**NORTH EAST
SCOTLAND
COLLEGE**

REGIONAL BOARD MEETING

Meeting of 22 March 2023

REGIONAL BOARD

NOTICE
There will be a meeting of the Regional Board of North East Scotland College on Wednesday 22 March 2023 at 1000 hours in the Boardroom of NESCol FRASERBURGH Campus.

AGENDA		
Agenda Item		**Paper**
46-22	Apologies for Absence	
47-22	Declaration of any Potential Conflicts of Interest in relation to any Agenda Items	
48-22	Minutes of Previous Meeting – 14 December 2022	X
49-22	Matters Arising from the Previous Meeting	X
	Reports to the Board	
50-22	Report by the Regional Chair	x
51-22	Report by the Principal	X
52-22	Report by Committee Chairs	X
	Governance Matters for Decision	
53-22	Governance Manual – Annual Review	X
54-22	Co-opted Membership Offer	x
	Governance Matters for Information	
55-22	Board and Committee Membership	x
	For Decision	
56-22	Equalities Mainstreaming Report (including approval of new Equality Outcomes)	x
	Matters for Information	
57-22	PREVENT Annual Report	x
	Reserved Item of Business	
	Matters for Decision	
58-22	ETZ Ltd – NESCol Advanced manufacturing Skills Hub Proposal – late paper	x
	Matter for Information	
59-22	Think the Unthinkable	x
60-22	Indicative Funding Allocation AY2023/24 – **verbal update**	
61-22	Revised Budget including Scenario Options	x
62-22	Strategic Risk Register	x
	Any Other Business	
	Private Reserved Matters for Information	
63-22	Financial Savings/Scenario Planning/VS Update - presentation	

64-22	National bargaining update	x
65-22	**Summation of Actions and date of next meeting** Next meeting of the Regional Board will take place on Wednesday 21 June in **Aberdeen City Campus.**	

	REGIONAL BOARD

DRAFT minute of the meeting of the Regional Board of North East Scotland College held on Wednesday 14 December 2022 at 1000 hours via Microsoft Teams.

Agenda Item	
	Present: David Anderson Carrie Beaton Neil Cowie Susan Elston (Regional Chair) Jim Gifford Nicole Matthews Leona McDermid Andy Rodden (exited meeting for Agenda item 34-22) Drew Russell Gwen Watt David Blackhall Neil McLennan **In attendance:** Jim Kirkwood, Acting Vice Principal, Finance & Risk Scott Matthew, Acting Vice Principal, Resources & Estates Robin McGregor, Vice Principal, Curriculum & Quality Susan Lawrance, Secretary to the Board Karen Fraser, Minute Secretary **Trade Union Observer:** Sue Porter, EIS/FELA **Guest Attendee:** Kimra Donnelly, Director of People Services
	Recording of meeting started at 10:02am
	The newly appointed Regional Chair welcomed all and thanked everyone for their understanding regarding the meeting taking place online due to adverse weather conditions.
24-22	**Apologies for Absence** Apologies were received in advance from S Ross and B Hutcheson.
25-22	**Declaration of any Potential Conflicts of Interest in relation to any Agenda Items** A Rodden declared a potential conflict of interest by virtue of his position with ETZ Ltd and Agenda item 34-22. J Kirkwood and S Matthew declared a potential conflict of interest by virtue of their positions with NESCol regarding Agenda item 43-22.

	Members noted A Rodden will be asked to leave the meeting for agenda item 34-22. J Kirkwood and S Matthew will be asked to leave the meeting for Agenda item 43-22.
26-22	**Minute of Previous Meeting – 12 October 2022** The Minute was approved as a true and accurate record, subject to an adjustment to the year cited in Agenda item 19-22 as this should read April 2024 and September 2024. **Action: Board Secretary to amend.**
27-22	**Matters Arising from the Previous Meeting** Members noted that all matters arising had been addressed.
	Reports to the Board
28-22	**Report by the Regional Chair** Members noted the Report provided. S Elston expressed thanks to Board members with whom introductory meetings had already taken place, and acknowledged their commitment to Board duties. S Elston also advised Members that bi-monthly meetings of the UoA, RGU and NESCol Chairs will be arranged. Members also noted that subject to Scottish Government approval, it is anticipated that 2 new Board members will be appointed in early 2023.
29-22	**Report by the Principal** Members noted the verbal summary of the Report provided by the Principal highlighting key items, including the learner engagement group being set up by SFC which both C Beaton and N Matthew have been asked to join. The Principal also highlighted the recent College success at the CDN Awards, and tabled his congratulations to both D Abernethy and his Team and to J Leishman. The Regional Chair requested congratulations be passed on to the award recipients and acknowledged the commendation received by J Leishman.
30-22	**Report by Committee Chairs** Members noted the Report by the Committee Chairs. D Anderson, as Chair of the Audit and Risk Committee, thanked D Russell for chairing the 30/11/22 meeting and summarised the key points raised, highlighting the recent Audit results and the proposed Strategic Risk Register review. Thanks were expressed by D Anderson to the H&S team for the positive audit and to the Environmental team for the excellent BSI Report. Members noted that specific College financial impacts of the Budget statement may not be known until February 2023. D Russell summarised the key business and the agreed actions from the Joint Audit and Risk and Finance and Resources Committee Meeting held on 30/11/22. As Chair of the Finance and Resources Committee, S Ross drew attention to the planned review of all Terms of References for Board Committees and the Regional Board. On behalf of the Curriculum and Quality Committee, D Russell detailed the key business content.
	Governance Matters
31-22	**Committee Membership Update** S Elston advised Members of the review made recently by the Governance and Nominations Committee. The proposed changes were shared, noting the Regional Chair has been in contact with affected Members, who also noted the likelihood of further review throughout the academic year in light

	of new Board Members joining and the end of other Board Members' tenures.
	Matters for Decision
32-22	**Regional Outcome Agreement AY2022-23** Members were presented with the draft Regional Outcome Agreement for approval and subsequent submission to the SFC. R McGregor outlined the content of this forward-looking document and its' associated timeline. The deadline for tendering was discussed for clarity. Subject to a review of any wording describing the Advanced Manufacturing Skills Hub proposal, members approved the Agreement. **Action: Wording regarding Advanced Manufacturing Skills Hub proposal to be reviewed by R McGregor before submission of final RoA.**
	Trade Union Observer S Porter joined the meeting at 10:40am
33-22	**College Evaluative Report and Enhancement Plan** Members were presented with the draft College EREP for final Board review, following its approval at ET on 01/12/22. R McGregor explained the reflective tone of the Report and the discretional production of the Plan. The higher than national average survey feedback response was commended by D Anderson. A discussion took place on the differences in withdrawal numbers for full time and part time courses, with R McGregor advising that part time is considered to be more "step on/step off" learning. Members agreed the need to also review trend data. Members approved the Report as presented.
	Reserved Items of Business
	Matters for Decision
	In line with Good Governance Board member A Rodden left the meeting at 10:46am whilst members discussed Agenda Item 34-22.
34-22	**ETZ Ltd – NESCol Advanced Manufacturing Skills Hub Proposal**

	Comfort Break 11:43am – 11:48am
	Board member A Rodden rejoined the meeting at 11:48am
34-22 (cont.)	
35-22	**Approval of Financial Statement as at 31/07/22 (including letter of representation)**
36-22	**Annual Report to the Regional Board by the Audit & Risk Committee** T

	Matter for Information	
37-22	**First Impressions Survey Results** Members were directed to the Survey Results for information purposes. The SA were thanked for raising student engagement and profile. S Matthew advised the feedback on College wifi connectivity is being addressed with work due to be completed by summer 2023.	
38-22	**Net Zero and Sustainability Framework for Action update** Members noted the information contained within the update.	
39-22	**Summation of Business Actions and Any Other Business** S Lawrance provided a summary of the actions. No other business was raised.	
	Trade Union Observer S Porter left the meeting at 12:06pm	
	Private Reserved Matters for Information	
40-22	**Financial Savings/Scenario Planning (presentation)**	
	Guest K Donnelly joined the meeting. *N Matthew left the meeting.*	
41-22	**Strategic Risk Register**	
42-22	**National bargaining update**	

	Acting VP's J Kirkwood and S Mathew left the meeting at 12:40pm
43-22	**VP Recruitment Update**
44-22	**Principal's Performance Management Objectives update**
45-22	**Summation of Reserved Items of Business Actions** S Lawrance provided a summary of the actions from the Reserved Items of Business.
	Recording of meeting ended at 12:44pm *Meeting ended at 12:45pm*

Agenda Item	Action from Regional Board Meeting of 14.12.22	Responsibility	Deadline
26-22	Minute of previous meeting to be amended (item 19-22)	Board Secretary	Asap – ahead of circulation
32-22	Regional Outcome Agreement – wording regarding Advanced Manufacturing Skills Hub to be reviewed.	Robin McGregor	Review ahead of submission of RoA to SFC
40-22	Financial Savings:		
41-22	Strategic Risk Register:		
43-22	VP Recruitment:		.

Signed ……………………………..   Dated ………………………….

	REGIONAL BOARD

An update on matters arising from the meeting of the Regional Board of North East Scotland College held on Wednesday 14 December 2022.

Agenda Item	
26-22	**Action:** Minute of previous meeting to be amended.
	Status: Complete
32-22	**Action:** Regional Outcome Agreement – wording regarding Advanced Manufacturing Skills Hub to be reviewed.
	Status: Complete
	Reserved Matters Arising
40-22	**Action: Financial Savings:**
	Status:
41-22	**Action:** .
	Status:
43-22	**Action:** .
	Status:

REGIONAL BOARD
Meeting of 22 March 2023
REPORT BY THE REGIONAL CHAIR
The purpose of this report is to update the Regional Board on activities of the Regional Chair during the period from 15 December 2022 to 22 March 2023.
1	Participated in VP Finance Interviews held in 23 January 2023.
2	Weekly catch up with Principal
3	Catch up with Ken Milroy
4	**Attendance at Meetings – Regional Chair** **January '23** • Induction to Colleges Scotland – meeting Shona Struthers • Meeting Waiyin Hatton – Chair Colleges Scotland • All Chairs Meeting – Colleges Scotland • Colleges Scotland – OECD Session • Colleges Scotland Board Meeting and Induction • RGU Board Induction • ASET Chair Meeting **February '23** • RGU Board Strategy Event • RGU Audit Committee • CPA Board induction • CPA Board Meeting • Meeting A Nicol MSP with Neil Cowie • Introductory ACC leadership meeting • All Chairs Meeting Colleges Scotland • Colleges Scotland – Think the Unthinkable Convention • Joint Chairs RGU, UoA **March '23** • RGU Board • Colleges Scotland – TtU -Apprenticeships Workgroup

REGIONAL BOARD

Meeting of 22 March 2023

REPORT BY THE PRINCIPAL
The purpose of this report is to provide the Regional Board with information relating to the period immediately prior to the Board Meeting; information which may have relevance, significance, priority or challenge for future College activity.

1	**Purpose and Principles – Scottish Government**
	Scottish Government is currently undertaking a review of post-school education. Eventually, it aims to publish a set of purposes and principles which reflect what is needed to ensure clarity on where the collective future focus needs to be for Scotland's post-school education, research and skills ecosystem. Within this work there are key drivers for change. These include: - globalisation; - the need to transition to a fairer, greener world; - the pace of discovery and technological advancement; - the impact of the pandemic including the lessons of rapid response and scientific discovery; - demographic changes and the changing expectations of students and of employers. Scottish Government believes that there needs to be more flexible opportunities for more people to access the right learning at the right time, to attract and retain talent, and to support the country's teaching and research base in their own right as well as in their role as international assets. It also believes that there is a need to ensure that people have the skills they need at critical points throughout their lives and that employers invest in the skilled employees they need to grow their businesses. There is also recognition that much of the ecosystem as currently configured is no longer financially sustainable. Accordingly, the Scottish Government is seeking to 'reimagine and reform' our post-school education, research and skills, working alongside employers, institutions, learners and other partners, through the lens of its priorities. In doing so it intends to: - remove duplication of publicly-funded provision; - develop approaches to skills planning through delivery of and learning from our regional and sectoral pathfinders; - ensure that our governance and funding arrangements are transparent, robust and responsive; - incentivise and reward collaboration to reduce expenditure, reduce failure of demand and improve outcomes.

