.

(3) The principal of the college shall be entitled to attend and speak at any meeting of a committee of the board; but he shall be entitled to vote at such meeting only if he is a member of such committee.

(4) The board may pay to the members of such committees (whether or not they are also members of the board) such allowances and expenses as they may determine; and any allowances and expenses to be paid by virtue of this sub-paragraph shall be calculated by reference to such criteria as the Secretary of State may determine.

(5) Any reference in this Schedule to a committee of the board shall include a reference to any sub-committee appointed by such committee.

Staff

16. Subject to section 15 of this Act and paragraph 16A below, the board may appoint on such terms and conditions as they may determine such employees as they think fit.

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.

17. (1) The board may, in the case of such of its employees or former employees as they may, subject to sub-paragraph (2) below, determine -

(a) pay such pensions, allowances or gratuities to or in respect of those employees;

(b) make such payments towards provision of such pensions, allowances or gratuities; or

(c) make such arrangements for the provision and maintenance of such schemes (whether contributory or not) for the payment of such pensions, allowances or gratuities,

as they think fit.

(2) Sub-paragraph (1) above shall not apply to any person who becomes an employee of the board under or by virtue of any provision of this Act (other than paragraph 16 above) unless that person, by notice given in writing, informs the board that he wishes it so to apply.

(3) The reference in sub-paragraph (1) above to pensions, allowances or gratuities in respect of employees of the board includes a reference to pensions, allowances or gratuities by way of compensation to or in respect of any such employee who suffers loss of office or employment.

Accounts

18. (1) It shall be the duty of the board to keep proper accounts and other records.
- (2) The accounts shall be prepared in respect of each financial year in such manner as the Scottish Ministers may direct and the accounts shall be submitted to the Scottish Ministers by such time as they may direct.
- (2A) The Scottish Ministers shall send the accounts to the Auditor General for Scotland for auditing.
- (3) The financial year of the board shall be from 1st April to 31st March.
- (4) The Secretary of State may by order provide that the board shall have a different financial year, and an order under this sub-paragraph may make such consequential provision as appears to the Secretary of State to be necessary or expedient.
19. The accounts of the board shall be open to the inspection of the Comptroller and Auditor General, but –
- (a) the power conferred by this paragraph; and
- (b) the powers under sections 6 and 8 of the National Audit Act 1983 (examinations into the economy, efficiency and effectiveness of certain bodies and access to documents and information) conferred on the Comptroller and Auditor General by virtue of section 6(3)(c) of that Act,
- shall be exercisable only in, or in relation to accounts or other documents which relate to, any financial year in which expenditure is incurred by the board in respect of which grants, loans or other payments are made to them under this Part of this Act.

Execution of documents

20. (1) For any purpose other than those mentioned in sub-paragraph (2) below, a document is validly executed by the board if it is signed on their behalf by a member of the board or by their secretary (or any person performing the duties of secretary to the board) or by any person authorised to sign the document on their behalf.
- (2) For the purposes of any enactment or rule of law relating to the authentication of documents, a document is validly executed by the board if it is subscribed on their behalf by being executed in accordance with the provisions of sub-paragraph (1) above.
- (3) A document which bears to have been executed by the board in accordance with sub-paragraph (2) above shall, in relation to such execution, be a probative document if the subscription of the document bears to have been attested by at least one witness.

Provision of services

21. The Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities to certain public bodies) shall have effect as if the board were a public body within the meaning of that Act.

References to the “Secretary of State” are to the Scottish Ministers

[Note: In relation to the paragraph 18, the Scottish Ministers have by order changed the financial year of boards. Boards have a financial year of 1 August to 31 July¹¹.

This Appendix does not reflect changes made to Schedule 2 to the 1992 Act by the [Lanarkshire Colleges Order 2014](#) in relation to New College Lanarkshire, as the changes are in relation to only that college.]

¹¹http://www.sfc.ac.uk/web/FILES/Guidance_college_reclassification/Colleges_of_Further_Education_Order_2015.pdf

APPENDIX 3

SECTION 23A – 23D OF THE 2005 ACT

REGIONAL COLLEGES: FUNCTIONS

Regional colleges: general duty

23A (1) It is the duty of a regional college to exercise its functions with a view to securing the coherent provision of a high quality of fundable further education and fundable higher education in the locality of the regional college.

(2) In doing so, the regional college must have regard to any fundable further education and fundable higher education provided by other post-16 education bodies in the locality of the regional college.

Regional colleges: planning, consultation and collaboration

23B (1) A regional college must plan for -

(a) how it proposes to provide fundable further education and fundable higher education; and

(b) how it intends to exercise its other functions.

(2) When making plans, a regional college must have regard to the importance of ensuring that funds made available to it under section 12 are used as economically, efficiently and effectively as possible.

(3) A regional college must, where it considers it appropriate to do so in the exercise of its functions, consult -

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

(b) its students' association;

(c) the local authority for the area in which the regional college is situated;

(d) the governing body of any other post-16 education body which provides fundable further education or fundable higher education in the locality of the regional college;

(e) any other regional college or regional strategic body whom it considers likely to have an interest in the matter concerned;

(f) any person who appears to it to be representative of employers in the locality of the regional college;

(g) any person who appears to it to be representative of the interests of any sector for which the regional college provides specialist education or training;

(h) The Open University;

(i) The Skills Development Scotland Co. Limited;

(j) the Scottish Qualifications Authority; and

(k) Scottish Enterprise or Highlands and Islands Enterprise (as appropriate).

(4) Any particular requirement for consultation imposed on a regional college by virtue of this or any other enactment is without prejudice to subsection (3).

(5) A regional college must, so far as is consistent with the proper exercise of its functions, seek to secure the collaboration with the regional college of the following persons -

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

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

(c) the local authority for the area in which the regional college is situated;

(d) the governing body of any other post-16 education body which provides fundable further education or fundable higher education in the locality of the regional college;

(e) any other regional college or regional strategic body whom it considers it appropriate to collaborate with;

(f) The Open University;

(g) The Skills Development Scotland Co. Limited;

(h) the Scottish Qualifications Authority; and

(i) Scottish Enterprise or Highlands and Islands Enterprise (as appropriate).

(6) The Scottish Ministers may by order modify subsection (3) or (5) by -

(a) adding or removing persons, or types of persons, to which those provisions apply; or

(b) varying the description of any such person or type of person.

(7) But such an order may not modify paragraph (a) or (b) of subsection (3).

Regional colleges: improvement of economic and social well-being

23C (1) A regional college is to exercise its functions with a view to improving the economic and social well-being of the locality of the regional college.

(2) In doing so, the regional college is to have regard to -

(a) social and economic regeneration needs in the locality; and

(b) social cohesion and social inclusion issues in the locality.

(3) For the purposes of subsection (2)(a), "needs" means needs which 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.

(4) For the purposes of subsection (2)(b), “issues” means issues which 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.

Regional college to have regard to particular matters

23D (1) In exercising its functions, a regional college is to have regard to—

(a) skills needs in the locality of the regional college;

(b) issues affecting the economy of the locality of the regional college;

(c) social and cultural issues in the locality of the regional college; and

(d) the needs and issues in relation to Scotland identified by the Council for the purposes of section 20(1).

(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) In exercising its functions, a regional college is to have regard to the desirability of enabling, encouraging and improving participation in fundable further education and fundable higher education by persons belonging to any socio-economic group which the regional college reasonably considers to be under-represented in such education.

(6) For the purposes of subsection (1)(a), “skills needs” means any requirement or desirability for skills or knowledge which appears 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.

(7) For the purposes of subsection (1)(b) and (c), “issues” means issues which 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.

(8) For the purposes of subsection (5), a socio-economic group is to be treated as under-represented in fundable further education or fundable higher education if participation in such education by persons in that group is disproportionately low.

(9) A regional college may take into account any social or economic characteristics which it considers appropriate when determining which groups are to constitute “socio-economic groups” for the purposes of subsection (5).

(10) A regional college is to have regard to the under-represented socio-economic groups identified by the Council for the purposes of section 20(4A) when determining

-

(a) which groups are to constitute “socio-economic groups” for the purposes of subsection (5); and

(b) whether a socio-economic group so determined is under-represented in fundable further education or fundable higher education.

References to “the Council” are references to the Scottish Funding Council

APPENDIX 4

SECTION 23N OF THE 2005 ACT

ASSIGNED COLLEGES: INFORMATION AND DIRECTIONS

23N (1) A regional strategic body's colleges must provide the regional strategic body with such information as it may reasonably require for the purposes of or in connection with the exercise of any of its functions.

(2) A regional strategic body may give such directions to its colleges, or to any of them, as it considers appropriate.

(3) Directions given under this section may be of a general or specific character.

(4) Before giving directions under this section, a regional strategic body must consult

(a) any college to which the proposed directions relate;

(b) the representatives of any trade union recognised by such a college or which otherwise appears to the regional strategic body to be representative of its staff; and

(c) the students' association of every such college.

(5) A college must comply with directions given to it under this section.

(6) Directions given under this section may be varied or revoked.

(7) Nothing in this section allows a regional strategic body -

(a) to give directions in relation to the transfer of any staff, property, rights, liabilities or obligations¹²; or

(b) to give directions to a college whose governing body is not a board of management established in pursuance of Part 1 of the 1992 Act.

¹² This reflects the provision as amended by the [Post-16 Education \(Scotland\) Act 2013 \(Modification of Legislation\) Order 2015, SSI 2015/153](#)

APPENDIX 5

SECTION 24 OF THE 1992 ACT

MISMANAGEMENT BY BOARDS

24 (1) This section applies where -

(a) it appears to the Scottish Ministers that the board of management of any college of further education -

(i) have committed or are committing a serious breach of any term or condition of a grant made to them under section 12 or 12B of the Further and Higher Education (Scotland) Act 2005 (“the 2005 Act”);

(ii) have committed or are committing repeated breaches of such terms or conditions;

(iii) have failed, or are failing, to provide or secure the provision of education of such standard as the Scottish Ministers consider appropriate;

(iv) have failed, or are failing, to discharge any of their duties properly; or

(v) have mismanaged, or are mismanaging, their financial or other affairs; or

(b) the Council has informed the Scottish Ministers that a college of further education whose board of management is established in pursuance of this Part is not, or is no longer, a body for which there are suitable provisions, procedures and arrangements of the type described by or under section 7(2) of the 2005 Act.

(2) Where this section applies, the Scottish Ministers may by order—

(a) remove any or all of the members of the board (other than the principal of the college); and

(b) where a removed member was appointed under paragraph 3(2)(a) or (f) or 3A(2)(a) or (f) of Schedule 2, appoint another person in place of the removed member.

(3) Before making an order under subsection (2)(a), the Scottish Ministers must consult the Council.

(4) The Scottish Ministers must give notice of exercise of the power of removal conferred by subsection (2)(a) to the board and the member.

(5) An appointment made under subsection (2)(b) has effect as if made under the provision of Schedule 2 under which the removed member was appointed.

References to “the Council” are references to Scottish Funding Council



REGIONAL BOARD	
Meeting of 23 October 2017	
Title: Draft Succession Planning Policy for Board Members	
Author: Ken Milroy	Contributor(s): Ann Bell, Doug Duthie, Pauline May
Type of Agenda Item:	
For Decision	<input checked="" type="checkbox"/>
For Discussion	<input type="checkbox"/>
For Information	<input type="checkbox"/>
Reserved Item of Business	<input type="checkbox"/>
Purpose: To enable the Regional Board to consider a proposed Succession Planning Policy for Board Members.	
Linked to Strategic Aim:	
Linked to Annual Priority:	
Executive Summary: In February 2017 the College's Internal Auditors, Wylie & Bisset, reviewed the College's approach to Corporate Governance. The outcome of the review was 'strong', with two recommendations graded at 'low'. One of the recommendations was for "the College produce a Succession Plan Policy and ensure that this is reviewed annually." A draft Policy, attached as Appendix 1, has therefore been prepared for the Board's consideration.	
Recommendation: It is recommended that the Board consider and, if so minded, approve the attached Policy.	
Previous Committee Recommendation/Approval (if applicable): None	
Equality Impact Assessment:	
Positive Impact	<input checked="" type="checkbox"/>
Negative Impact	<input type="checkbox"/>
No Impact	<input type="checkbox"/>
Evidence: The diversity of the membership of the Regional Board will continue to be a key consideration of the recruitment and selection process for Board Members.	

Succession Planning Policy for Board Members

Agenda Item 23-17
Appendix 1



Succession Planning Policy for Board Members

Review Date: October 2018

Succession Planning Policy for Board Members

1.0 Introduction

- 1.1 Responsibility for the effective governance of North East Scotland College rests with the Regional Board. Board Members are appointed in accordance with the Board's Recruitment and Selection Policy, with all non-executive Member appointments subject to formal ministerial approval before taking up office.
- 1.2 Members normally serve for an initial term of 4 years but may be considered for reappointment for a further period.
- 1.3 Strong, accountable governance requires Board Members who reflect Scotland's diverse population with the right skills, knowledge, experience and attributes to make a valuable contribution to an effective Board. It is therefore essential that the Regional Board takes a planned and considered approach to the appointment/re-appointment of Members.

2.0 Policy Aims

- 2.1 This Policy seeks to provide a framework for the planned succession of Members of the Regional Board. In doing so the Board will ensure balance in the skills and expertise, which all Members bring.

3.0 Policy Implementation

- 3.1 Recruitment and Selection
 - 3.1.1 As per existing policy.
- 3.2 Induction
 - 3.2.1 As per existing policy.
- 3.3 Continuing Professional Development
 - 3.3.1 As per existing Induction Policy and as identified as part of the Board's evaluation process through Annual Board Member Development Meetings.

Succession Planning Policy for Board Members

3.4 Succession Planning and Continuity

3.4.1 The Board should aim to establish a pattern of new Member appointment on a phased basis of three new Members each academic year.

3.4.2 The Board will establish this pattern by limiting the terms of office of any existing Members who express an interest in remaining in membership beyond their initial term of four years.

3.4.3 Consideration of possible re-appointment of existing Members will commence in advance of November 2018 when 5 Member's initial term of office will come to an end.

3.5 Office Bearers and Committee Membership

3.5.1 The Regional Chair will discuss succession planning in terms of the offices of Committee Chair and Committee Vice Chair and Committee membership as part of the Annual Board Member Development Meeting process. Any proposed changes will then be considered by the Board's Selection and Appointments Committee who will then advise the Regional Board as appropriate.

4.0 Roles and Responsibilities

4.1 Oversight and management of this process will rest with the Board's Governance Steering Group, who will make recommendations in relation to Members terms of office to the Regional Board.

Status:	Draft
Date of version:	October 2017
Responsibility for Policy:	Regional Board
Responsibility for implementation:	Regional Chair and Secretary to the Board
Responsibility for review:	Regional Board
Review date:	October 2018



REGIONAL BOARD	
Meeting of 23 October 2017	
Title: Partnership for Change Pledge	
Author: Pauline May	Contributor(s): Governance Steering Group
Type of Agenda Item: For Decision <input type="checkbox"/> For Discussion <input checked="" type="checkbox"/> For Information <input type="checkbox"/> Reserved Item of Business <input type="checkbox"/>	
Purpose: To enable the Regional Board to reconsider signing up to the Scottish Government's Partnership for Change Pledge.	
Linked to Strategic Aim:	
Linked to Annual Priority:	
Executive Summary: Members will recall that at its meeting on the 05 December 2016, the Regional Board considered signing up to the Scottish Government's Partnership for Change Pledge The Pledge asks public, private and third sector organisations to set a voluntary commitment for gender balance on their boards of 50/50 by 2020. (Further information on the Pledge can be found at - http://onescotland.org/equality-themes/5050-by-2020/). At the December meeting it was agreed that while the Board strongly supported ensuring that there is gender diversity on public sector boards that it would not sign up to the Pledge at that time. All Colleges are being encouraged to support the Pledge and we are aware that a number have done so to date – Borders, Dumfries & Galloway, Edinburgh, Glasgow Colleges Regional Board, Inverness, Lews Castle, Perth, Sabhal Mor Ostaig, and West Lothian. The Governance Steering Group at its most recent meeting on 28 August 2017 discussed this matter and agreed that the Board should be asked to reconsider its position relating to the Pledge. The Group also agreed that if the Board does sign up to the Pledge it is important for the Board to agree supporting statements which clarify its position in terms of the diversity of its membership.	

In order to aid discussion at the meeting of the Regional Board on 23 October 2017, the following statements have been provided for consideration:

The Regional Board of North East Scotland College will:

- Always, above all other considerations, appoint the person who has the skills required by the Board at that time
- Take positive action in relation to Board Member recruitment to encourage applications from a diverse cross-section of the region's population
- Strive for a 50/50 gender balance in terms of its membership but also take cognisance of all other protected characteristics as part of its recruitment and appointment process
- Continue to operate an anonymised shortlisting of Board Member applications to remove any gender bias
- Adopt good practice/guidance issued to the sector in relation to Board diversity.