	To date, College Leadership Team members have, on several occasions, engaged positively and progressively with Scottish Government to discuss and shape the 'purpose and principles' work. At the time of writing, College engagement in such discussions continues at both a regional and national level. Further updates will be provided to Board members as work progresses and as outcomes become known.
2	**Just Transition Fund (JTF)** On Tuesday 24 January 2023, Scottish Government civil servants convened a roundtable discussion with regional stakeholders aimed at evaluating the first round of the Just Transition Fund (JTF) bidding process. The meeting was also used to provide some signposting on how subsequent bidding rounds will be conducted. Attendees were given an opportunity to reflect on the first year of the JTF and to share their views on things that worked well in Year 1. Attendees were also invited to share their views on areas for improvement. Participants felt that in Year 1 the JTF achieved a good spread of projects both geographically and across sectors. Communities were also seen as well represented. At times, greater transparency was needed around the application and appraisal process. Some participants felt communication could have been clearer around what was expected of organisations bidding into the fund. Feedback to unsuccessful bids could have been more thorough and delivered more quickly. Regarding Year 2 of the Fund, some attendees, including the College, raised the lack of resource funding as a concern. For example, the focus on capital funding needed to be balanced with revenue funding to resource new product development and delivery. Some attendees felt the proposed objectives for the forthcoming round could go even further by committing to support young people and promoting a wellbeing economy. Local authority representatives expressed a desire to play an increased role in Year 2, using their connections to link stakeholder groups across the region. Some participants called for more alignment between organisations within individual sectors and between localities. Developing the Young Workforce (DYW) representatives were also keen to forge stronger links between applicants and young people in the region, potentially finding ways to incorporate the Young Person's Guarantee into grant awards. Scottish Government officials agreed to follow up on the above and College Leadership Team members are currently considering what activities they would want to support through the next bidding round.
3	**Scottish Funding Council's (SFC) North East Pathfinder** The College's work continues on the pilot projects noted below: - National Energy Skills Accelerator (NESA): Energy Transition Skills Interactive Pathway (Lead - UoA);

	• Developing demand-led aligned and sustainable learner pathways within the NESCol-RGU Alliance (Lead - NESCol/RGU); • Health and Social Care Partnership Working (Lead - RGU), and, • Senior Phase Review (Lead - NESCol). Recently an inactive workshop was convened to share reflections on the work to date. The session was led by the SFC's Liz Shelvin, the newly appointed Deputy Director of Coherent Learning Provision. An invitation has now been issued by SFC for the College to join the next meeting of the Regional Pathfinders National Advisory Board (NAB) on 28 March. The SFC believes that partners have reached a key milestone in the Pathfinders work and this meeting will provide a good opportunity to update the NAB members on what is being learned from the work carried out to date. Key stakeholders from the two Pathfinder regions will be in attendance and will share learning from the regional skills planning work undertaken thus far. SFC has also intimated that it is particularly keen to focus on the aspirations and early development of the College-led NE pilot project 'Enhancing the Senior Phase'. A link to the recently developed SFC's Pathfinder Pilot Projects online page is provided below: https://www.sfc.ac.uk/skills-economic-transformation/regional-skills-development/pathfinders-regional-pilots.aspx
4	**NESCol Menopause Policy** On International Women's Day (Wednesday 8 March) NESCol launched its first Menopause Policy. The policy, which has been adopted by all 26 colleges in Scotland, was drafted by the National Joint Negotiating Committee which includes representatives from colleges, trade unions and College Employers Scotland. Whilst there have been advancements in recent years surrounding menopause, evidence shows that there is still a lot of work to be done in terms of support and awareness. As a progressive employer, this is a significant step forward for the College in creating and sustaining an open culture where our staff feel comfortable discussing the issues that surround menopause. Further, by raising awareness of this topic we can put in place the appropriate support required for our staff including the creation of the menopause support group which provides opportunities for colleagues to talk openly, share experiences and exchange resources. Menopause champion training has already been undertaken and we have a bank of staff volunteers who have been named as champions. The role of the champion is to provide a sympathetic ear and signpost to the appropriate support services. For those members of staff who don't feel comfortable talking to their line manager about menopause, the champions can act as a bridge to help facilitate those support requirements. Training for all managers is due to be rolled out soon.

5	**Open Days**
	At the time of writing, the College is due to host its spring Open Day which will follow the same format at Altens, City and Fraserburgh campuses with minor adjustments based on staff feedback from the December event.
	The emphasis is on encouraging visitors to activities and displays in learning areas. The events will run from 10am to 2pm at all three campuses. Printed prospectuses have been produced for the event and for wider distribution to schools as well as DYW and SDS representatives. The SMA Open Day was held separately, on 11 March, and attracted around 50 visitors. This represents a significant increase on previous events.
	Open Day promotion has run throughout February and March. In addition to direct marketing through display material provided to schools and through liaison with guidance teachers and the DYW network, the events have been promoted through the College's social media and web channels as well as through external digital, press, outdoor and radio advertising. The launch of the new full-time recruitment campaign, under the 'Your Future Starts Here' tag line, has added extra impetus to the open day promotion.
	A record number of registrations have been recorded, exceeding the previous best of 570 for the December 2022 event. As of 13 March, 834 registrations had been received - 122 for Altens, 114 for Fraserburgh and 598 for City.
	A snapshot of areas of interest expressed by those who have registered highlights particularly strong demand in Health and Social Care as well as strong demand in areas including Business and Administration; Art and Design; ESOL; Hair and Beauty; Sport and Uniformed Services.
	In advance of the Open Day, application numbers are around 100 above 2022 levels (c. 2%) and it is anticipated this will increase further given the interest in the events.
6	**External engagements, selected key meetings and events attended since the previous Regional Board meeting:**
	- Scottish Government Purpose and Principles consultation (24 January) - Just Transition Fund Roundtable discussion (24 January) - Meeting with RGU's Steve Olivier (25 January) - OECD Session (25 January) - DYWNE Board (26 January) - Meeting with Dundee and Angus College's Principal, Simon Hewitt (26 January) - College Employers Scotland Extraordinary Meeting (30 January) - DYW discussion with Margo Milne (3 February) - CPG Meeting (7 February) - Fraser of Allander Institute Meeting (8 February) - Meeting with Cllr Nurul Hoque Ali (9 February) - Regional Board Recruitment Interviews (10 February) - MATMG Meeting (14 February) - Meeting with Audrey Nicoll MSP (14 February) - Lego League Competition – Fraserburgh Campus (16 February) - TQFE Change and Innovation Session (23 February)

| | | • SFC Pathfinder Regional Delivery Board Meeting (23 February)
• CS Think the Unthinkable (24 February)
• Meet the Principal Session (2 March)
• DFM John Swinney Meeting (8 March)
• Modern Apprenticeship Awards (8 March)
• DYW Apprenticeship Event (8 March)
• AGCC Business Breakfast (9 March)
• DYWNE Board Meeting (10 March 2023)
• Scottish Maritime Academy Open Day (11 March)
• Scottish Government Business Breakfast (14 March)
• Meeting with CEO ACC (15March)
• MATMG meeting (15 March)
• CS Think the Unthinkable – City of Glasgow College (17 March)
• College Open Day (18 March) |

REGIONAL BOARD

Meeting of 22 March 2023

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.

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	The following meetings have been held since the last meeting of the Regional Board:

Committee	Meeting Date
Curriculum & Quality	22 February 2023
Finance & Resource	22 February 2023
Governance & Nominations	22 February 2023

Copies of the draft minutes from the above meetings are available in the Meeting Channel of the Regional Board Team space.

2	**Curriculum and Quality Committee – 22 February 2023**

Summary of key business:
- Credits Forecast AY2022/23
- Key Happenings presentation
  - Application update
  - Curriculum planning update
  - SFC Pathfinder update
  - National educational reforms
  - Next steps
  - Quality Enhancement Activities update
- Students' Association Budget Proposal & Activity Report
- Student Support – Activity Report
- Committee Evaluation/Feedback

Agreed Actions:
- Meetings to be arranged for New Committee Members to meet Committee Chair.
- SFC Pathfinder update to be provided by R McGregor for next Meeting.

3	**Finance and Resource Committee – 22 February 2023**

Summary of Key Business:
- Course Fees policy
- Management Accounts (Jan 2023)
- Budget Review & Assumptions
- Environmental and Sustainability Annual Report
- Committee Evaluation/Feedback

Agreed Actions:
- Set of financial scenarios to be produced for next Board meeting

6	**Governance and Nominations Committee – 22 February 2023**
	Summation of key business: • Board Recruitment • Committee membership • Strategy Event • Board engagement • Fellows Agreed actions: • Meeting to be set up with K Milroy/S Elston (The Role of a Fellow) • Board Secretary to liaise with M&C re. targeted Board Recruitment • Board Engagement plan to be shared with Board Members

REGIONAL BOARD
Meeting of 22 March 2023

Title: Governance Manual – Annual Review

Author: Susan Lawrance, Secretary to the Board	**Contributor(s):** Governance and Nominations Committee

Type of Agenda Item:

For Decision ☒

For Discussion ☐

For Information ☐

Reserved Item of Business ☐

Purpose: To enable the Regional Board to consider, and if so minded approve, an updated version of its Governance Manual, which includes (as highlighted in Appendix 1):

- A proposed change as recommended by the Governance and Nominations Committee, to allow co-opted Members to serve on Committee for a maximum term of 24 months (instead of the 12 months currently allowed).

- Members are also asked to note that the current Equality and Diversity Champion, Susan Elston, would like to continue in the Role (which falls out with the four year suggested period of appointment in point 3.25, but is permissible if a differing period of appointment is "otherwise determined by the Board from time to time".

Linked to Strategic Theme:

4. Delivering Excellence and Innovation

Linked to Strategic Risk(s):

n/a

Executive Summary:
In line with Good Governance the Regional Board are asked to annual review the Governance Manual. Attached as Appendix 1 is the updated Governance Manual with the minor amendment to the length of term for a co-opted Committee member highlighted.

Recommendation: It is recommended that the Board consider, and if so minded, approve the updated Manual.

Previous Committee Recommendation/Approval (if applicable)**:**

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 and Diversity Champion.

REGIONAL BOARD

GOVERNANCE MANUAL

Version Date: March 2023
Approved by Regional Board

CONTENTS

APPENDICES

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 and the Model Code of Conduct for Members of Devolved Public Bodies (standardscommissionscotland.org.uk)

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 L.

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, in the first instance, refer the matter to the Senior Independent Member who will consult the Secretary to the Board as appropriate.

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 Scottish Ministers.

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 (Appendix B) is appointed by Scottish Ministers.

3.17   The Chair holds and vacates office on such terms and conditions as the Scottish Ministers may determine.

Appointment of Vice Chairs

3.18   The Board shall appoint, as Vice Chair, two 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.

3.19   The period of appointment of the offices of Vice Chair shall be determined by the Board in line with succession planning considerations and arrangements.

3.20   Holders of the office of 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.

3.21   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.

3.22   When either Vice Chair ceases to be a member of the Board, he or she shall cease to be a Vice Chair.

3.23   The Board may appoint one of the Vice Chairs as the Senior Independent Member (Appendix C) 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

3.24   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 D).

3.25   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

3.26   The Board shall consist of no fewer than 15 nor more than 18 members (Appendix E). 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.

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

3.28   Upon appointment/reappointment, all Board members are required to sign a set of terms and conditions. Board members will also be required to complete an induction process within the first year following appointment, as detailed in the Induction Policy for Board Members.

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

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

3.31   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.

3.32   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.

3.33   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.

3.34   The Board will maintain a Succession Planning Policy for Board Members 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 and will consider the diversity of its membership.

3.35   The Board may give consideration to the co-option of a Non-executive Member to Committee(s) following the conclusion of their term of office as a Non-executive Member. The co-option of these individuals would be sought to retain key knowledge and expertise to support the work of the Committee(s). The co-option would be for up to a maximum of ~~12~~ 24 months, following support of the co-option by the Selection and Appointments Committee and approval by the Regional Board.

Terms and Tenure of Office

3.36   A member of the Board (other than the Principal or Students' Association nomination) shall hold office for a period of four years.

3.37   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.

3.38   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.

3.39   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.

3.40   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;
- the terms of the Regional Board Code of Conduct;
- the Code of Good Governance for Scotland's Colleges; and
- the Model Code of Conduct for Members of Boards of Devolved Public Bodies (2021).

Meetings

3.41   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.

3.42   The Secretary to the Board shall produce an annual programme of meetings which shall be presented to the Board for approval.

3.43   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.

3.44 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.

3.45 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.

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

3.47 If the Chair and both Vice Chairs 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.

3.48 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.

3.49 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 a Vice Chair, be considered by the Board.

3.50 An 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.

3.51 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.

3.52 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

3.53   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 and the Standards Commission for Scotland Model Code of Conduct for Members of Boards of Devolved Public Bodies (2021)), the Board's Scheme of Delegation and these Standing Orders, and in order to ensure a record is kept of proceedings.

3.54   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.

3.55   The Board may decide to meet privately without the Principal or any Executive 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

3.56   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.

3.57   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.

3.58   Board and Committee papers may be submitted by the Chair, Vice Chairs, Principal, a member of the Executive Team or the Secretary to the Board. Others may also submit papers following agreement with the Chair.

3.59   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

3.60   After each Board or Committee meeting, the draft minutes shall, normally within ten 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 made available on the Regional Board Microsoft Teams area, 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.

3.61   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.

3.62   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

3.63   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.

3.64   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.

3.65   If the Chair of the Board or Committee is not present at any meeting, a Vice Chair 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.

3.66   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.

3.67   Only matters identified on the agenda as requiring a decision shall, if consensus is not possible, be decided by vote.

3.68   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 to the Board shall email all Board members outlining the decision required, together with relevant briefing information.
- 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.

3.69   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.

3.70   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.

3.71   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.

3.72   In the case of an equality of votes at any meeting of the Board, or Committee, the Chair/Committee Chair or, in his/her absence, the Vice Chair/Committee Vice Chair shall have a second or casting vote.

3.73   In the absence of the Principal, the Chair will nominate a member of the College Executive 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.

3.74   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.

3.75   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

3.76   Meetings shall be minuted by the Secretary to the Board and/or nominated deputy.

3.77   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.

3.78 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.

3.79 There may be excluded from any item required to be made available under paragraph 3.78 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

3.80 The Board shall appoint such Committees, as it considers necessary.

3.81 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
- Governance and Nominations Committee
- Chairs Committee.

3.82   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.

3.83   Committees may include persons who are not Board members but such persons will not be entitled to vote at meetings of the Committee.

3.84   The Standing Orders of the Board shall also be the Standing Orders of its Committees.

3.85   Committees shall determine or advise the Board on any matters which the Board remits to them.

3.86   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 Executive Team.

3.87   Terms of Reference for the Committees can be found in Section 6 of this Manual, and detail:
- Membership
- Quorum
- Remit
- Frequency of Meetings.

3.88   Each Committee shall review its remit annually and shall submit any proposed changes to the Board for approval.

Board Members' Interests

3.89   Board members may not take or hold any interest in any property held or used for the purpose of the College.

3.90   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.

3.91   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.

3.92   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.