Members may also wish to suggest further underlying principles which should be included.

Recommendation:

It is recommended that the Board:

- consider signing up to the Partnership for Change Pledge;
- agree underlying principles in terms of membership diversity.

Previous Committee Recommendation/Approval (if applicable):

None

Equality Impact Assessment:

Positive Impact

Negative Impact

No Impact

Evidence:



REGIONAL BOARD	
Meeting of 23 October 2017	
Title: Whistleblowing Policy	
Author: Pauline May	Contributor(s): Liz McIntyre Kimra Donnelly, Director HR & OD
Type of Agenda Item:	
For Decision	<input checked="" type="checkbox"/>
For Discussion	<input type="checkbox"/>
For Information	<input type="checkbox"/>
Reserved Item of Business	<input type="checkbox"/>
Purpose: To enable the Regional Board to consider the College's Whistleblowing Policy.	
Linked to Strategic Aim:	
Linked to Annual Priority:	
Executive Summary: The Policy, attached as Appendix 1, has been reviewed with no significant required amendments identified. The Director of HR & OD has confirmed that the Policy continues to reflect good practice. Members will note that Agenda Item 26-17 advises that a review of the approach taken to the review and approval/reapproval of College's policies is to be undertaken by the Board's Governance Steering Group. It is felt however that due to the nature of this Policy it is important to ensure that it remains up-to-date and is accessible by staff rather than to wait for the review to be completed. The Board are therefore being asked to consider the attached.	
Recommendation: It is recommended that the Board reapprove the Whistleblowing Policy.	
Previous Committee Recommendation/Approval (if applicable): None	

Equality Impact Assessment:

Positive Impact

Negative Impact

No Impact

Evidence: See EIA attached to Policy.

Whistleblowing Policy

Agenda Item 25-17
Appendix 1



Ref: HR32

Whistleblowing Policy

Review Date: July 2017

1. The Policy

Members of staff will often be the first to be aware of misconduct which may turn out to be fraudulent, or demonstrates corruption, professional malpractice or some other form of dishonesty.

North East Scotland College is committed to providing the means by which an individual may raise serious concerns which he/she may have about malpractice or corruption in the workplace. Members of staff are assured that genuine concerns which are raised without malice will be investigated. This policy outlines the means by which staff may raise concerns without fear of reprisal or victimisation.

This policy covers all employees, officers, consultants, contractors, volunteers, casual workers and agency workers.

This policy does not form part of any employee's contract of employment and we may amend it at any time.

2. Definition of Malpractice or Corruption

This policy is not intended to provide a means for staff to express any dissatisfaction with their personal circumstances. Such matters should be raised under the College's Grievance Procedure. Rather, this policy is intended to provide a way by which malpractice or corruption may be reported in confidence, and without fear of reprisal.

The College regards malpractice and corruption to include (but not limited to):

- (a) criminal activity;
- (b) failure to comply with any legal obligation or regulatory requirement;
- (c) miscarriages of justice;
- (d) danger to health and safety;
- (e) damage to the environment;
- (f) bribery under our Anti- Bribery Policy;

- (g) financial fraud or mismanagement;
- (h) negligence;
- (i) unauthorised disclosure of confidential information;
- (j) the deliberate concealment of any of the above matters.

3. The Procedure

All matters raised under this policy will be treated in the strictest confidence.

The procedure for raising a concern under this policy is as follows:

- (a) Concerns should be raised using the College's Whistleblowing Form – a copy of which is attached to this policy. Alternatively concerns can be raised orally with the individuals detailed below or with the Director of HR & OD~~Head of Human Resources~~.
- (b) Wherever possible, member of staff should raise the matter in the first instance with the Vice-Principal (HR), or another member of the Senior Management Team.
- (c) If there is a reason why a member of staff cannot raise the matter with the Vice-Principal (HR), or another member of the senior management team, (e.g. where the matter is more serious, or the individual feels their complaint has not been addressed, or if the concern is about the Vice-Principal (HR) or another member of the Senior Management Team) the matter should be raised with the Principal.
- (d) If the complaint is against the Principal, the matter should be raised with the Chair of the College's Regional Board of Management.
- (e) The allegations will then be investigated. This will normally include meeting with the individual to discuss their concerns. The individual may bring a colleague or union official/representative to this meeting should they wish, providing any such companion respects the confidentiality of the disclosure and any subsequent investigation.

- (f) The Principal (or where appropriate Chair of the Regional Board) will then decide what action (if any) is to be taken. Action could include referral to the police/other relevant authorities or the instigation of the College's Disciplinary Policy.
- (g) The Principal (or Chair where appropriate) will write to the individual who raised the matter and inform him/her of the outcome of the investigation where possible, which should be treated in confidence. However, sometimes the need for confidentiality may prevent the College giving the individual specific details of the investigation or outcome.
- (h) If the individual is dissatisfied with the outcome, he/she may address his/her concerns to the Secretary to the Board ~~of Management~~ who will refer the matter to the appropriate Committee.

4. External Disclosures

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases individuals should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for a member of staff to report their concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. The College strongly encourages individuals to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are below:

Helpline: (020) 7404 6609

E-mail: whistle@pcaw.co.uk

5. Confidentiality

The College hopes that staff will feel able to voice whistleblowing concerns openly under this policy. However, if an individual wants to raise their concern confidentially, we will make every effort to keep their identity secret. If it is necessary for anyone investigating their concern to know your identity, we

Whistleblowing Policy

will discuss this with you.

However, the College does not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from the individual raising the complaint. It is also more difficult to establish whether any allegations are credible.

6. False Accusations

Abuse of this policy by staff members making false or malicious allegations or with a view to personal gain will be regarded as a serious offence and subject to disciplinary action (up to and including dismissal). This policy does not in any way prevent an individual seeking redress at law against anyone making false allegations against him/her.

7. Victimisation

It will be a disciplinary offence to victimize, discriminate or otherwise subject a member of staff to a detriment who has raised a genuine concern under the terms of this policy.

If a member of staff believes that they have suffered any such treatment, they should inform the [Vice-Principal \(HR\)](#), or another member of the Senior Management Team, immediately. If the matter is not remedied the individual should raise it formally using the College's Grievance Procedure

Status:	Final Draft for reapproval
Approved by:	Regional Board of Management
SMT Sponsor:	Vice-Principal HR
Date of version:	July 2015 October 2017
Responsibility for Implementation/Review:	VP HR Principal
Review date:	July 2017 October 2019
EIA Date:	June 2016 October 2017

Form for making a public interest disclosure (whistleblowing)

This form is intended for use by any individual working for North East Scotland College (including employees, officers, consultants, contractors, volunteers, interns, casual workers and agency workers) who wishes to raise an issue about wrongdoing in the workplace.

This form should be used to report wrongdoing within the College (for example, financial irregularities or health and safety concerns), rather than to raise a personal grievance (for example, if you would like to make an allegation of bullying or harassment, or are complaining that your contract of employment has been breached).

If you are unsure about whether your concerns are best dealt with under the College's Whistleblowing Policy or Grievance Policy, please read the College's Whistleblowing Policy, which provides examples of the issues that should be reported using this form. If, having read the Whistleblowing Policy, you remain unsure about which procedure to use, please consult the Vice Principal (HR), or another member of the senior management team, for further advice.

Once you have submitted this form, the College's Whistleblowing Policy will be invoked. This will result in an investigation, which will involve anyone you may have implicated below.

In certain circumstances, you can request that your concerns be kept anonymous. Where possible, the College will respect a request for anonymity, but cannot guarantee that it will be able to do so.

This form should be completed and delivered to the appropriate individual as outlined in the Whistleblowing Policy in an envelope marked "confidential" or sent as an email attachment with "confidential" in the subject line.