3.93   Guidance to Board members is provided in the Code of Conduct and Register of Interests sections of this manual.

Confidentiality of Information

3.94   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.

3.95   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.

3.96   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

3.97   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.

3.98   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   If a matter arises which, in the judgement of the Regional Chair, requires urgent attention or decision, the Regional Board has authorised the delegation of its authority to the Chairs Committee. This delegation is subject to all Board Members being advised of the convening of the Chairs Committee prior to the holding of the meeting, and minutes of its meetings being made available to all Board Members.

4.9   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.

4.10   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

4.11   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 by the Chair.

- 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

4.12 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.

4.13 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 delegated to a Committee or is 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

4.14   In the absence of the Principal, the Executive 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.

4.15   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

4.16   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

4.17   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 following evaluation activities for the Board and its Committees are designed to be both reflective and forward looking.

5.2   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.

5.3   Each Board Committee will undertake and annual self-evaluation reflecting upon performance against remit and the provision of Executive support which will fed into the Board's annual self-evaluation.

5.4   The Board will evaluate, on an annual basis, the effectiveness of the Chair. This process will be led by the Senior Independent Member 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.

5.5   In line with the Code of Good Governance for Scotland's College, the Chair will also be evaluated by the Scottish Government.

5.6   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.

5.7   The Governance and Nominations Committee, 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.

5.8   An annual Chairs Meeting will be held at the end of each academic year which will provide key evidence for the Board and Committee self-evaluations and related action plans for areas of development.

5.9   The Board's evaluation processes will take into account the "Guidance Notes for Boards in the College Sector: A Board Development Framework" and the Standards Commission for Scotland Model Code of Conduct (2021) and sector good practice the Board becomes aware of.

5.10   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. Refer to the Model Code of Conduct for Members of Devolved Public Bodies (standardscommissionsscotland.org.uk)

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 Regional Board, 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 and respect the principle of collective decision-making and corporate responsibility, meaning that once the Board has made a decision you will support that decision, even if you do not agree with it or vote for it.

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

Respect and Courtesy

You will treat everyone with courtesy and respect, including in person, in writing, at meetings and when online and using social media.

You will not discriminate unlawfully on the basis of race, age, sex, sexual orientation, gender reassignment, disability, religion or belief, marital status or pregnancy/maternity and will advance equality of opportunity and seek to foster good relationships between different people.

You will not engage in any conduct that could amount to bullying or harassment (which includes sexual harassment). You will accept that such conduct is completely unacceptable and will be considered to be a breach of the Code.

You accept that disrespect, bullying and harassment can be regarded as a one-off incident, part of a cumulative course of conduct or a pattern of behaviour.

You understand that how, and in what context, you exhibit certain behaviours can be as important as what you communicate, given that disrespect, bullying and harassment can be physical, verbal and non-verbal.

You accept that it is your responsibility to understand what constitutes bullying and harassment and will utilise resources, to ensure that your knowledge and understanding is up to ensure.

Except where written into your role as Board Member, and/or at the invitation of the Chief Executive, you will not become involved in the operational management of the public body, and acknowledge and understand that operational management is the responsibility of the Chief Executive and Executive Team.

You will not undermine any individual employee or group of employees, or raise concerns about their performance, conduct or capability in public. You will raise any concerns on such matters in private with any member of the Executive Team and/or the Regional Chair as appropriate.

You will not take, or seek to take, unfair advantage of your position in dealings with employees of the public body, or bring any undue influence to bear on employees to take a certain action. You will not ask or direct employees to do something which you know, or should reasonably know, could compromise them or prevent them from undertaking their duties properly and appropriately.

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.
    (d)   hospitality which has been approved in advance by 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 and must promptly advise the public body so that it can monitor this.

If you consider that declining an offer of a gift would cause offence you should accept it and hand it over to the public body at the earliest possible opportunity for it to be registered.

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, without the express consent of a person or body authorised to give such consent, or unless required to do so by law. If you cannot obtain such express consent you will assume it is not given and will not disclosure confidential information or information which should reasonably be regarded as being of a confidential or private nature, 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.

You note that these confidentiality requirements do not apply to protected whistleblowing disclosures as identified in statute.

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.

You will not use, or in any way enable others to use, the public body resources imprudently (without thinking about the implications or consequences); unlawfully; for any political activities or matters relating to these; or improperly.

Preferential Treatment

You will not use, or attempt to use, your position or influence as a Board Member to improperly confer on or secure for yourself, or others, an advantage; avoid a disadvantage for yourself or create a disadvantage for others; or improperly seek preferential treatment or access for yourself or others.

You will avoid any action which could lead members of the public to believe that preferential treatment or access is being sought.

You will advise employees of any connection you may have to a matter when seeking information or advice or responding to a request for information or advice from them.

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	**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
1.2	**Quorum**	No less than one half of the members entitled to vote.
1.3	**Remit**	

The Regional Board shall observe constitutional arrangements as set out in legislation and the Standing Orders in all its business.

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.

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.

The Regional Board shall:

- 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;
- Ensure there is a common approach to the management of risk throughout the College through the development, implementation and embedding within the organisation of a formal, structured risk management process;
- 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; and
- 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, 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 Strategic Risk Register
- acquisition and disposal of heritable property, subject to approval of the SFC
- ensuring a formal and open procedure is in place for recruiting and selecting new non-executive Board Members, having regard to all relevant Ministerial Guidance on board appointments
- ensuring appropriate arrangements are in place for the appointment of Staff and Student Members
- appointment of the Senior Independent Member
- appointment and removal of the Principal and Chief Executive
- appointment and removal of the Secretary to the Board
- 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
- approval of the awarding of contracts over a value of £250,000
- approval of the College's capital programme.

1.4	**Meetings/Reporting**
	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.

COMMITTEE TERMS OF REFERENCE

AUDIT AND RISK COMMITTEE		
1.1	**Membership**	A minimum of 5 Members, one of whom shall be appointed Committee Chair. 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.
1.2	**Quorum**	No less than one half of the members entitled to vote.
1.3	**Remit**	

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.

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.

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.

Specific Duties
The following provides a summary of the main duties of the Audit and Risk Committee:

Internal Control
- 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.

Internal Audit
- 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; and
- Responding appropriately to notification of fraud or other improprieties received from the Head of IAS or other persons.

External Audit
- In conjunction with the Finance & Resources Committee, considering and approving the College's annual financial statements and the external auditor's report prior to submission to the Regional Board. (This should include consideration of 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; and
- 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; and
- 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.

Risk Management
- Reviewing the Risk Management Policy, ahead of its consideration by the Regional Board; and
- 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 Executive Team.

	Governance • Reviewing the College's governance arrangements in line with the Code of Good Governance for Scotland's Colleges. **Advice to the Board** • 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; and • Reviewing reported cases of impropriety to establish whether they have been appropriately handled.
1.4	**Meetings / Reporting** The Audit and Risk Committee will normally meet at least three times per year. The Chair of the Finance and Resources Committee may attend meetings of the Audit and Risk Committee in an observer's role. 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 Regional Chair may elect to attend this meeting. 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. 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.
1.5	**Senior Management Support** The following member of the Executive Team provides objective, specialist advice to support the Committee to discharge its remit: • Vice Principal – Finance & Resources

	CURRICULUM AND QUALITY COMMITTEE	
1.1	**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
1.2	**Quorum**	No less than one half of the members entitled to vote.
1.3	**Remit**	

1.3 Remit

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.

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:

- Provide critical strategic direction and support for the College's improvement agenda;
- Maintain oversight of the College's approach to curriculum planning, review and development;
- Ensure that the College undertakes effective external engagement with key stakeholders to support evidence based approaches to curriculum and quality related developments;
- Monitor key College student activity, student outcome and quality related performance indicators, including the consideration of national benchmarking data where available;
- 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's Enhancement Plan;
- 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 impact on the quality of learners' experience;
- Ensure that learners are effectively supported to achieve the best possible outcomes;
- 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;
- Review, approve and monitor the implementation of the College's Business Development, Learning & Teaching, and Marketing & Communication Strategies;
- Receive, as appropriate, reports from the Curriculum, Quality & Student Support Committee, Student Engagement Action Group, and Equalities Committee; and
- Ensure that, on behalf of the Regional Board, the College is addressing relevant national and regional economic, education, and skills related strategies, policies and priorities, including those local to College Campuses.

1.4	**Meetings**
	The Curriculum & Quality Committee will normally meet at least three times per year.
1.5	**Management Support**
	The following members of the Executive and Leadership Teams provide objective, specialist advice to support the Committee to discharge its remit: • Vice Principal – Curriculum & Quality • Associate Vice Principals • Director of Business Development • Director of Quality

	FINANCE AND RESOURCES COMMITTEE	
1.1	**Membership**	A minimum of 6 Members, one of whom shall be appointed as Committee Chair Principal One Staff and one Student Member The Chair of the Finance and Resources Committee is precluded from serving on the Audit and Risk Committee.
1.2	**Quorum**	No less than one half of the members entitled to vote.
1.3	**Remit**	

(continued in cell 1.3 Remit)

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.

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:

- 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;
- In conjunction with the Audit & Risk Committee, consider and approve the College's annual financial statements and the external auditor's report prior to submission to the Regional Board;
- 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 Strategy;
- Maintain a continuous review of the College's Financial Regulations, through the Vice Principal – Finance and Resources, and advise the Regional Board of any additions or changes necessary;
- 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 individual bad debts in excess of £3,000;
- Oversee cash management and the Scottish Government Banking Service;
- Agree and monitor the College's insurance arrangements;
- Approve the award of contracts with a value of £100,000 to £249,999;
- Consider and monitor the College's Estates Strategy (including capital proposals and major capital works) making recommendations to the Regional Board as appropriate;

	• Ensure 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; and • Approve any new aspect of business, or proposed establishment of a company or joint venture, which requires an investment in buildings, resources or staff time of more than £100,000.
1.4	**Meetings** The Finance and Resources Committee will normally meet at least three times per year.
1.5	**Senior Management Support** The following member of the Executive Team provides objective, specialist advice to support the Committee to discharge its remit: • Vice Principal – Finance & Resources

HUMAN RESOURCES COMMITTEE		
1.1	**Membership**	A minimum of 5 Members, one of whom shall be appointed Committee Chair Principal One Staff and one Student Board Member
1.2	**Quorum**	No less than one half of the members entitled to vote.
1.3	**Remit**	

1.3 Remit

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.

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:

- Monitor the implementation of the College's People Strategy;
- Monitor key performance indicators with regard to People Services objectives and College staff through the consideration of key management information reports;
- 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 health and wellbeing of its staff;
- Maintain oversight of Learning & Development, including health and wellbeing and Learning Technologies, 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 People Services 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; and
- Receive regular updates on Local Joint Negotiating Committee meetings.

1.4 Meetings

The Human Resources Committee will normally meet twice per year.

1.5 Management Support

The following member of the Leadership Team provides objective, specialist advice to support the Committee to discharge its remit:
- Director of People Services

CHAIRS COMMITTEE		
1.1	**Membership**	Chair of Regional Board Vice Chairs of Regional Board Chair of the Finance and Resources Committee Chair of the Curriculum and Quality Committee Chair of the Human Resources Committee Principal & Chief Executive
	Advisors	The Group may consult with advisors as deemed necessary by the Chair. This may include the Chair of Audit & Risk Committee and Members of the College's Executive and Leadership Teams
1.2	**Quorum**	3 members
1.3	**Substitutes**	If a Chair is unable to attend a meeting, the Vice Chair of the respective Committee may attend in their place.
1.4	**Remit** The Chairs Committee shall: • provide support and guidance to the College's Executive Team and advice to the Regional Board; and • act on behalf of the Regional Board in any matter which, in the judgement of the Regional Chair, requires urgent attention or decision.	
1.5	**Meetings** The Chairs Committee will meet as required.	

REMUNERATION COMMITTEE			
1.1	**Membership**		Chair of Regional Board
			Vice Chairs of Regional Board
			Chair of the Curriculum and Quality Committee
			Chair of the Finance and Resources Committee
			Chair of the Human Resources Committee, who shall be appointed as Committee Chair
			Staff Representative
			Student Representative
1.2	**Quorum**		4 members
1.3	**Remit**		

The Remuneration Committee shall:

- Advise the Board and make recommendations on matters relating to the pay, conditions of service and structure of the College's Executive 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; and
- 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	**Meetings**

The Remuneration Committee will meet as required.

GOVERNANCE AND NOMINATIONS COMMITTEE		
1.1	**Membership**	Chair of Regional Board, who shall serve as Committee Chair Vice Chair(s) of Regional Board Chair of the Finance and Resources Committee Chair of the Curriculum and Quality Committee Chair of the Human Resources Committee Equality and Diversity Champion Senior Independent Member
1.2	**Quorum**	3 members
1.3	**Remit**	

The Governance and Nominations Committee will support the Regional Board in maintaining high standards of governance. The Committee shall

- Consider and recommend amendments to the Regional Board's Governance Manual;
- Ensure that the Regional Board complies with the Code of Good Governance for Scotland's Colleges;
- Consider implications of legislative charges and advise the Regional Board accordingly;
- 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;
- Consider the Board's succession planning arrangements;
- Support the process by which Regional Board Members are recruited, selected, and recommended for appointment;
- Support the process by which individuals, including Non-executive Members at the end of their term of office, are co-opted to Board Committees;
- Advise the Regional Board on matters relating to the appointment of the Chairs, Vice Chairs and membership of the Board's Committees; and
- Where the Regional Board so determines, provide assistance in identifying, selecting and recommending candidates for appointment to senior staff positions in the College, and to senior positions in College subsidiaries or any other body to which the College is entitled to make appointments.

1.4	**Meetings**

The Governance and Nominations Committee will meet a minimum of four times during each academic year, with meetings scheduled to be held ahead of each meeting of the Regional Board.

8. COLLEGE COMPANIES

Aberdeen Skills and Enterprise Training (ASET)

8.1   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.

8.2   As the Company's sole shareholder, the College's Regional Board is invited to attend and vote at any general meeting of the Company. The Regional Board may wish to nominate a representative to attend this meeting on behalf of all Members.

Clinterty Estates Limited (CEL)

8.3   As the Company's sole shareholder, the College's Regional Board is invited to attend and vote at any general meeting of the Company. The Regional Board may wish to nominate a representative to attend this meeting on behalf of all Members.

APPENDIX A

<u>SANCTIONS AVAILABLE TO THE STANDARDS COMMISSION FOR BREACH OF THE CODE</u>

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 Regional Board;

- all meetings of one or more committees or sub-committees of the Regional Board; or

- all meetings of any other public body on which that member is a representative or nominee of the Regional Board.

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 Regional Board 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 Regional Board be reduced, or not paid.

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

- Where the member of the Regional Board 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

REGIONAL CHAIR ROLE DESCRIPTION

As defined in the Terms and Conditions of the Appointment of the Regional Chair issued by Scottish Ministers

Functions
The main functions (including powers and duties) of the Body are those set out in the Further and Higher Education (Scotland) Act 1992 (as amended) (the "1992 Act") and the Further and Higher Education (Scotland) Act 2005 (as amended) (the "2005 Act). Significant amendments were made to the 1992 Act by the Post-16 Education (Scotland) Act 2013 (the "2013 Act").

You will provide active and effective leadership, direction, support and guidance to ensure that the Body delivers, and is committed to delivering, its functions effectively and efficiently and in accordance with the aims, policies and priorities of the Scottish Ministers.

You will provide a strong 'challenge function', carefully scrutinising planned and underlying assumptions before decisions are taken. In exercising this function, you will, where necessary, challenge other members and senior officials of the Body.

Specific functions may vary but, unless otherwise agreed, you will:
- prepare for, and attend, meetings of the Body and its committees;
- attend other meetings and seminars on behalf of the Body (as required);
- assist in the development, approval and monitoring of the Body's corporate plans which demonstrate how the Body contributes to National Outcomes;
- approve, where appropriate, a statement of accounts for each financial year on the basis determined by the Scottish Ministers;
- monitor the financial position of the Body against budget allocations and key financial targets and ensure corrective action is taken where required;
- establish good partnership working with other organisations and participate in reference groups, discussion forums and open meetings (as required);
- provide effective leadership to the Body, including chairing meetings and fostering sound decision-making and full participation by other members of the Body in the exercise of their functions and in the work of the Body;
- be the principal spokesperson and public face of the Body, representing it at meetings with other bodies, the Scottish Ministers and other Members of the Scottish Parliament, and at conferences and in the media;
- appraise the performance of other members of the Body (including the member holding the office of deputy chair) against the individual objectives applying to those offices and also the extent to which these office-holders contribute to ensuring that the Body as a whole delivers its functions effectively and efficiently, and in accordance with Ministerial aims, policies and priorities;
- arrange an annual appraisal interview to discuss and review the performance of members of the Body and prepare a short annual written appraisal of each; and refer reports of unsatisfactory performance to the Scottish Government's sponsor directorate for the Body, and refer other reports on its request;
- appoint the Principal and undertake the annual appraisal of the Principal and Board Secretary;
- attend the Colleges Scotland Board meetings as required; and
- carry out other tasks that may reasonably be required.

APPENDIX C

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 D

<u>EQUALITY AND DIVERSITY CHAMPION ROLE DESCRIPTION</u>

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 Equalities Committee, as appropriate, to ensure that there is effective communication between the Group and the Regional Board

- 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 Policy

- 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 E

<u>**COMMITTEE CHAIR ROLE DESCRIPTION**</u>

The role of a Committee Chair is to:

- Provide strong leadership to ensure that the Committee's work effectively supports the College's strategic ambitions

- Encourage equality of participation from all Committee Members at meetings, ensuring there is sufficient time to debate key issues

- Ensure that all issues are properly discussed and that the Committee's decision making process is conducted in an informed and rigorous manner

- Ensure that the Committee challenges the Executive/Leadership Team constructively when required

- Ensure the Committee's decisions and actions are clear and agreed at the conclusion of each meeting

- Ensure Committee Members accept collective responsibility for the Committee's decisions

- Update the Regional Board at its meetings on the decisions and work of the Committee

- Contribute to the work of the Chairs Committee as delegated and required by the Regional Board

- Approve Committee meeting Agendas and draft Minutes of meetings

- Support the induction process for new Committee Members.

APPENDIX F

REGIONAL BOARD MEMBER ROLE DESCRIPTION

As defined in the College Development Network's Guidance for Board Members in the College Sector

Duties of the Board
- Provide leadership, direction, and support to the organisation, setting its strategy and priorities.
- Promote commitment to the values and ethos of the organisation including equality and diversity.
- Ensure satisfactory delivery of the organisation's performance and financial objectives, high quality learning and outcomes, and a good learning experience.
- Be accountable to and maintain the trust of key stakeholders.
- Comply with relevant legal and financial requirements including the Scottish Public Finance Manual.
- Ensure identification and control of the main risks to delivery of the organisation's responsibilities and business objectives.
- Ensure staff have the appropriate skills, knowledge, culture and working environment.
- Adhere to the sector's Code of Good Governance and the College's relevant Financial Memorandum.

Role of a Board Member
- Contribute to Board discussions in a constructive and supportive manner, explaining their thinking and listening to others.
- Scrutinise the College's performance and, when necessary, provide challenge to senior staff and fellow Board members.
- Give the required amount of time to the role, attending meetings unless previously agreed with the Chair and be properly prepared for meetings.
- Accept and share corporate collective responsibility once the Board has made a decision on anything.
- Devote time to understanding the College and its operational environment.
- Take part in an annual Board member appraisal process overseen by the Chair, taking up opportunities for training to acquire and keep up to date their skills and knowledge.
- Represent the Board at College, regional or national events as required.
- Build relationships of trust and mutual respect with other Board members and senior staff.
- Abide by any confidentiality requirements subject to Freedom of Information laws.
- Uphold and promote the required standards of behaviour and values.

APPENDIX G

PRINCIPAL AND CHIEF EXECUTIVE ROLE DESCRIPTION

Specifically in relation to the Regional Board:

- Support the Regional Board and its Committees in delivering the College's strategic ambitions

- Be the lead advisor to the Regional Board, promoting the highest standards of governance in the College's affairs

- Ensure the Regional Chair is appraised of key developments regarding the College and its operating environment

- Work with the Regional Chair and Secretary to the Board to ensure sound governance of the College and its activities

- Contribute to the provision of supporting information at meetings in aid of Regional Board and Committee decision making processes and to ensure Members have a comprehensive understanding of the College's activities and operating environment

- Ensure the Executive and Leadership Teams provide the required level and detail of support and guidance to the Regional Board and its Committees

- Communicate key decisions of the Regional Board and its Committees, with support from the Secretary to the Board, to the Executive and Leadership Teams

- Ensure the Executive and Leadership Teams are provided with clear direction and instruction from the Regional Board and its Committees when required

- Present a 'Report by a Principal' at each meeting of the Regional Board on current issues and key priorities and challenges

- Update Board Members on progression of the Principal's Performance Management Objectives as they relate to the improvement activities of the College.

APPENDIX H

<u>**SECRETARY TO THE BOARD ROLE DESCRIPTION**</u>

As defined in the Model Role Description for Board Secretary/Clerk to the Board/Governance Officer/College Secretary

Job Purpose
The Board Secretary has an important governance role in advising the Board and individual Board members and supporting good governance. The Board Secretary should advise the Board and Executive Team on governance, the role of the Board and Board matters.

The Board Secretary must directly support the Chair and the Board in ensuring that the Board receives appropriate, timely and high quality information in a form that allows it to monitor and scrutinise the College's activities and to challenge performance when required. The Board Secretary must support the Chair, the Board and the Executive Team in ensuring compliance with all relevant legislation and governance requirements.

The Board Secretary is accountable to the Board through the Chair on all matters relating to his or her duties. The Board Secretary will give sound, well-researched, independent and impartial advice and guidance to the Board and will support Board Members in evaluating their effectiveness.

The Board Secretary may be a member of the senior management team in their board secretary capacity, but they cannot hold any other senior management team position at the same time. This is to ensure independent advice is given and to avoid potential conflicts of interest arising. However, this does not imply that the Board Secretary is independent of the college, they play a vital role, and should avoid becoming remote from the working of the college. The Board Secretary should establish an effective working relationship with senior management and other relevant staff in their College.

Key Responsibilities

Advisory
Provide advice to the Board and its Committees to facilitate good governance in relation to:
      (a) the proper exercise of their powers, including in relation to relevant legislation
      (b) compliance with the Financial Memorandum, its Good Governance Code, Standing Orders and Scheme of Delegation
      (c) their behaviour and conduct in relation to the Board's Code of Conduct.

Provide clear advice to the Chair and the Board or Committee on any concerns the Board may have that relates to Board members having not been given:
      (a) sufficient information
      (b) information in an appropriate form
      (c) sufficient time to monitor, scrutinise or make informed and rigorous decisions in an open and transparent way.

Take appropriate action if Board, Committee or any Board members appear to be at risk of acting outside their powers, in conflict with the College's interests, or undertaking or proposing actions that may be unlawful.

Keep abreast of sector developments and relevant government policy and bring to the attention of the Chair and the Board matters likely to affect the arrangements in place for the College in relation to governance.

Act in an independent and impartial capacity to secure professional advice or undertake research on behalf of the Board and brief the Chair and Board Members on relevant issues.

Ensure that all documentation relating to corporate governance, including the Board's Standing Orders, Scheme of Delegation, Code of Conduct, Committee remits and Registers of Interest, are regularly reviewed and kept up-to-date and are approved by the Board prior to publication.

Draft briefing papers for the Board and correspondence on behalf of the Chair.

Report any unresolved concerns about the governance of the body to the relevant funding body (i.e. the Scottish Funding Council or the Regional Strategic Body).

Board Appointments
Manage the process of Board appointments, ensuring that the Board fully takes account of the College Sector Board Appointments: 2014 Ministerial Guidance and ensuring that all Board members are kept up-to-date on progress.

Act as Returning Officer for the election of staff members to the Board, ensuring that the procedures used are in accordance with legislation and staff have been consulted on these procedures as appropriate.

Check the eligibility of current and prospective Board members in accordance with legislation.

Prepare and issue terms of appointment for all Board members.

Support the Board in the recruitment of a new Principal and, where relevant, members of the Senior Management Team.

Induction, Training and Development
Promote the availability of the National Induction Programme to new Board members as soon as dates are available and encourage, support and monitor participation, normally to be completed by Members within 9 months of appointment.

Lead on the development of a College specific induction programme for new Board members, tailored to individual needs.

Support the Chair in providing an ongoing training programme of activities for existing Board members, to reflect individual training needs, sector changes and current College or national issues.

Assist the Chair (and Vice Chair where appropriate) in making arrangements for annual development meetings with individual Board members.

Participate in relevant CPD and networking events to ensure up-to-date knowledge on governance and sector-wide issues.

Conduct of Board Meetings
Ensure that agendas, papers and minutes are drafted and issued in accordance with the Standing Orders.

Attend or have oversight of all Board and Committee meetings, ensuring that adequate arrangements are in place to record attendance, take minutes and give procedural advice where required.

After each meeting, ensure dissemination of Board decisions to those required to implement them and ensure the Board is briefed on progress at subsequent meetings.

Support the Board in undertaking its annual review of effectiveness.

Prepare an annual schedule of Board and Committee meetings (including Strategy and Development Days where appropriate) and circulate this in a timely manner to Board Members.

Make appropriate arrangements for relevant information relating to the Board to be published on the College website.

Facilitate suitable arrangements for the approval and retention of minutes, in accordance with the Standing Orders.

Standards Officer
Act as Standards Officer in accordance with the Advice on the Role of a Standards Officer (issued by the Standards Commission for Scotland).

General
Check claims for expenses submitted by Board members are in made accordance with College procedures and ensure payment is made.

Undertake any other duties as may reasonably be required by the Board.

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 J

<u>REGISTER OF INTERESTS FORM</u>

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:
INTERESTS RELATING TO CLOSE FAMILY MEMBERS:
DATE:

APPENDIX K

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 Regulations[1] 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;
- appointed or nominated by my public body to another body; 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.

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[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 30 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.

Category Eight: Close Family Members

You will register the interests of any close family members who have transactions with the College or is/are likely to have transactions or do business with it.

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 exits, 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.

Connection

Board members should consider whether you have a connection to a matter, and understand that a connection is any link between the matter being considered and yourself, or a person or body associated with you. This could be a family relationship or a social or professional contact.

The connection includes anything you have registered as an interest. A connection is an interest that requires to be declared where the objective test is met – that is where a member of the public with knowledge of the relevant facts would reasonable regard your connection to a particular matter as being so significant that it would be considered as being likely to influence the discussion or decision-making.

You will consider whether it is appropriate for transparency reasons to state publically where you have a connection, which you do not consider amounts to an interest.

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. You must not

remain in the meeting nor participate in any way in those parts of the meeting where an interest has been declared.

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 L

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.

N Cowie
Principal and Chief Executive
North East Scotland College

APPENDIX M

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 N

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' functions[2] 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

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[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.

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[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 trustees[5].

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 Order[6].   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.

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[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 work[7]. 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

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[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 sub-paragraph (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 sub-paragraph (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 board[9].

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

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

relation 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,

(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 member[10].

(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;

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[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 July[11].

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.]

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

(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 -

(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 obligations[12]; 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.