Whistleblowing Policy

Formal public interest disclosure (whistleblowing)	
Employee's name:	
Employee's job title:	
Employee's department:	
Date:	
Does your public interest disclosure relate to a member of the senior management team?	Yes/No
Summary of disclosure:	
<p>Please set out the details of the issue that you wish to raise, providing examples where possible, particularly dates, times, locations and the identities of those involved. You may attach additional sheets if required.</p>	
Individuals involved:	
<p>Please provide the names and contact details of any people involved in your concerns, including witnesses.</p>	

Whistleblowing Policy

Outcome requested:	
<p>Please set out how you would like to see the issue dealt with, and why and how you believe that this will resolve the issue.</p>	
Declaration:	
<p>I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that, if I knowingly make false allegations, this may result in the College taking disciplinary action against me.</p>	
Form completed by:	
Signature:	
For completion by the College:	
Date form received by the College:	
Name of recipient and job role:	
Signature:	

Equality Impact Assessment (EIA) Form

Part 1. Background Information. (Please enter relevant information as specified.)

Title of Policy or Procedure. Details of Relevant Practice:	Whistleblowing Policy
Person(s) Responsible.	Principal
Date of Assessment:	12/10/2017
What are the aims of the policy, procedure or practice being considered?	Please see section 1 of the Whistleblowing Policy
Who will this policy, procedure or practice impact upon?	The Policy applies to all employees, officers, consultants, contractors, volunteers, casual workers and agency workers within NESCol.

Part 2. Public Sector Equality Duty comparison (Consider the proposed action against each element of the PSED and describe potential impact, which may be positive, neutral or negative. Provide details of evidence.)

Need	Impact	Evidence
<ul style="list-style-type: none"> • Eliminating unlawful discrimination, harassment and victimisation. • Advancing Equality of Opportunity • Promoting Good relations. 	<ul style="list-style-type: none"> • This Policy applies equally to all staff irrespective of protective characteristics. • Support to raise concerns without fear of reprisal or victimisation. • All information is on the Intranet – arrangements need to be in place for staff unable to use these medium –e.g. visually impaired. 	<p>Consulted with LJNC.</p> <p>Government Regulations.</p>

Part 3. Action & Outcome (Following initial assessment, describe any action that will be taken to address impact detected)

Assistance will be given by HR and Management for any reasonable adjustments in applying this Policy.

Sign-off, authorisation and publishing	
Name:	Kimra Donnelly
Position:	Director of HR & OD
Date of original review:	06/06/2016
Date EIA last reviewed:	12/10/2017



REGIONAL BOARD		
Meeting of 23 October 2017		
Title: Board Policies		
Author: Pauline May	Contributor(s):	
Type of Agenda Item:		
For Decision	<input type="checkbox"/>	
For Discussion	<input checked="" type="checkbox"/>	
For Information	<input type="checkbox"/>	
Reserved Item of Business	<input type="checkbox"/>	
Purpose: To enable the Regional Board to consider the College policies for which it is responsible and the process for their future review and approval.		
Linked to Strategic Aim:		
Linked to Annual Priority:		
Executive Summary:		
At the first meetings of AY2017-18, the Board and its Committees are being asked to consider the policies for which they are responsible.		
The policies which are currently assigned to the Regional Board are as follows:		
	Version Date	Review Date
Policy Title Whistleblowing <i>Sets out policy on providing the means by which an individual may raise serious concerns which he/she may have about malpractice or corruption in the workplace. (Please see Agenda Item 26-17)</i>	Jul-15	Jul-17
Equality and Diversity <i>Sets out policy on providing a learning and working environment which advances equality, diversity and inclusion and where everyone is respected, valued and supported. (Please note that due to a review of the College's approach to its equality and diversity responsibilities, the review date of this Policy has been extended to February 2018)</i>	Oct-15	Oct-17

Policy Title	Version Date	Review Date
Anti-Bribery & Corruption <i>Provides further details of the College's position, as set out in the Anti-Bribery & Corruption Statement, including details of responsibilities, and for employees, in observing and upholding our position on bribery and corruption. It also provides information and guidance on how to recognise and deal with bribery and corruption issues.</i>	Mar-15	Mar-18
Premature Retirement Compensation Informs employees of the College's approach to awarding premature retirement compensation in certain circumstances, and the extent of any enhancement to an employee's service which may be applied in respect of such compensation.	Mar-15	Mar-18
Risk Management <i>Forms part of the College's internal control and corporate governance arrangements, whilst explaining the College's underlying approach to risk management. It outlines documenting roles/responsibilities of the Board, SMT and other key parties, key aspects of the process and main reporting procedures. In addition, it describes the process the Board will use to evaluate effectiveness of internal control procedures.</i>	Jun-15	Jun-18
Strategic Planning <i>Explains the College's underlying approach to strategic planning, the main planning documents and the responsibilities of key parties.</i>	Jun-15	Jun-18
Local Government Pension Scheme Discretionary Functions <i>Sets out the College's exercise of discretionary functions permitted by different regulations relating to the Local Government Pension Scheme.</i>	Jul-15	Jul-18

Copies of the above policies can be accessed in the 'Policies & Procedures' section of the 'Working Here' area of COLIN.

At a meeting of the Curriculum & Quality Committee held on 29 September 2017, a discussion was held on the roles of the Board, Board Committees and the Senior Management Team (SMT) in relation to College policies.

It was agreed at this meeting that the Board's Governance Steering Group would be asked to review this issue and to develop a proposal as to the ownership and responsibility for the review and approval of College policies. It was proposed that consideration should be given to Committees receiving an annual report on policies related to their remits which would provide Members with assurance that the policies have been reviewed and reapproved by the SMT as required rather

than the Committee undertaking an approval role. It may also be appropriate to consider this approach for some of the policies currently considered by the Board.

It was also agreed that the SMT would continue with an approach already initiated as part of the ongoing policy review process to ensure that College documents are appropriated titled as a policy, procedure, strategy or guidance/guidelines.

The Board will be updated on any changes which are implemented regarding the review and approval of policies in due course, and any required related items included on the agenda for the next meeting of the Board scheduled for 09 December 2017.

Recommendation: It is recommended that the Board consider the policies for which it is currently responsible and agree any matters it wishes the Governance Steering Group to consider as part of the requested review.

Previous Committee Recommendation/Approval (if applicable):

None

Equality Impact Assessment:

Positive Impact

Negative Impact

No Impact

Evidence:



REGIONAL BOARD	
Meeting of 23 October 2017	
Title: Charity Trustee Status	
Author: Pauline May	Contributor(s): Governance Steering Group
Type of Agenda Item: For Decision <input type="checkbox"/> For Discussion <input type="checkbox"/> For Information <input checked="" type="checkbox"/> Reserved Item of Business <input type="checkbox"/>	
Purpose: To provide the Regional Board with information relating to the charity trustee status of Board Members.	
Linked to Strategic Aim:	
Linked to Annual Priority:	
Executive Summary: The Regional Board has on a number of occasions noted and discussed the charity trustee status of Members. Specifically, the Vice Chair and Senior Independent Member has noted some concerns about changes in the sector and their potential impact on Board Member responsibilities as charity trustees. The Vice Chair and Senior Independent Member has therefore undertaken comprehensive research in relation to the charity trustee status of Members. In addition, the Principal sought guidance from the College's solicitors, Burness Paull, specifically on potential conflicts of interest in relation to the framework for national pay bargaining and the charity trustee status of Employers' Association representatives. At its last meeting the Governance Steering Group agreed that Members should be advised that should any queries or concerns arise in relation to their charity trustee status they should first raise this with the Secretary to the Board. The Secretary to the Board may then consult with the Vice Chair and Senior Independent Member, or if appropriate, raise the matter, for further guidance, with the Secretary to the Board Network and/or the sector's Good Governance Group. It is felt that the approach outlined above will ensure that any issues which arise are responded to fully and appropriately.	

The Governance Steering Group also noted that when the Code of Good Governance for Scotland's Colleges is next reviewed, the Regional Board may wish to request that consideration is given to including further information in the reviewed code in relation to charity trustee duties.

Members may find it helpful to be reminded of information available on the Office of the Scottish Charity Regulator (OSCR) website: [Trustee Duties](#).

Recommendation:

It is recommended that the Board notes the information provided.