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[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 22 March 2023

Title: Co-opted Membership Offer	
Author: Susan Lawrance, Secretary to the Board	**Contributor(s):** Governance and Nominations Committee

Type of Agenda Item:

For Decision ☒

For Discussion ☐

For Information ☐

Reserved Item of Business ☐

Purpose: To enable the Regional Board to discuss and if so minded, approve the offer of Co-option to David Anderson following the completion of his Term of Office.

Linked to Strategic Theme:

4. Delivering Excellence and Innovation

Linked to Strategic Risk(s):

n/a

Executive Summary:
The Governance and Nominations Committee at their recent meeting acknowledged the contribution made by David Anderson to the work of not only the Regional Board but also to its various Committees, in particular the Audit and Risk Committee.

As per section 3.35 of the Governance Manual the Board have the opportunity, if so minded, to offer co-option to a Committee to a non-executive member following the conclusion of their term of office to retain the member's expertise and key knowledge.

Regional Board approval is therefore sought to offer Co-option to the Audit and Risk Committee to Dave Anderson.

Recommendation: It is recommended that the Board approve the recommendation by the Governance and Nominations Committee.

Previous Committee Recommendation/Approval (if applicable)**:** Governance and Nominations Committee.

Template Version: August 2021

Equality Impact Assessment:

Positive Impact ☒

Negative Impact ☐

No Impact ☐

Evidence:

REGIONAL BOARD
Meeting of 22 March 2023

Title: Board Committee Membership

Author: Susan Lawrance, Secretary to the Board	**Contributor(s):** Governance and Nominations Committee

Type of Agenda Item:

For Decision ☐

For Discussion ☐

For Information ☒

Reserved Item of Business ☐

Purpose: To enable the Regional Board to discuss and note the proposed changed recommended by the Governance and Nominations Committee.

Linked to Strategic Theme:

4. Delivering Excellence and Innovation

Linked to Strategic Risk(s):

n/a

Executive Summary:
The Governance and Nominations Committee acknowledged the changes required following the end of David Anderson's tenure and the Committees allocated to Duncan Cockburn and Iain Watt.

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

Previous Committee Recommendation/Approval (if applicable)**:**

Equality Impact Assessment:

Positive Impact ☒

Negative Impact ☐

No Impact ☐

Evidence:

REGIONAL BOARD - COMMITTEE MEMBERSHIP

Audit & Risk Committee (6)
Susan Elston
Jim Gifford - Vice Chair
Drew Russell – Chair
Leona McDermid
Bryan Hutcheson
Iain Watt

Curriculum & Quality (9)
Carrie Beaton
David Blackhall
Nicole Matthews
Neil Cowie
Andy Rodden (Vice Chair) – from F&R
Drew Russell – Chair
Gwen Watt
Duncan Cockburn
Bryan Hutcheson

Finance & Resources Committee (8)
David Blackhall
Neil Cowie
Carrie Beaton
Nicole Matthews
Jim Gifford
Sheena Ross –Chair
Iain Watt
Neil McLennan – Vice Chair (from C&Q)

Human Resources Committee (8)
Neil Cowie
Susan Elston
Jim Gifford (Vice Chair)
Neil McLennan
Carrie Beaton
Gwen Watt
Leona McDermid (Chair)
Duncan Cockburn

Remuneration Committee (6)

Nicole Matthews
Gwen Watt
Sheena Ross
Drew Russell
Susan Elston
Leona McDermid

Governance and Nominations Committee (5)

Neil Cowie
Susan Elston
Sheena Ross
Drew Russell
Leona McDermid

Chairs Committee (5)

Susan Elston
Sheena Ross
Drew Russell
Neil Cowie
Leona McDermid

March 2023

REGIONAL BOARD
Meeting of 22 March 2023

Title:

The Public Sector Equality Duty: Specific Duties for Scotland 2023 Interim Reporting

Author: Susan Grant	**Contributor(s):** Equality Committee; Alesia Du Plessis; Gillian Griffin

Type of Agenda Item:

For Decision ☒

For Discussion ☐

For Information ☐

Reserved Item of Business ☐

Purpose:
To enable the Regional Board to review and approve the content of the Public Sector Equality Duty Interim Report

Linked to Strategic Theme:

4. Delivering Excellence and Innovation

Linked to Strategic Risk(s):

Insert relevant risk reference number

Executive Summary:

NESCol published its updated Equality Mainstreaming Report in April 2021. In line with the requirements of the Public Sector Equality Duty, the College is required to report, by the end of April 2023, on how it is meeting the general duties; its progress in developing the equality outcomes identified in the 2021 report and its progress with specific duties relating to employee information.

This report seeks to meet the publishing requirements noted above and, in addition, includes reference to how the College will incorporate the newly published National Equality Outcomes into its own outcomes from this time.

The Staff Equality Profile and Gender and Ethnicity Pay Gap reports have been prepared and referenced in the report but will be provided separately for approval to the Human Resources Committee.

Recommendation: It is recommended that the Board approve this report

Previous Committee Recommendation/Approval (if applicable)**:**
n/a

Equality Impact Assessment:

Positive Impact   ☒

Negative Impact   ☐

No Impact   ☐

Evidence:

North East Scotland College

The Public Sector Equality Duty: Specific duties for Scotland 2023 interim reporting

CONTENTS

GDPR

Contained within this report are case studies based on students whose identity is revealed. Full permission has been provided by the individuals for their data to be shared in this context.

1. Introduction

1.1   Legal Context and Scope

Under the Equality Act 2010, all Scottish universities and the majority of colleges are required to demonstrate how they are advancing equality through the Public Sector Equality Duty (PSED).

In terms of the PSED's general duty, North East Scotland College (NESCol) has a responsibility to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equalities Act 2010.
- Advance equality of opportunity between people from different protected characteristics groups, considering the need to:
  - Remove or minimise disadvantages suffered by people due to their protected characteristics.
  - Meet the needs of people with protected characteristics.
  - Encourage people with protected characteristics to participate in public life or in other activities where their participation is low.
- Foster good relations between people from different protected characteristic groups, tackling prejudice and promoting understanding between people from different groups.

For the PSED the relevant protected characteristics are:
- age
- disability
- gender reassignment
- pregnancy and maternity
- race
- religion or belief (including lack of belief)
- sex
- sexual orientation.

The PSED also applies to marriage and civil partnership, but only with respect to the requirement to have due regard to the need to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct in employment.

NESCol published its updated Equality Mainstreaming Report in April 2021. In line with the requirements of the PSED, the College is required to report, by the end of April 2023, on how it is meeting the general duties; its progress in developing the equality outcomes identified in the 2021 report and its progress with specific duties relating to employee information.

In addition, following the publication of the Scottish funding Council's National Equality Outcomes, the College is required to consider how they may be adopted into our future outcome setting and reporting.

1.2 About North East Scotland College

North East Scotland College (NESCol) is the only college located within the North East of Scotland. It serves an extensive geographical area, with three main campuses, two in Aberdeen and one in Fraserburgh. It also has two regional outreach centres in Ellon and Inverurie, as well as the Scottish Maritime Academy in Peterhead.

The College provides a wide range of high quality education and training opportunities to meet the needs of individuals, communities, employers and partners across the region. From each of its modern and well-equipped centres NESCol delivers a wide range of courses which provide the skills required for entry into the careers within established regional industries. The range of courses include Art, Design and Photography; Business & Management; Care; Computing; Construction; Automotive and Engineering; Hair, Beauty and Complimentary Therapies; Maritime; Creative Industries; Professional Cookery, Hospitality and Events Management; Science; Social Sciences; Sport; Supported programmes and Travel and Tourism. Each year, the College enrols approximately 19,200 students (6,200 full-time and 13,000 part-time).

The College curriculum for the region is fully integrated, with clear progression and articulation pathways within and beyond the College. NESCol is committed to working with schools, universities and employers to secure seamless transition from school to College and to contribute to widening access on to university or employment. The College has formal Articulation Agreements in place with eight universities, and Memorandums of Understanding with the two local authorities to provide vocational education and skills development for school pupils. NESCol is currently heavily invested in the SFC Pathfinder projects for the region, further developing its links with schools, universities and other regional partners.

NESCol is clearly committed to meeting the requirements of the Public Sector Equality Duty (PSED) and application of inclusive practice throughout the organisation. Its governance, policy and practice is designed to incorporate equality, not only for those with protected characteristics but also to include those from other groups such as those from care-experienced backgrounds or experiencing social deprivation. These values are reflected in its Vision and Values, Strategic Plan and other Supporting Strategies.

1.3 Vision and Values

North East Scotland College will, through the delivery of high quality education and training:
- drive and support innovation and economic prosperity,
- raise aspiration,
- create success, and
- promote diversity, fairness and opportunity for all, providing individuals, businesses and communities in the North East of Scotland with 21st century skills.

This ethos is supported by our values; specifically the values of Respect and Diversity outlined below, which apply to everyone who comes to the College to learn or work:

- Valuing the experience and talent of all

- Treating others with dignity and respect
- Creating an accessible, inclusive learning and working environment
- Being fair, open and transparent to ensure a culture of mutual trust and integrity

1.4 Strategic Themes, Goals and Objectives

Our values and commitment to equality and inclusion are also demonstrated in the College's Strategic Plan for 2021-23. During the lifetime of our Strategic Plan we will deliver our Strategic Goals aligned to our five Strategic Themes:

Examples of reference to equalities in each of our themes are provided below.

1. Being Agile and Responsive	• Deliver a curriculum and support services that respond to the needs of students and the region, including supporting inclusive growth...and reducing inequality
2. Empowering People	• Deliver supporting strategies to support mental, physical and social wellbeing of staff and students, including creating a culture based on respect, trust, engagement and shared goals
3. Advancing Partnership Working	• Work with our partners to deliver on key priorities, with a focus on reducing inequality and removing barriers to educational entertainment
4. Delivering Excellence and Innovation	• Continue to advance equality of opportunity across the College to ensure success for all students regardless of protected characteristics, background or experience
5. Leading Sustainability	• Implement an Environmental and Social Sustainability Strategy aligned to the UN Sustainable Development Goals

2. Governance and Equality

2.1 Leadership

NESCol's Regional Board is committed to fostering a culture of equality, diversity and inclusion by providing leadership to the College whilst also ensuring that its own policies and practices reflect good practice and support diversity in its membership.

To demonstrate its commitment to equality and diversity the Board appointed its first Equality and Diversity Champion in June 2016. In undertaking this role, the Champion participates in reviews of key College documentation relating to equality and diversity, such as the College's Equality Outcomes and Equality & Diversity Policy. The Champion also attends 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. As of January 2021, the Board's Equality & Diversity Champion is in attendance as an observer at meetings of the College's Equalities Committee. The Board's Equality & Diversity Champion was appointed Regional Chair in November 2022, and has expressed a wish to continue in her dual role.

All Board Members are aware of their responsibilities under the Equality Act 2010 and the Public Sector Equality Duty through both internal and external CPD opportunities. Board Members have undertaken training provided by Advance HE (formerly the Equality Challenge Unit (ECU)) in relation to diversity in governance, and unconscious bias.

2.2 Programmes of Business

The annual Programmes of Business for the Regional Board and its Committee include the consideration of a number of equality related issues. The Board is consulted in relation to the College's Equality Outcomes and is responsible for approving the College's Equality Mainstreaming Reports. Through the Board's role in the Outcome Agreement process, it is responsible for setting strategy and targets in relation to a number of protected characteristics and specific student cohorts e.g. those from areas of multiple deprivation. Key Performance Indicator data, both internal and sector benchmarking, related to protected characteristics and specific student cohorts is also considered by the Board and its Curriculum & Quality Committee. The Board's Human Resources Committee considers the College's Equal Pay Statement, Gender Pay Gap Report, Occupational Segregation Reports and employee data in relation to protected characteristics.

2.3 Gender Balance

The Board's gender balance in January 2023 is as follows:

| Non-Executive Board Members *(including Regional Chair)*		Staff Board Members *(including Principal)*		Student Board Members	
Male	Female	Male	Female	Male	Female
7	3	2	1	0	2

It should be highlighted in relation to the tables above that the recruitment and selection of the Regional Chair, Principal, Staff and Student Board Members is undertaken by other formal processes which are out with the control of the Regional Board. The figures above show the current gender balance in relation to non-executive membership of the Board.

At the time of writing, the Regional Board is due to commence a recruitment process to fill two non-executive Board Member vacancies, with a key consideration being how to improve gender balance as well as encourage applicants with protected characteristics. As with past recruitment processes the Board will ensure that the shortlisting of applicants is undertaken with anonymised applications i.e. names and dates of birth will be removed, to help avoid any unconscious biases. The consideration of Board Member protected characteristics ahead of and during the recruitment and selection process will also be of key importance. Good practice to encourage a diverse range of applications will continue to be followed in terms of the language adopted for the advertising of the vacancies, alongside consideration of where the vacancies are published.

3. Leadership

The Leadership Team at the College is committed to having inclusive committee structures and compositions so all views are represented. The Leadership Team, which comprises the heads of all departments - and so is linked to all College Teams - considers equalities in relation to all key functions, as well as discussing them in their own right. This helps to emphasise the combined responsibility for implementing responsibilities relating to the PSED. Key messages can be mainstreamed to all staff using this leadership forum and are followed up appropriately within departmental structures.

The College's Committee Structure (represented below) reflects the emphasis on equalities, with an Equalities Committee (EC) charged with leading on key equalities activities. Key findings from the EC are fed into the Leadership Team and to the Curriculum, Quality and Student Support Committee (CQASS) for decision-making on key practices and to ensure effective communication throughout the organisation.
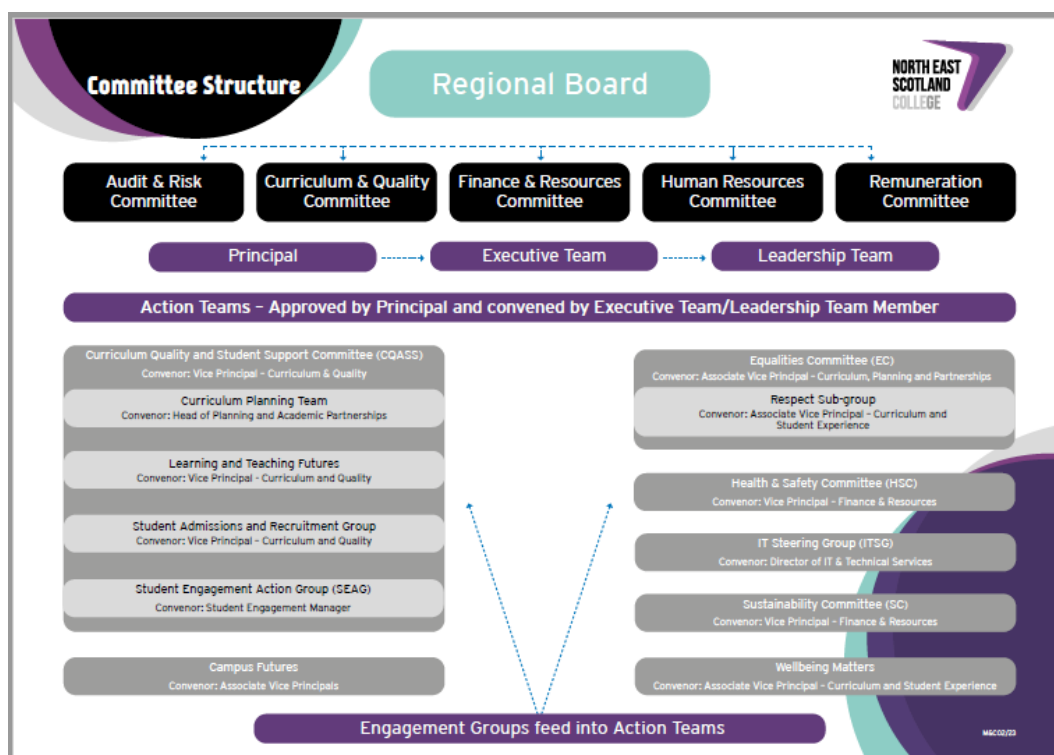
The purpose of the EC is to ensure that, in line with its ambitions, priorities and policies, the College advances equality and diversity through meaningful, inclusive student-, staff- and stakeholder-centred services and approaches. The EC meets no less than 5 times per academic year with key aspects of its remit being to:

- Oversee College adherence to its equality obligations as identified within related legislation, national guidance and recognised best practice
- Oversee and monitor the promotion and mainstreaming of equality across the College

- Oversee and monitor progress towards the achievement of the College's equality-related outcomes, targets, action plans and priorities
- Inform and advise the College Leadership Team of progress on the above
- Consult with other stakeholders, internal and external to the College in order to more fully inform and support its equality work and equality ambitions
- Work in partnership with the Students' Association in order to support enhanced services and inclusive approaches aimed at the wider student body
- Lead on development and implementation of the College "Respect" priority
- Support the development, implementation, monitoring and review of the College's Access and Inclusion Plan.

The Equality Committee acts as an engagement group and consultative body on matters relating to equality, access and inclusion.

Membership of the Equality Committee is comprised of support staff, teaching staff and student representatives.

4. Mainstreaming Equality in the Curriculum

4.1 Reasonable Adjustments and Inclusive Practice

The College has well developed processes for ensuring all staff are aware of the need to provide reasonable adjustments for students and staff following disclosure of information relating to protected characteristics. For example, arrangements are made to release students from timetables/work for attendance at religious events; to amend assessment practices to accommodate disabilities or encourage minority group participation in subject areas e.g. Girls into Energy.

The College is also proactive in the evaluation of need for, and provision of, assistive technologies to support students with specific learning needs. Work has progressed with respect to implementation of the requirements of the Public Bodies Accessibility Regulations 2018. All teams are now using the software tool – Blackboard Ally – which allows them to directly measure the accessibility of their materials, and the College to monitor this work. Work is also ongoing with respect to ensuring that subtitling is used as required for presentations. As a result, overall accessibility of materials is well monitored and implemented.

The College has a British Sign Language (BSL) plan. In session 2021-22, we issued the BSL Survey for staff and students which has given us an insight into staff and student wants/needs to inform next steps. Plans are in place to deliver a CPD accredited "Signs for Life" training course for front facing staff in the pipeline and the Student Advice and Support Team have undertaken training sessions with NESS and CALL Scotland in the past year to ensure we effectively support BSL Users. A significant amount of work ensuring compliance with the captioning and accessibility of learning materials on our VLE has also been completed. The plan will be reviewed and updated in 2024.

4.2 Learning, Teaching and Supporting Students

College staff are well equipped and trained to deliver a wide range of learning activities that help to cater for diverse student groups. However, the impact of COVID-19 over the period 2020-22 has been significant. The established approaches to access, inclusion and relationship building were compromised by lack of campus access and it was noted that student engagement online was challenging. Some students were, for example, unwilling to switch on cameras during online classes due to reluctance to share views of their remote working environment. This probably impacted disproportionately on students from less privileged backgrounds and resulted in limited relationship building with those individuals. However, even within protected characteristic groups, the impact of lockdown was variable. For example, some students with a declared disability benefitted from remote learning whilst others struggled. The KPI data for this period showed decline in attainment for all students.

Where there remain gender imbalances in curriculum areas, work continues to attract applications from minority groups. For example, the "Girls into Energy" course is offered to school pupils with an aim of attracting more females into energy related jobs. This programme was offered in an additional 4 schools in 2022-23 and continues to expand.

Some curriculum areas offer specific opportunity to deliver a curriculum in which equality and diversity is an integral part - in particular: social sciences; care and learning opportunities. Social inequalities, discrimination based on protected characteristics and socio economic class are explicitly dealt throughout the curriculum. The relationship between individuals and society, human behaviour and social change is at the heart of the social sciences and so factors around inclusion, exclusion, discrimination, barriers and inequalities, prejudice, identity, stereotyping and social interaction are covered extensively at all programme levels.

In those curriculum areas where equality and diversity is less integral to learning and teaching, the College encourages curriculum teams to design learning so that students are given opportunities to research areas of equality and resultant projects reflect the diversity of backgrounds, interests and experiences. For example, the 3D Animation students have created materials to support mental health awareness. In sport, college students have been involved in supporting the Grampian Para festival and individuals have been participating in para sport – Scottish record holder in para swimming and team involvement in para basketball. In Hair and Beauty, staff have made videos of practical techniques which are available as a general reference for all students but were particularly aimed at those who were unable to attend classes for a period due to health or other personal circumstances.

The College is delivering an Academic and Personal Skills Development unit to all its FE programmes. This was designed to develop transferable skills, including specific reference to equality and diversity and to support the integration of these skills across the whole curriculum. Materials to support promotion of good relations and mutual understanding are provided to tutors to share with students. This is linked to the College's "Respect" campaign events such as International Women's Day and Black history month. This year the "Respect" campaign has focussed on neurodiversity and has run events to support understanding and awareness of neurodiversity so that staff and students can better create an inclusive environment. Training on this theme has been very well received by staff.

The College has also signed up to the "Declaration on Anti-Racism" campaign initiated by Advance HE. Activities to support this campaign are being developed alongside the existing "Respect" campaign within the College. Existing evidence (from complaints and reporting) does not suggest there are major issues with harassment or discrimination with respect to racism in the College but work is ongoing to promote good relations by making available materials for use by tutors in their tutor time and opportunities to engage in competitions.

4.3 Inclusion and Widening Access

The College curriculum is under constant revision, taking into account demand, performance and local factors as well as, importantly, considering the government "Widening Access" agenda. The college is involved in 4 SFC "Pathways" projects which include the intensification of the relationship with Robert Gordon University and development of the senior phase in regional schools. Both of these projects include elements of widening access to college and to university courses. For example, a revised approach to school winter leavers has been developed to offer them more meaningful courses which can be completed before their leaving date and offer improved employability skills. This will impact on the most disadvantaged groups of school pupils.

The regional STEM Partnership is chaired by an Associate Vice Principal and is also engaged with partners to address equality in STEM education and widen access to events and opportunities across the region. This has, to date, included activity such as providing science events to primary school children and teachers.

The College is working with regional partners Aberdeen Foyer and Aberdeen City Council on the "Reboot" project (formerly Early Action Systems Change) which sets out to coproduce solutions with and for young people and their families, collaborating across sectors and services to shift focus from crisis to prevention. Through Reboot, NESCOL has collaborated with different organisations to understand young people's experiences around disability, youth homelessness and mental health & wellbeing. This has involved 'deep listening' engagement workshops with staff and students, 'journey mapping' and some aspects of service redesign. The College has also piloted the Upstream Project which is a collaborative early intervention approach that enables the college and supporting services to work with young people who are at risk of homelessness and/or disengagement from college before they reach crisis point.

5. Quality and Equality

The College takes steps to ensure that it actively advances equality, diversity and inclusion for students as part of curriculum delivery, through learning and teaching approaches as well as guidance and support. Two key drivers for this are the collection and analysis of student feedback and student data.

5.1 Student Feedback

Student feedback is collected in a number of ways throughout each academic year. One approach, which include a focus on equality and diversity, are student surveys. The College's First Impressions Survey in recent years has included the question 'I believe I am treated fairly'. The positive response rates are shown below.

Overall College			
Results for Full Time Students	2020-21	2021-22	2022-23
Number of Responses	4349	4673	5120
Student Response Rate	68%	79%	86%
Positive response to question: "I believe I am treated fairly"	99%	99%	99%

The College's Student Satisfaction & Engagement Survey in recent years has included the questions:
- 'I believe all students at the college are treated equally and fairly by staff'
- 'I feel safe and secure on college premises',
- 'The College does enough to promote equality and diversity issues',

The College did not complete a Student Satisfaction & Engagement survey in 2019-20 due to the Covid-19 situation. At the time of writing the Satisfaction Survey for 2022-23 had not been undertaken.

The positive response rates are shown below. The three year trend data demonstrates consistently high levels of student confidence in the College's ability to promote and implement equality and diversity within its student body.

Overall College						
Results for Full Time Students	2018-19		2020-21		2021-22	
Survey Response rate – Further Education	58%		65%		65%	
Survey Response rate – Higher Education	51%		59%		57%	
Survey Questions	No.	%	No.	%	No.	%
I believe all students at the college are treated equally and fairly by staff	3168	85%	3491	94%	3113	92%
I feel safe and secure on college premises	3162	96%	2848	97%	2906	97%

Overall College						
Results for Full Time Students	2018-19		2020-21		2021-22	
Survey Response rate – Further Education	58%		65%		65%	
Survey Response rate – Higher Education	51%		59%		57%	
The College does enough to promote equality and diversity issues e.g. College events, literature	3048	92%	3448	95%	3100	95%

Overall College						
Results for Part Time Students	2018-19		2020-21		2021-22	
Survey Questions	No.	%	No.	%	No.	%
I believe all students at the college are treated equally and fairly by staff	192	91%	282	95%	232	92%
I feel safe and secure on college premises	191	97%	203	97%	216	96%
The College does enough to promote equality and diversity issues e.g. College events, literature	184	94%	275	93%	227	95%

During each academic year, the College facilitates a number of student focus groups based on agreed themes. During 2021-22 and 2022-23, one theme was Respect, corresponding with the priority activity implemented by the College. These focus groups enabled the College to ascertain awareness and find out what respect meant to students. Thirteen were completed in 2021-22 and, of the12 planned for the current year, 5 have taken place.

The majority of feedback highlighted that respect is promoted effectively across the College and students are treated with dignity and respect by College staff. Discussions at the focus groups have also helped to increase student awareness of the importance of respecting themselves, others and their environment. There were six actions identified from the respect focus groups completed in 2021-22, these were actioned by curriculum teams as necessary. Three actions to date have been identified in the current year mostly aligned to promoting all aspects of the "Respect" campaign on a wider scale.

5.2 College Evaluative Report and Equalities

The College's Evaluative Report for 2021-22 included evaluation of Fair Access and Transitions and Equalities and Inclusion. A number of actions were identified across both themes and included in the College's Enhancement Plan; relevant extracts from the plan are summarised below:

Outcomes for Students - Fair access and transitions

No.	Area for Development (Developmental Driver)	Impact (intended difference to be made)	Planned Actions for Improvement	Deadline	Developmental Driver Code
1.	Improve data sharing by SDS, local authorities and college.	Match curriculum offer to needs of school leavers.	1. Continue to contribute to community groups.	November 2022	NF2, NF4 SO 3.4

Progress to date – interim evaluation **February 2023** (Director of Student Access & Information)	Data relating to school leavers' planned destinations shared by Skills Development Scotland (SDS) and local authorities used to contribute to formulating February course offer. Application target for February courses exceeded; enrolment in progress. The College now holds a data sharing agreement relating to children and young people signed by a wide range of organisations including local universities, Policy Scotland and local authorities that will allow the sharing of appropriate information. The College is working with SDS to ensure winter leavers remain in a positive destination. More regular intervention between the students and SDS takes place to improve the retention of winter leavers on their college course and support them to a successful outcome.

Area for Development (Developmental Driver)	Impact (intended difference to be made)	Planned Actions for Improvement	Deadline	Developmental Driver Code
2. Improve collection of data relating to specific groups – care-experienced, estranged students.	Identify students so that needs can be met.	1. Review wording of questions on application and enrolment forms, reporting tools.	December 2022	EO4 NF2, NF4

Progress to date – interim evaluation **February 2023** (Director of Student Access & Information)	Application and enrolment forms were reviewed to include additional questions relating to care-experienced and estranged students. The questions relating to care-experienced students have been reworded to remove confusion and reduce the likelihood of students misunderstanding the question. In the past, many students who worked in the care industry mistakenly declared that they were care-experienced. Questions on our online forms are now dynamic to reduce the mismatch of answers, which skewed data previously.