Previous Committee Recommendation/Approval (if applicable):

None

Equality Impact Assessment:

Positive Impact

Negative Impact

No Impact

Evidence:



REGIONAL BOARD	
Meeting of 23 October 2017	
Title: Gender Action Plan (GAP)	
Author: Neil Cowie	Contributor(s):
Type of Agenda Item:	
For Decision	<input type="checkbox"/>
For Discussion	<input type="checkbox"/>
For Information	<input checked="" type="checkbox"/>
Reserved Item of Business	<input type="checkbox"/>
Purpose: To inform the Regional Board of the publication, and future monitoring of the College's Gender Action Plan (GAP).	
Linked to Strategic Aim:	
2 To provide accessible programmes of study that lead to positive outcomes for students	
Linked to Annual Priority:	
Whilst there is no explicit annual priority relating to student gender equality, there is linkage between the College's GAP and the annual priority 5, noted below:	
5 To close the attainment gap for learners with disabilities and to develop an action plan to reduce the gender pay gap	
Executive Summary:	
In line with Scottish Funding Council (SFC) guidance, the College published its first Gender Action Plan on 31 July 2017. The GAP spans 3 years and will be reviewed annually.	
The key driver for the creation and publication of Gender Action Plans can be found within the Scottish Government's gender equality-related ambitions which include addressing occupational segregation in the young workforce and improving women and girls' representation in Science, Technology, Engineering and Math (STEM). The full range of Scottish Government gender equality aspirations can be accessed using the following link:	
https://beta.gov.scot/policies/equality/gender-equality/	

The Scottish Government has tasked the SFC with ensuring that both itself and colleges have in place appropriate GAPs which outline their ambitions and intentions for tackling gender imbalance across their respective organisations.

The SFC's first GAP was published in August 2016. This document details their ambition to tackle gender imbalances within Scotland's colleges. Specifically, the SFC seeks to increase, by 2021, by 5% the minority gender share in each of the 10 largest and most imbalanced subject areas (or 'superclasses') among 16-24 year olds and, by 2030, have no subject area with an extreme (i.e. 75/25) gender imbalance.

Thus, the College's first GAP has, amongst other things, identified course-level subject areas which show gender disparity in terms of both enrolment and attainment. In addition, the College has identified actions it seeks to take, over the lifetime of the GAP, to address these disparities.

Members of the Regional Board are responsible for ensuring that the College and its staff implement the GAP. This obligation relates to the Regional Board's wider responsibilities to ensure that the College meets its duties under equality legislation. It is intended that progress on the GAP will be reported twice yearly to the Regional Board.

Overall management responsibility for the College's equality-related activity, including the GAP, sits with the Vice Principal – Access & Partnerships. Operational implementation and monitoring of the GAP is the responsibility of the College's Equality Action Team (EAT). As the GAP straddles all areas of College activity, it is expected that the College's Senior Management and Leadership Teams will play an integral role in addressing the actions identified within the Plan. Thus, progress on the GAP will be routinely discussed and reported on at meetings of the Senior Management and Leadership Teams.

A link to the College's GAP is below:

<http://www.nescol.ac.uk/sites/default/files/documents/strategic-planning-and-information-document/gender-action-plan-2017-2021.pdf>

Recommendation: It is recommended that the Board note the information provided.

Previous Committee Recommendation/Approval (if applicable):

None

Equality Impact Assessment:

Positive Impact

Negative Impact

No Impact



Agenda Item 29-17

REGIONAL BOARD	
Meeting of 23 October 2017	
Title: Annual Report to the Regional Board by the Audit & Risk Committee	
Author: Roddy Scott	Contributor(s): Wylie and Bisset, Audit Scotland
Type of Agenda Item:	
For Decision	<input type="checkbox"/>
For Discussion	<input type="checkbox"/>
For Information	<input checked="" type="checkbox"/>
Reserved Item of Business	<input type="checkbox"/>
Purpose: To present the Audit & Risk Committee's Annual Report to the Regional Board for the year to 31 July 2017.	
Linked to Strategic Aim:	
3 To achieve maximum impact from the available resources	
Linked to Annual Priority:	
<p>Executive Summary:</p> <p>The Scottish Funding Council (SFC) has established a Financial Memorandum between the SFC and colleges. Compliance with the terms of the Financial Memorandum is a requirement of the conditions of grant set by the SFC. The Financial Memorandum sets out a number of 'mandatory requirements'.</p> <p>The presentation by the Audit & Risk Committee of an annual report is part of the Regional Board's arrangements for governance and oversight and also enables the Regional Board to demonstrate compliance with the SFC's requirements.</p> <p>The report by the Audit & Risk Committee to the Regional Board for the year to 31 July 2017 is attached as Appendix 1 to this paper.</p> <p>The Report includes the Internal Audit Report for 2016-17 prepared by Wylie and Bisset, and the report presented by Audit Scotland on the external audit of the College for the year to 31 July 2016, which was presented to the Regional Board at its meeting in December 2016.</p>	
Recommendation:	
It is recommended that the Board note the information provided in the Annual report by the Audit & Risk Committee.	
Previous Committee Recommendation/Approval (if applicable):	
The Annual Report was approved by the Audit & Risk Committee at its meeting held on 20 September 2017.	

Equality Impact Assessment:

Positive Impact

Negative Impact

No Impact

Evidence:

**Audit and Risk Committee
Report to the Board of Management
2017**

1. Introduction

- 1.1. The Audit and Risk Committee presents this report for consideration by the Regional Board. The report is part of the Regional Board's arrangements for governance and oversight that fulfill its obligations set out in the [Financial Memorandum](#) between the Scottish Further and Higher Education Funding Council (SFC) and the Regional Board, in particular those 'mandatory requirements' relating to audit and accounting.
- 1.2. The report covers the business conducted by the Committee in the period 1 August 2016 to 31 July 2017.
- 1.3. The Committee at its meeting on 20 September 2017 adopted the report for presentation to the Regional Board.

2. Appointment of Auditors – External Audit

- 2.1. Under the Public Finance and Accountability (Scotland) Act 2000, authority to appoint external auditors of colleges transferred to central authorities. The Auditor General for Scotland appointed Audit Scotland to be external auditor of the Board of Management for the period 1 August 2011 to 31 July 2016. The appointment is solely as external auditor of the Board of Management of North East Scotland College. EY has been appointed as external auditor for the 5-year period 1 August 2016 to 31 July 2021.
- 2.2. The Board retains authority to appoint the external auditor of its wholly owned trading subsidiary – Aberdeen Skills and Enterprise Training Limited (ASET). Henderson Loggie was appointed as external auditor of ASET for 3 years as a result of a competitive tender process undertaken in 2015. At its Annual General Meeting in 2017, the Company confirmed the appointment of Henderson Loggie as external auditor for the 12-month reporting period to 31 July 2017.

3. Appointment of Auditors – Internal Audit

- 3.1. The Regional Board appointed Wylie and Bisset as internal audit service provider in 2014. The contract provides that the appointment could be extended (for a further 2 years) after a period of 3 years. The Committee decided to exercise the option to extend the appointment and Wylie and Bisset will continue to provide internal audit services until 31 July 2019.

4. Adequacy and Effectiveness of Internal Control Systems

- 4.1. The Audit Committee has assessed the adequacy and effectiveness of the College's internal control systems.
- 4.2. Wylie and Bisset has reported to the Board of Management:
" We are satisfied that sufficient internal audit work has been undertaken to allow us to draw a conclusion as to the adequacy and effectiveness of the College's risk management, control and governance processes.

In our opinion North East Scotland College did have adequate and effective risk management, control and governance processes to manage its achievement of the College's objectives at the time of our audit work. In our opinion, the College has proper arrangements to promote and secure value for money. Our fieldwork was carried out between January 2017 and May 2017."

Source: Wylie and Bisset Annual Report to the Regional Board 2017.

4.3. The Internal Audit Annual Report was presented to the Committee by Wylie and Bisset and adopted at the Committee meeting on 20 September 2017. A copy of this Report can be found in the Regional Board's Collaborative Space on [COLIN](#).

4.4. The reports presented by the internal audit service provider give the level of assurance sought by the Audit and Risk Committee to enable the Committee to reach the view that internal control systems are adequate and effective.

5. Significant Matters identified by Internal Auditors

5.1. The Committee and the internal audit service provider have established arrangements for grading the outcomes of internal audit reviews. The internal auditor grades the areas reviewed as:

- Strong – controls were satisfactory, no significant weaknesses were found, some minor recommendations were identified;
- Substantial - controls were largely satisfactory although some weaknesses were identified, recommendations for improvement were made;
- Weak - controls were unsatisfactory and major systems weaknesses were identified that require to be addressed immediately.

5.2. In 2016-17, the internal auditor reviewed 16 areas (2015-16 – 16 areas) and graded the areas reviewed as: 'strong' in 14 areas (2015-16 – 10 areas); 'substantial' in 2 areas (2015-16 – 5 areas); and no areas were graded as 'weak' (2015-16 – 1 area).

5.3. The Committee and the internal audit service provider have established arrangements for grading recommendations arising from the programme of internal audit review. Recommendations are graded as 'high', 'medium' and 'low' priority (with 'high' representing matters requiring urgent attention).