Outcomes for Students - Equalities and inclusion

	Area for Development (Developmental Driver)	Impact (intended difference to be made)	Planned Actions for Improvement	Deadline	Developmental Driver Code
10.	Support need for increased numbers of trauma-experienced students.	Staff better equipped to support trauma-experienced students.	1. Work with partners to provide training for staff members most	June 2023	EO4 HGIOC 3.1, 3.2 NF3 SO3.1

		frequently working with trauma-experienced students.		

Progress to date – interim evaluation **February 2023** (Associate Vice Principal: Curriculum & Student Experience)	As part of the Respect campaign theme for AY 2022-23, Celebrating Neurodiversity, one of the projects identified is *Trauma Informed Practice* and the Student Advice and Support Team are leading on this project. The team completed a workshop in January 2023 to work through a series of exercises and training information to review how trauma informed the team's approach, including a review of general spaces at City Campus as a pilot. The outcomes of the workshop are still being finalised, with a view to supporting other teams in completing the same exercise. Initially this will be with other student-facing support teams before rolling out further to the rest of the organisation to ensure NESCol takes a trauma-informed approach.

Area for Development (Developmental Driver)		**Impact (intended difference to be made)**	**Planned Actions for Improvement**	**Deadline**	**Developmental Driver Code**
11.	Need to further improve understanding and promotion of equality of opportunity and promotion of good relations in the curriculum	Better support the mainstreaming of equalities in the curriculum by promotion of RESPECT/equality initiatives and to support colleagues improve their understanding and practice	1. Appoint Equalities Champions.	January 2023	EO5 HGIOC 1.3, 3.1,3.2 NF4 SO 4.9

Progress to date – interim evaluation **February 2023** (Associate Vice Principal: Planning & Academic Partnerships)	The Respect subgroup of the Equalities Committee has led on promotion of the theme of neurodiversity this year and the Committee has also considered the incorporation of the new National Equality Objectives into College outcomes. Activity has included discussion on supplementing current activity on equality mainstreaming. Feedback is being sought from groups of people with protected characteristics to help improve understanding and identify actions e.g. student LGBTQ+ group. A representative from People Services has also completed a piece of work involving mentoring in association with a disability charity. Curation of resources identified through this exercise is now underway so that these can be made more widely available. However, the appointment of Equalities Champions has been postponed whilst alternative approaches are being considered.

The College's annual self-evaluation process also requires Heads of Sector and Support Heads of Department to outline how they are meeting the general duty to eliminate unfair discrimination; promote equality and foster good relations between different groups. Curriculum teams have access to a range of historic and live data on applications, enrolments and outcomes which can be evaluated by protected characteristic. This allows them the opportunity to identify areas of concern such as under-representation, unconscious bias or attainment gaps in their own specific area. Areas for improvement are built into the actions contained within each enhancement plan which is reviewed informally on a continuous basis and on a formal basis twice annually.

5.3 Quality Processes

The following describes a number of other quality processes which involve the consideration of equality and diversity issues.

Lesson observations include consideration of equality, diversity and inclusion in the teaching environment.   A revised approach to observation has allowed a further opportunity to mainstream by noting good practice in equalities-related activity and/or naturally-occurring missed opportunities to promote equality of opportunity or foster good relations. Student questionnaires following lesson observations have been customised for our Learning Opportunity and ESOL students, using appropriate language and graphic options to enable ease of completion.

Qualifications approval through the College's internal curriculum approval and validation process requires sampling of teaching materials and supporting documentation. During this process materials are checked for accessibility; unconscious bias within materials (particularly around stereotypical assumptions) and the promotion of equality and diversity.

Additionally, through the process of prior verification, curricular teams submit materials through quality thus ensuring they are checked for accessibility and clarity before submission to the awarding body. This ensures that assessment instruments are checked for accessibility.

The Quality department has a number of Senior Lecturers, each having responsibility for supporting allocated curricular areas. Regular meetings are held with curriculum teams, including discussion on resources such as teaching master packs (accessibility and inclusiveness); awareness of protected characteristics; evaluation of student feedback and outcomes of lesson observation.

The Quality department has a designated Quality Hub, which provides guidance to staff across a range of quality activities. The Quality Hub has a range of video guidance available for staff, which also has captions/subtitles in place to cover diversity, equality and accessibility.

6. STUDENT SUPPORT SERVICES

Student Advice Centre teams play a critical role in supporting the curriculum with recruitment, pre-application and pre-entry, enrolment, funding, on-programme support and at the pre-exit stage. The Student Advice & Support Team (SAST) undertake initial needs assessments with applicants to ensure their correct course placement and to allow for any additional transition support to be considered. Further, the needs assessment can identify where reasonable adjustments and/or the commissioning of external support might be appropriate for an applicant. With the applicant very much at the centre, this process involves the creation of a Personal Learning and Support Plan (PLSP) and a Needs Assessment Report which passes on key information to the relevant curriculum team to ensure that necessary support interventions and recommendations can be implemented. The exchange and sharing of information is now done securely via our Student Information Portal (SIP).

Equality and diversity is embedded in all aspects of Student Services. All staff are fully aware of the importance of applying effective equality and diversity practices to ensure this is mainstreamed seamlessly in all operations and behaviours, as set out in the Access and Inclusion Plan. This plan is currently being reviewed, ready to update and set out the approach for the next three years from 2024. The Student Advice & Support Team offer a student-centred service and by doing so, take on board the views of all students regarding the range of services we provide. Evaluation of student feedback is the basis for quality improvement and this is analysed by the managers throughout the year.

Working in partnership with the Students' Association, all key documents including the Access and Inclusion Plan are also available in student versions which are more accessible to the wider student body.

Examples of Mainstreaming in Student Services:

6.1 Service Accessibility

All appointments with SAST are now bookable via the online booking system, promoted in marketing materials and on the student portal, MyNESCol. This makes seeking support and booking appointments with the team possible at a time and in a way which best suits the student. Appointments are available both in-person and online, and students are able to select the tutors which reflects a trauma-informed approach. Options for bookings also include SDS and other partners such as the local universities, to support transitions.

As part of NESCol's "Respect" campaign for AY22/23, Celebrating Neurodiversity, the team are leading on the project: A Trauma Informed Approach. A pilot workshop took place in January 2023 which has resulted in a series of actions and elements for further discussion. By the end of this academic session, the team will have a template and approach which can then be shared with other teams across NESCol to ensure as an organisation, we take a trauma informed approach.

6.2   Partnerships

It is crucial when engaging with the most vulnerable groups within our communities that we work with local partners to provide the most appropriate advice and guidance. The SAST continue to grow their network of external contacts and currently liaise with external stakeholders such as, schools, social work departments, educational psychologists, care facilities, Skills Development Scotland, Who Cares? Scotland MCR Pathways, Local Learning Community Partnerships etc. to ensure that as wide an audience as possible are aware of the support provision available at College. This promotes early support interventions and enables transitions for students – both for those with a protected characteristic as well as for those who do not share a protected characteristic.

The team also represent NESCol on various external groups such as CDN Networks for Access and Inclusion, Guidance and Safeguarding, and local groups such as the Aberdeen Champions Board and Aberdeenshire Corporate Parenting Strategy Group. These provide opportunities to share good practice and encourage involvement in local and national campaigns and initiatives. Collaboration with these groups and other partners provide significant input from a wide range of stakeholders to look strategically at the barriers, support provision and outcomes for children and young people across all protected characteristics.

6.3   Supporting Transitions to College

Support Teams are heavily involved in Open Days and other promotional events, taking the opportunity to highlight the support services available to all applicants and prospective students. Current transition events are being reviewed as part of the Recruitment and Conversion Workstream to ensure the offer is fit for purpose and meets the needs of current and prospective students. Bespoke activities are arranged for more vulnerable groups. For example, in February 2023 Care Experienced Young People were invited to Fraserburgh Campus to attend taster sessions, get to know the campus and some of the staff. The event was very well received with 12 young people in attendance. Feedback was excellent with requests to offer more sessions like this, so this is currently being reviewed.

The promotion of support for Student Carers and Estranged Students has been enhanced over the past year to align better with that already offered to Care Experienced Students. NESCol has been successful in achieving the Going Further for Student Carers Award from Carers Trust Scotland and continues with the Stand Alone Pledge. All promotional material has been updated to reflect equal focus on all of these groups.

6.4 Mental Health and Wellbeing

The College recognises that mental health and wellbeing is a significant area of concern. This has been amplified following the pandemic and this is illustrated by Wellbeing referrals forming the largest category of student support referrals at 33%. In addition to the Mental Health First Aiders who provide support in the event of a mental health emergency or crisis situation, Student Wellbeing Advisers were also introduced to support the demand of student wellbeing need.

6.5 Digital wellbeing support

Although the SAST provide a variety of support to students during College opening hours, additional support, available to students out of hours and in a format that can be accessed online is crucial to the whole-college support model. NESCol moved to a new online mental health support provider, SpectrumLife in 2022. This digital wellbeing platform provides information, advice and support in areas such as physical wellbeing with online gym classes and nutrition and financial wellbeing with money management advice. Online support is available 24/7 via the Student Assistance Programme which can be access via a direct phone number, whatsapp or live chat.

6.6 Counselling service

The counselling service introduced in March 2020 has been a very welcome addition to the student support offer. Unfortunately this is the final year of funding for counsellors and as such we are required to transition to an affordable and sustainable embedded approach to mental health at NESCol. Student Wellbeing Advisers and Student Support Tutors will continue to utilise Spectrum Life and NESCol's Mental Health and Wellbeing Toolkit to signpost relevant support. There is currently a review of NESCol's Wellbeing Strategy including consultation with students, staff and stakeholder to inform and shape the future approach. Further developing partnerships with local organisations will be key to ensuring students are able to access the support they need, which will no longer be accessible directly at College.

6.7 Report and Support

NESCol's Report and Support platform continues to offer a practical mechanism to raise awareness and educate staff, students and visitors about discrimination, harassment, victimisation and other conduct prohibited by the Equalities Act 2010. Reports can be made anonymously, or by contacting an advisor and the process is managed by the Safeguarding team.

7. Student Association

The promotion of equality and celebration of diversity is embedded in NESCol Students' Association (NESCol SA) core values. Equality and diversity is reflected in:
- The Constitution
- The Strategic & Enhancement Plans
- The Executive's Roles and Responsibilities
- The Calendar of Events

NESCol SA works to the key principles outlined in the "Framework for Strong and Effective College Students' Associations in Scotland" and is affiliated to the NUS. Both ensure that the NESCol SA functions as a democratic and representative body working on behalf of all students. A priority is to help create a safe environment for all students to express their views on the College experience and offer appropriate guidance and a referral service to students who may have experienced prejudice and discrimination.

There are five Officer posts, all with a duty to promote equality and celebrate diversity. These are:
- Communications Office
- Activities and Events Office
- Environment Office
- Health and Wellbeing Officer
- Equality and Diversity Officer

These Executive Officers are given the opportunity to attend the annual NUS Liberation Conferences which promote equality and diversity. NESCol SA Election Policy allows all students to apply for posts unless the post requires that the student self-defines and the applicants are determined on that basis. The class representative election process involves democratic elections form the whole class population and the Association ensures that the election literature it uses promotes equality and diversity.

In delivering training, bespoke materials designed by sparqs are adapted as necessary to make them accessible to all. The Association continues to work as part of the College's Wellbeing Matters Group as well as the "Respect" sub-group, which undertakes a key role in the identification and implementation of actions for the College to achieve Healthy Body, Healthy Mind Awards. The SA holds three key annual events in the Calendar - Fresher's Fairs, Health and Well Being Fairs and Together: NES (College branded Equality and Diversity events). Invitations are extended to organisations who represent protected characteristics groups and promote gender equality. In addition, other calendar events are promoted such as LGBT History Month, International Women's Day, International Men's Day, Black History Month and Disability Awareness Month. Representatives also participate in community events such as the Torcher Parade, PRIDE and Celebrate the Difference, working with a variety of key regional stakeholders and organisations.

The Student Partnership Agreement sets out the priority projects for the year and for AY22/23 there is a big focus on responding to the cost of living crisis. (https://www.nescol.ac.uk/college-services/students-association/)

8. Staff Equality

8.1 People Services

The People Services Team is committed to equality and diversity: to eliminate discrimination; advance equality of opportunity; and foster good relations between staff who have a protected characteristics and those who do not.

In 2021, the College carried out a Staff Equality, Diversity & Inclusion (ED&I) Survey, in order to:

- establish a baseline and determine what staff understand by ED&I
- identify how the College should advance staff equality-related matters
- identify the activities that staff need to eliminate discrimination, advance equality of opportunity and foster good relation*s*

Actions from this survey are being used to further mainstream and embed ED&I into all aspects affecting staff.

For example, the survey identified that further training and awareness on ED&I matters/protected characteristics were required, including those relating to: transgender; LGBTQ+; racism; disability (including hidden impairments); faith; mental health; unconscious bias

- The results and comments from the survey were passed on to the Learning & Development team and were used to inform the Staff Development Day in February 2022, which focussed on Equality, Diversity & Inclusion
- This Staff Development day was used to address any identified lack of recent ED&I training

Further actions are being taken forward via the College's Equalities Committee. For example:

- There is a need to create a more inclusive environment within the College, so that all staff feel welcomed & valued, irrespective of their protected characteristics and feel able to disclose their whole identity across all their protected characteristics

In addition, in 2022, People Services participated in a Disability Connect Reverse Mentoring Scheme. The scheme assigns executives, managers, HR professionals (the mentee) with a mentor who has a disability. The mentor and mentee meet every month for six month and during this period, the mentor shares their unique insights and personal experiences of disability and the challenges of obtaining and maintaining employment. People Services has used this scheme to address disability-related actions identified in the ED&I survey as well as recruitment actions that were identified in its Staff Equality Profiles.