5.4. In 2015-16, the internal auditor made 3 'high priority recommendations (2015-16 – 10). These are summarized on pages 8 to 11 of the Internal Auditor's Report to the Regional Board (annex 2), together with management responses.

6. Value for Money Programme

6.1. The internal audit programme for the period 1 August 2016 to 31 July 2017 addressed value for money issues. The programme was designed to address arrangements to ensure that the College secures economy, efficiency and effectiveness in carrying out its activities. Most internal audit assignments contain an element of value for money review.

7. Reports by External Auditors

7.1. Audit Scotland carried out the external audit of North East Scotland College for the 12-month reporting period to 31 July 2016. This was the final year of the organisation's 5-year appointment as external auditor. The organization previously carried out the external audits of the financial statements of the Boards of Management of Aberdeen and Banff & Buchan Colleges. As in previous years, Audit Scotland issued an unqualified audit opinion on the consolidated financial statements of the College.

7.2. Henderson Loggie carried out the external audit of ASET, the Board's wholly owned subsidiary company, for the 12-month reporting period to 31 July 2016. AS in previous years, Henderson Loggie issued an unqualified audit opinion on the financial statements of the ASET.

7.3. Copies of the financial statements containing the auditors' opinions and reports on audit findings have been circulated to Members of the Regional

Board under separate cover and have been provided to the appropriate central authorities in accordance with set timescales.

7.4. Audit Scotland's 'Report on the 2015-16 Audit' can be found in the Regional Board's Collaborative Space on [COLIN](#).

8. Key Administrative Information

8.1. Audit and Risk Committee membership in the period 1 August 2016 to 31 July 2017 comprised:

- Mr. Anderson
- Ms. Bell
- Mr. Duthie
- Mr. Gossip
- Mrs. Inglis
- Mr. Russell
- Ms. Simpson
- Mr. Smith

8.2. Committee Convenor

- Mr. Gossip

8.3. Committee Vice-Convenor

- Mr. Anderson

8.4. In addition, the following Members of the Regional Board may attend and participate in meetings, but may not vote on matters at issue:

- Chair of the Regional Board of Management (office held by Mr. Milroy);
- Convenor, Finance and General Purposes Committee (office held by Prof Harper);
- Ms McIntyre - Principal and Chief Executive (from December 2016); and,
- Mr Wallen - Principal and Chief Executive (until December 2016).

8.5. Attendance at Meetings

The Committee has met on 5 occasions during the reporting period. Members' attendance is analysed as:

<u>Members of the Committee</u>	<u>Meetings Attended</u>	<u>Percentage Attended</u>
Mr. Anderson	4	80%
Ms. Bell	4	80%
Mr. Duthie	4	80%
Mr. Gossip	5	100%
Mrs Inglis	3	60%
Mr. Russell	4	80%
Ms. Simpson	4	80%
Mr. Smith	4	80%
<u>Members in Attendance</u>		
Mr. Milroy	1	
Prof Harper	0	
Ms McIntyre	0	
Mr. Wallen	1	

Appropriate staff of Wylie and Bisset or Audit Scotland attended meetings. Mr. Scott attended all meetings of the Committee as Vice Principal Finance.

8.6. Conduct of Business

The Committee has met throughout the reporting period. Ten meetings have

been held.

Meeting

Business Conducted

- | | |
|---------------|--|
| 13 Sept. 2016 | Consideration of: the Internal Auditor's report to the Audit Committee for 2015-16; a report on the progression of the internal audit review of payroll; the internal audit programme for 2016-17; information on the impacts of the reclassification of colleges; and the College's participation in the National Fraud Initiative. |
| 15 Nov. 2016 | Consideration of: a report on follow up internal audit work arising from the review of payroll; the Committee's annual report to the Board of Management for 2015-16; the draft audited financial statements of North East Scotland College for the 12 months to 31 July 2016; the draft report to the Auditor General and Board of Management on the audit of those financial statements; detailed scopes of work for the internal audit programme for 2016-17; audit certification of year-end returns to central authorities; and information on the impacts of the reclassification of colleges. |
| 24 Jan. 2017 | Consideration of: audit certification of year-end returns to central authorities; and information on actions taken to address errors in the administration of pension schemes. The Committee also held its annual meeting with external and internal auditors. |
| 14 March 2017 | Consideration of: reports on various internal audit reviews; the contract for the provision of internal audit services; and the College's participation in the National Fraud Initiative. |
| 16 May 2017 | Consideration of: reports on various internal audit reviews; and the Auditor General's Report on Scotland's Colleges 2017. |

8.7. Minutes of meetings of the Committee were made available to Regional Board Members and, at meetings of the Board of Management, Members were provided with the opportunity to obtain further information on the business conducted by the Committee.

9. Measurements of Performance – External Audit

- 9.1. The external auditor of the Board of Management was Audit Scotland.
- 9.2. The Committee was satisfied with the standard of service provided by Audit Scotland as external audit service provider to the College.
- 9.3. The external audit of the Regional Board and its subsidiary companies was completed on schedule and at the agreed fee. The fee charged for the external audit of the College for FY2015-16 was £33,900 (FY2014-15 - £43,875). The period audited in 2015-16 was 12 months, whereas the period in 2014-15 was 16 months.
- 9.4. The fee charged for the audit of ASET for 2015-16 was £7,100 (FY2014-15 - £7,000).

10. Measurements of Performance – Internal Audit

- 10.1. The internal audit programme was completed on schedule and at the agreed fee. The fee charged for internal audit services in 2016-17 was £30,650 (2015-16 was £32,150). The amount of audit work undertaken in delivering the core programme in 2016-17 was 70 days (additional work was undertaken in

2015-16 in relation to payroll).

- 10.2. The Committee was satisfied with the standard of service provided by Wylie and Bisset as internal audit service provider to the College for 2016-17, as it had been in previous years. All internal audit assignments were undertaken in accordance with the plan for the period and completed within set deadlines, key performance measures were met in full.

11. Events since 31 July 2017

- 11.1. The Committee has met on 1 occasion since 31 July 2017.

<u>Meeting</u>	<u>Business Conducted</u>
20 Sept 2017	Consideration of: the Committee's Terms of Reference; programme of business for 2017-18; reports on various internal audit reviews; the Committee's Annual report to the Board of Management; the internal auditor's report on the programme of audit work for the 12 months to 31 July 2017; and the programme of internal audit work for the year to 31 July 2018.

12. Conclusion

- 12.1. The Committee has obtained assurance that internal control systems are adequate and effective. This is based on the evidence provided by the results of the internal audit service provider in the 12 months to 31 July 2017 and the external auditor's unqualified opinion on the financial statements for the 12-month reporting period to 31 July 2016.
- 12.2. The Committee is satisfied that, on the basis of the information provided to it by internal auditors, arrangements operate to allow the College to secure value for money.
- 12.3. The Committee is satisfied that the Regional Board has complied with the 'mandatory requirements' set by the Scottish Further and Higher Education Funding Council and has discharged its responsibilities in relation to audit and accounting.
- 12.4. The Committee is satisfied with the performance of Audit Scotland as external auditor to the College for the 12-month reporting period to 31 July 2016 and Wylie and Bisset as internal auditor to the College for the 12 months to 31 July 2017.

Ian Gossip
Convenor
Audit Committee
20 September 2017



REGIONAL BOARD	
Meeting of 23 October 2017	
Title: Internal Audit Programme, Year to 31 July 2018	
Author: Roddy Scott	Contributor(s): Wylie and Bisset
Type of Agenda Item:	
For Decision	<input type="checkbox"/>
For Discussion	<input type="checkbox"/>
For Information	<input checked="" type="checkbox"/>
Reserved Item of Business	<input type="checkbox"/>
Purpose: To inform the Regional Board of the programme of internal work set by the Audit & Risk Committee for the year to 31 July 2018 (2017-18).	
Linked to Strategic Aim:	
3 To achieve maximum impact from the available resources	
Linked to Annual Priority:	
Executive Summary:	
<p>The Internal Audit Programme adopted by the Audit & Risk Committee for 2017-18 is presented to the Regional Board for its information.</p> <p>The Internal Audit Programme attached as Appendix 1 to this paper was prepared having:</p> <ul style="list-style-type: none"> • undertaken an internal audit needs assessment, • considered the results of internal audit work in 2015-16 and 2016-17 • considered the development of new systems, • considered risk factors identified over time, with reference to the College's Risk Registers; and, • held discussions with the Chair of the Audit & Risk Committee, College Principal and Vice Principal Finance. 	
Recommendation:	
It is recommended that the Board note the information provided on the Internal Audit Programme for 2017-18.	
Previous Committee Recommendation/Approval (if applicable):	
Internal Audit Programme approved by Audit & Risk Committee at its meeting held on 20 September 2017.	

Equality Impact Assessment:

Positive Impact

Negative Impact

No Impact

Evidence:

North East Scotland College

Internal Audit Plan

2017 - 2018

August 2017

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1. Introduction

Background

Wylie & Bisset LLP were re-appointed as Internal Auditors by the Board of Management with effect from 1 April 2014 until 31 July 2017 with an option to extend by a further two years on the agreement of both parties. This was agreed by the Audit Committee at their meeting on the 14th March 2017.

Internal Audit

In accordance with North East Scotland College's ("the College") Financial Memorandum with the Scottish Funding Council("the Council") the Board of Management is required to secure the provision of an effective Internal Audit Service (IAS). The prime responsibility of the IAS is to provide the Board of Management, the Principal and other senior management of the College, with an objective assessment of the adequacy and effectiveness of management's internal control systems.

The IAS should objectively examine, evaluate and report on the adequacy of internal control thus contributing to the economic, efficient and effective use of resources and to the reduction of the potential risks faced by the College. Also, the operation and conduct of the IAS must comply with the standards and guidelines set down by the Chartered Institute of Internal Auditors and the Public Sector Internal Audit Standards.

Terms of Reference – Internal Audit

The provision of the IAS by Wylie & Bisset LLP is covered by the letter of engagement dated 3 May 2017.

Formal Approval

The full Audit Needs Assessment (ANA) was presented to the Audit Committee of the College on 18 November 2014. This document covers the plan for 2017/18 and has been prepared following discussions with the Principal, the Vice Principal Finance and the Chair of the Audit Committee.

2. Operational Plan

Operational Plan – 2017/18

Audit Area	High level indicative summary scope	Total Number Of Days
Follow Up Review	The follow up review will be undertaken to follow up on prior year audit recommendations to ensure these have been fully implemented by the College. We will follow up on all of the high priority recommendations, 50% of the medium priority recommendations and 10% of the low priority recommendations.	3
Budgetary and Financial Controls	Detailed work will be undertaken to review the College's budgeting, monitoring and reporting. We will ensure compliance with the College's systems and procedures and review the overall controls in place in respect of financial reporting.	4
Virtual Learning Environment	We will undertake a review to assess whether the College is maximising the use of its Virtual Learning environment (VLE) for its students. Our review will consider the content included on the VLE, the costs associated with the VLE, access to the VLE and whether there is sufficient monitoring arrangements in place to ensure that benefits from the VLE are being maximised.	4
Income Collection and Credit Control	The review will look at all material areas of income to ensure it is correctly and accurately recorded in the financial systems of the College. It will also look at compliance with the College's financial procedures and controls with testing on completeness of income and specific testing on credit control and bad debt provisions. The review will also consider the Colleges compliance with Payment Card Industry (PCI) standards. We will also consider whether commercial income is being maximised and compare levels of commercial income with our other college clients.	5

2. Operational Plan (cont'd)

Operational Plan – 2017/18

Audit Area	High level indicative summary scope	Total Number Of Days
Environmental Sustainability	We will undertake a review to assess how environmentally friendly and 'green' the College is. Our review will consider whether consideration is given to environmentally friendly issues within the curriculum, and whether the College has appropriate procedures in place for disposals which ensure that these are dealt with in an environmentally friendly manner.	4
Human Resources	The review in this area will focus on recruitment procedures; ensuring initial pay rates are in line with guidelines, on the performance measurement system, training and development procedures and also on the sickness absence monitoring undertaken by the College. It will also consider the various staffing policies the College has in place, including those covering severance agreements and redundancy if appropriate. Our review will also review safeguarding arrangements and whether appropriate disclosure checklists have been completed.	4
Management of contract managed services	This review will look at the contracts that are outsourced by the College including janitorial and security, maintenance, occupational health services, facilities, IT support, catering and cleaning. The review will look at how these contracts are being managed from the initial tender process and appointment through to delivery of the contract. We will also assess the arrangements for monitoring fixed and variable costs associated with contract managed services.	5
Departmental Review – Business Solutions & Part Time	The review will focus on the structure and workload within the department, compliance with the College's systems and procedures and the overall systems and controls in place to manage the department. We will also review the arrangements in place for work based learning.	5

2. Operational Plan (cont'd)

Operational Plan – 2017/18

Audit Area	High level indicative summary scope	Total Number Of Days
Aberdeen Skills & Enterprise Training Ltd	This annual review will look at compliance with the Company's systems and procedures, the overall controls in place to ensure accurate recording of information within the company.	5
Value for Money - Transport	We will undertake a review to determine whether value for money is being obtained from the current transport arrangements in place at the College. Our review will consider both staff and student travel. We will also consider the link between staff utilisation and staff travel.	4
Data Protection	We will review the steps being taken to ensure the College will be in compliance with the General Data Protection Regulation (GDPR) by May 2018.	4
Departmental Review – Creative Industries, Computing and Business Enterprise	The review will focus on the structure and workload within the department, compliance with the College's systems and procedures and the overall systems and controls in place to manage the department.	5

2. Operational Plan (cont'd)

Operational Plan – 2017/18

Audit Area	High level indicative summary scope	Total Number Of Days
Payroll	Our review will look at the new payroll system that the College will be implementing to ensure this is operating as expected and that the appropriate controls exist. We will ensure that the payments being calculated by the system are accurate and are based on bona fide hours worked and will also consider all deductions and additions to salaries to ensure that these are correctly calculated and properly authorised. Our review will also assess whether the voluntary severance arrangements have been carried out in compliance with SFC guidelines.	4
IT Systems	A review will be undertaken on the IT Systems of the College to ensure the appropriate controls are in place and working as expected. In particular, the review will focus on the security of the network and the storage of backup information. We will also review the refresh programme in place for renewing IT equipment and consider whether the life cycles are appropriate.	5
Freedom of Information	The review will look at the freedom of information requests that the College receive to ensure that these are being appropriately managed and replied to in line with the appropriate guidelines.	4

2. Operational Plan (cont'd)

Assignment Plans

A detailed assignment plan will be prepared for each audit undertaken, setting out the scope and objectives of the work, allocating resources and establishing target dates for the completion of the work. Each assignment plan will be agreed and signed off by an appropriate sponsor from the College.

Key Dates

Visit	Audit Areas	Key College Personnel	Provisional Date for Visit	Date of Issue of Draft Report	Provisional Date for Reporting to Audit Committee
Visit 1	Follow up Review Budgetary and Financial Controls Income Collection and Credit Control Data Protection Aberdeen Skills & Enterprise Training Ltd	Roddy Scott Roddy Scott Roddy Scott Linda Taylor Sharon Scott	w/c 29 January 2018 and w/c 5 February 2018	23 February 2018	18 April 2018
Visit 2	Environmental Sustainability Virtual Learning Environment Departmental Review – Creative Industries, Computing and Business Enterprise Departmental Review – Business Solutions & Part Time IT Systems	Gillian Forshaw Robin McGregor Susan Betty Duncan Abernethy Scott Matthew	w/c 5 March 2018 and w/c 12 March 2018	30 March 2018	11 July 2018
Visit 3	Payroll Human Resources Management of Contract Managed Services Value for Money – Transport Freedom of Information	Kimra Donnelly Kimra Donnelly Roddy Scott Roddy Scott Neil Cowie	w/c 14 May 2018 & w/c 21 May 2018	8 June 2018	11 July 2018

Appendix A – Summary of Internal Audit Input

1 April 2014 to 31 July 2019

System	Audit Area	Operating Plan (No. Of days)				
		2014/15	2015/16	2016/17	2017/18	2018/19
Financial System	Budgetary & Financial Controls		4		4	
	Income Collection & Credit Control		5		5	
	Purchasing & Procurement	5		5		4
	Payroll	4	4	4	4	4
	Finance System	3				
	Fixed Asset Management	4		4		4
	Non Financial Systems	Management of Contract Managed Services		5		5
	Work Based Learning inc SDS Funding	6				
	Human Resources	4	4		4	
	Estates Management	4		4		4
	Student Records	4				4
	Enrolment, Attendance & Applications		3			4
	Strategic & Business Planning		4			4
	Balance C/F	34	29	17	22	28

Appendix A – Summary of Internal Audit Input

1 April 2014 to 31 July 2019

System	Audit Area	Operating Plan (No. Of days)			2017/18	2018/19
		2014/15	2015/16	2016/17		
	Balance B/F	34	29	17	22	28
IT	IT Systems	5	5	5	5	5
Governance	Corporate Governance	3		3		3
	Risk Management	2		2		2
Other	Freedom of Information		4		4	
	Aberdeen Skills & Enterprise Training Ltd	5	5	5	5	5
	Departmental Reviews	10	10	10	10	10
	Virtual Learning Environment				4	
	Data Protection		4		4	
	Marketing		3			3
	Environment Sustainability				4	
	Value for Money – Library & IT Resource Centre			5		
	Review of Fraserburgh Estates Project			4		
	Value for Money – Transport				3	
	Staff & Room Utilisation			5		5
	Course Viability			4		
Required	Follow Up review	5	4	4	3	3
	Audit Management	6	6	6	6	6
	Total Days	<u>70</u>	<u>70</u>	<u>70</u>	<u>70</u>	<u>70</u>

Appendix B – Grading Structure

For each area of review we assign a grading in accordance with the following classification:

Assurance	Classification
Strong	Controls satisfactory, no major weaknesses found, some minor recommendations identified
Substantial	Controls largely satisfactory although some weaknesses identified, recommendations for improvement made
Weak	Controls unsatisfactory and major systems weaknesses identified that require to be addressed immediately
No	No or very limited controls in place leaving the system open to significant error or abuse, recommendations made require to be implemented immediately

For each recommendation we make we assign a grading either as High, Medium or Low priority depending upon the degree of risk assessed as outlined below:

Grading	Risk	Classification
High	High Risk	Major weakness that we consider needs to be brought to the attention of the Audit Committee and addressed by senior management of the College as a matter of urgency
Medium	Medium Risk	Significant issue or weakness which should be addressed by the College as soon as possible
Low	Low Risk	Minor issue or weakness reported where management may wish to consider our recommendation

Appendix C – Key Performance Indicators

Analysis of Performance Indicators

Performance Indicator	Target
Internal audit days completed in line with agreed timetable and days allocation	100%
Draft scopes provided no later than 10 working days before the internal audit start date and final scopes no later than 5 days before each start date	100%
Draft reports issued within 10 working days of exit meeting	100%
Management provide responses to draft reports within 15 days of receipt of draft reports	100%
Final reports issued within 5 days of receipt of management responses	100%
Recommendations accepted by management	100%
Quarterly progress reports to be provided for discussion at each audit committee meeting	100%
Draft annual internal audit report to be provided by 31 August each year	100%
Attendance at audit committee meetings by a senior member of staff	100%
Suitably experienced staff used on all assignments	100%



REGIONAL BOARD	
Meeting of 23 October 2017	
Title: National Collective Bargaining Update	
Author: Liz McIntyre	Contributor(s):
Type of Agenda Item:	
For Decision	<input type="checkbox"/>
For Discussion	<input type="checkbox"/>
For Information	<input checked="" type="checkbox"/>
Reserved Item of Business	<input type="checkbox"/>
Purpose: To enable the Regional Board to be updated on the progress of National Collective Bargaining and to be informed on how developments impact on North East Scotland College.	
Linked to Strategic Aim:	
3 To achieve maximum impact from the available resources	
Linked to Annual Priority:	
Executive Summary: Appendix 1 to this paper provides an update in relation to National Collective Bargaining as at October 2017. This is a fast moving situation and verbal updates will be provided to the Regional Board at its meeting on 23 October 2017.	
Recommendation: It is recommended that the Board notes the information provided.	
Previous Committee Recommendation/Approval (if applicable): None	
Equality Impact Assessment:	
Positive Impact	<input checked="" type="checkbox"/>
Negative Impact	<input type="checkbox"/>
No Impact	<input type="checkbox"/>
Evidence:	

UPDATE ON NATIONAL COLLECTIVE BARGAINING – OCTOBER 2017

NATIONAL UPDATE

Progress on the May 2017 Deal with Lecturing Staff

The pay elements of this deal have been implemented across the sector with all Colleges paying the 25% staged element of pay harmonisation. Agreement on a significant number of aspects of the deal, relating to terms and conditions, has not yet been reached and further negotiations on this are likely to be difficult. In the meantime, lecturing staff across the sector are working to current conditions.

Support Staff Pay Deal 2017/18

The Support Staff Trade Unions accepted a flat rate uplift of £425 for all staff in scope of the National Recognitions and Procedures Agreement (NRPA) and in addition agreed a unitary and inclusive minimum entitlement to 44 days annual leave for all support staff employees effective from 01 April 2017.

Lecturing Staff Pay Claim 2017/2018

The lecturing staff side claim is for a one year 'cost of living' review which stands separate from on-going negotiations on implementation of the March 2016 and May 2017 Agreements on pay and terms and conditions.

The outstanding claim from the EIS is as follows:

- A consolidated flat-rate pay rise of £1,000 on all salary points effective from 01 April 2017.

Employers' Association Current Negotiating Position as approved at 04 September 2017 (HIGHLY CONFIDENTIAL)

Joint Statement by the Colleges Scotland Employers' Association and the EIS, released 06 October 2017

A meeting of the National Joint Negotiating Committee took place on Thursday 5 October 2017 in Glasgow to discuss the outstanding elements of the May 2017 Agreement. The following joint statement has been issued on behalf of the Colleges Scotland Employers' Association and the EIS.

"Talks continued today between the Colleges Scotland Employers' Association and the EIS to discuss a revised offer in relation to the unresolved sections of the May 2017 Agreement on pay and conditions of service. The ongoing discussions were focused and, although a final agreement was not reached today, we will meet again in early November."

NORTH EAST SCOTLAND COLLEGE UPDATE

The College has moved forward on implementation, in line with NJNC approved implementation notes, on all agreed outcomes of the National Bargaining process. This includes, therefore, payment of the 25% staged element of pay harmonisation, payment of the support staff pay deal and changes to the minimum annual leave entitlement for support staff.

Pay Harmonisation and Job Matching for Existing Promoted Lecturing Posts

The College has agreed with the local EIS branch a process to implement pay harmonisation and job matching for promoted post holders as per the NJNC May Agreement and following the principals detailed below:

- Matching should be done against nationally agreed job profiles/families, at a local level. As set out in Appendix 1 of NJNC Circular 02/17.
- Judgements on matching need to be informed, structured and consistent and carried out by local college management and local EIS representatives.
- Matching is about job content, not personal capability.
- The matching should focus on matching job families within existing college structures. It will not be used to change the duties of existing staff.
- The job matching process needs to be equality proofed and subject to an Equality Impact Assessment carried out through the local JNC.
- Not all colleges will have posts at all three levels.
- The job matching process and first payments should be completed by 31 October 2017.
- Any additional facilities time for the job matching process will be a matter for local agreement.

As part of the process a matching panel was established, chaired by the Vice Principal Curriculum & Quality, with Director HR&OD and EIS Representatives in attendance. The first meeting of the matching panel has met where it was agreed which promoted posts were in scope. The panel also considered NESCOL's current job descriptions for promoted posts against the national job profiles. NESCOL currently has four single salary points for promoted posts and the agreed national scale has three single points.

For most posts within scope the matching appears to be straight forward. The main area of concern is the potential match for Faculty Managers, the Matching panel agree that the post is a match to the top level profile and grade. However, this would mean a reduction in salary of £6,344 for Faculty Managers following a three year conservation period. The Matching Panel agreed that management and the EIS would meet jointly with all the Faculty Managers to consult on the implications of the matching process and possible options. This meeting is being held on the 17 October 2017. One possible option is for the post of Faculty Manager to come out of teacher terms and conditions and transfer to support staff where the salary for the post would be maintained.

Following the meeting on 17 October 2017 all promoted postholders will be notified of their individual matching outcome and right of appeal.

Scottish Government and Scottish Funding Council “Lessons Learned” Exercise

The Scottish Government along with the SFC are in the process of conducting an exercise to determine any lessons to be learned from the operation of the National Collective Bargaining process for Colleges and in particular in relation to the events of May 2017. This exercise began with a series of telephone calls with individuals who had been involved in the process. Both the Principal and the Regional Chair were involved in this process. This was then followed by a lessons learned workshop which was attended by the Regional Chair. Outcomes of the review workshop will be circulated to Colleges when they become available.