Further detail on actions that will be taken by People Services to further equality of opportunity are outlined in the Staff Equality Profile and in the Gender and Ethnicity Pay Gap Report. These reports will be published separately.

It should be noted that any actions for the People Services team are incorporated into a People Services Equalities Action Plan, and progress on the actions is monitored by the Human Resources Committee of the Board.

The College also has an Equal Pay Statement and Policy demonstrating the College's commitment to equal pay.

8.2 Staff Learning and Development

8.2.1 Induction

The College requires all new staff, teaching and support, to undertake an online course called "Equality & Diversity Essentials" as part of their Induction which takes place in the first few months' employment at NESCol. These messages are then contextualised within specific training courses, such as the "Prepare to Teach" programme undertaken by new teaching staff, which looks at meeting the diverse needs of learners.

8.2.2 Whole Staff Training

Our Winter Cross College Professional Development Day takes place in January. With 2021 being in the middle of the pandemic, an online selection of courses was offered to managers to book for their teams. Topics such as Mentally Healthy Workplace for Managers, Office 365 Accessibility and Wellbeing brought colleagues together to learn.

In 2022, a more themed approach was taken, albeit still online. The key theme for the day was Respect and Diversity. On the day there were 23 workshops, all based around equalities. Topics included awareness around neurodiversity, age, disability, gender, the Equality Act, men's health and mental health, race and religion, unconscious bias and managing inclusive cultures. In 2023 the theme was "neurodiversity" and staff benefitted from access to a range of online workshops on understanding neurodiversity as well as specific conditions, their manifestations and approaches to adjustments.

8.2.3 Training and Policy Developments

Training in Mental Health remains high priority. Student Support Tutors and other members of staff are trained in "Mental Health First Aid". "Suicide Prevention" training and "Mental Health: supporting others" were offered to all staff with many sessions throughout the year. Training for managers around recruitment, which covered discrimination in the recruitment process was offered in 2022. Work is ongoing to develop training on Menopause for managers, awareness sessions for all staff plus the development of a Menopause Strategy for 2023. A pilot project on Trauma Informed Practice was delivered with the Student Advice and Support team and this will be rolled out to other teams in 2023.

8.2.4 Wellbeing

Wellbeing remains a priority with a dedicated HR Advisor - Wellbeing working to ensure there is a programme of training opportunities for all staff. A staff and student working group called "Wellbeing Matters" looks at opportunities for training and events for all. There is a Staff

Wellbeing Framework and Wellbeing Champions have been trained to support and signpost any staff in need of wellbeing advice.

Our June development day is devoted to wellbeing, which, we believe, has a positive impact upon staff mental health. Care is always taken to offer a diverse range of options, including physical activities such as walking, swimming, cycling alongside pursuits such as baking, crafts, photography and music. Staff can suggest, plan and run their own session or take part in the wide range of sessions offered, from whole day activities, to short 1 hour sessions. The flexible nature of the day empowers staff to choose what is right for them.

9. MARKETING AND COMMUNICATIONS

The Marketing and Communications team has a key role in the promotion of equality of opportunity. The positive work being done within the College is used as the basis for building greater internal and external understanding and supporting the aim of widening representation within the College community.

The team has been integral to developing and implementing a number of initiatives to ensure an inclusive and supportive experience, including supporting the promotion of the Respect campaign and its focus on reinforcing key values. In 2022 the Respect campaign featured a range of awareness months and in 2023 neurodiversity has been chosen as the key theme, supported by visible marketing across all campuses.

The team also actively supports external awareness activities relating to mainstreaming and the promotion of equality of opportunity and is responsible for increasing understanding of key issues through a variety of channels, including digital display screens throughout all campuses as well as the MyNESCol student portal and the NESCol social media accounts.

Promoting all protected characteristics whenever possible through representative photography, imagery and accessible promotional material is another important facet of the Marketing and Communications team's work. The use of case studies allows diversity to be showcased, with an emphasis on ensuring those with protected characteristics are fully represented. A suite of new case studies and photography has been developed for 2023 and that work will continue. Enhancing the accessibility of College materials, both in relation to print and display as well as digital channels, is central to the Marketing and Communications team's work. A website audit has identified areas for improvement and those will be actioned in the 2022-23 academic year. The team is also represented on a number of committees and working groups, including the Equalities Committee, to ensure influence on the College's wider work.

10.   UPDATE ON EQUALITY OUTCOMES 2021-23

10.1 Existing Equality Outcomes

10.1.1 Equality Outcome 1: Disability Attainment Gap

Inequality
Students declaring a disability are less likely to successfully complete their courses than those who do not declare a disability.
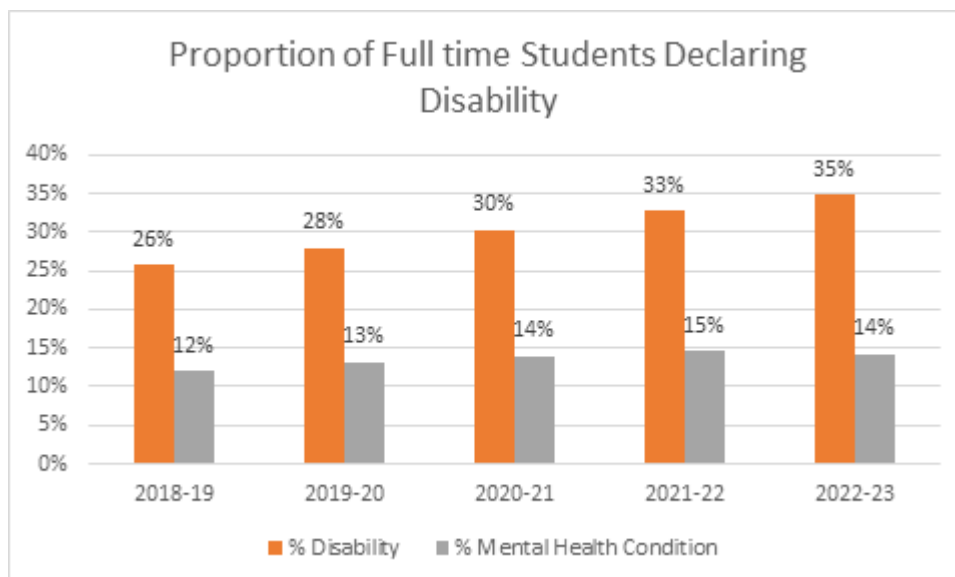
Outcome
Reduce the attainment gap for students who declare a disability

Action Taken:
- Provision of live data on enrolment, retention and attainment by protected characteristic, including disability
- Reporting on progress in year through "Stop and Review" and KPI meetings where equalities are referenced
- Additional staff development courses on neurodiversity to aid understanding and approaches to appropriate teaching strategies
- Provision of professional counselling services for students referred by curriculum staff
- Creation of additional support time on timetables for staff to spend on individual students

Progress made:
The proportion of students declaring a disability has continued to rise each year, with those declaring a mental health condition levelling off at 14-15% over the last 3 years.

Proportion of Full time Students Declaring Disability

The disability attainment gap was at a low of 6% in 2021-22, reduced from a high of 10% in 2019-20. However, retention and attainment for those with mental health conditions remains well below overall outcomes, at 11-14% over the same period.
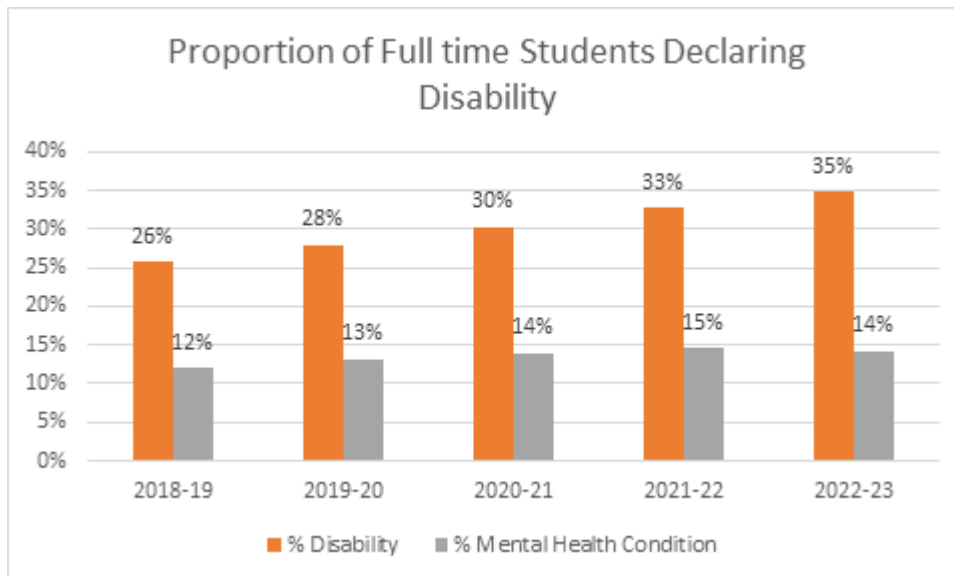
Further actions:

Although the attainment gap has reduced, further actions are planned in order to continue to tackle underlying contributors, in particular for those students declaring mental health conditions.

These actions include:

1. Gathering feedback from students declaring a disability on the application of reasonable adjustments

2. Correlating data on additional needs assessments and outcomes

3. Devising support interventions to deliver more widely on resilience and coping mechanisms

10.1.2 Equality Outcome 2: Biological Sex Representation and Success

Inequality
Representation and attainment rates of male and female students is unevenly distributed in some subject areas

Outcome
Reduce the imbalance in biological sex representation and attainment rates in identified subject areas.
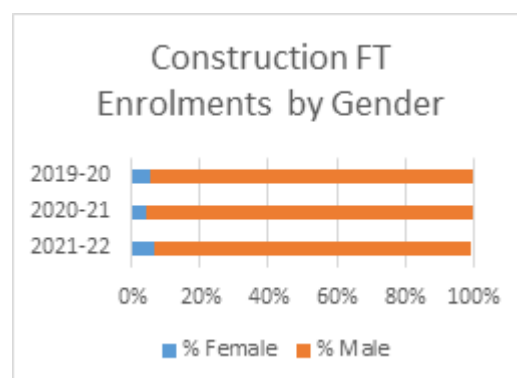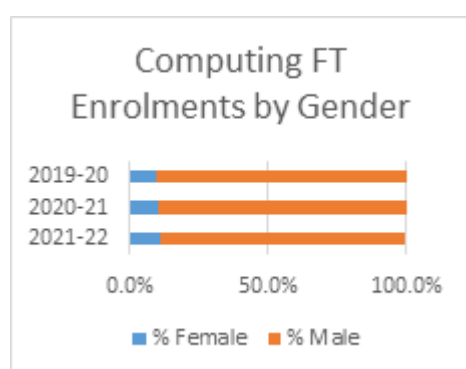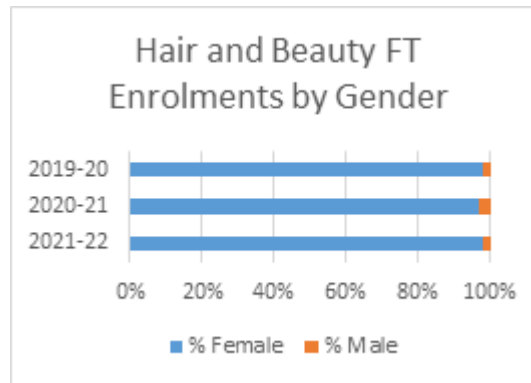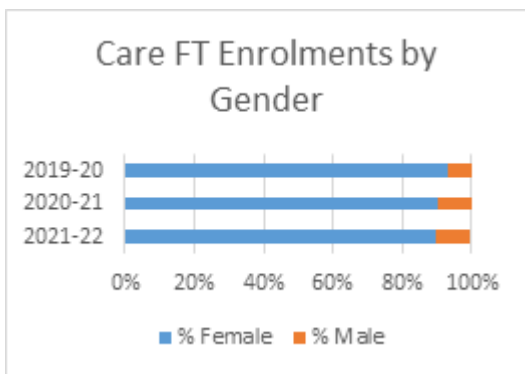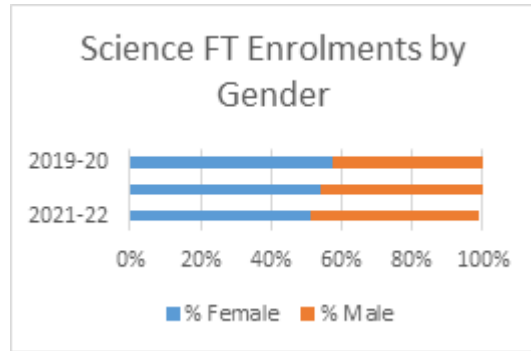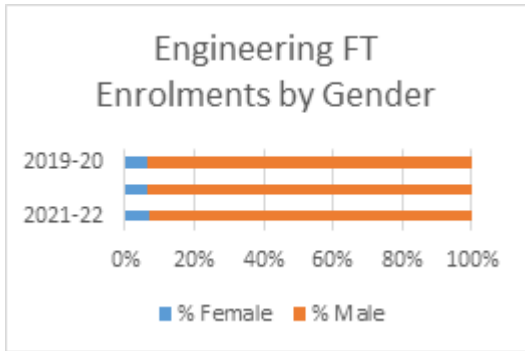
Action taken:
The societal influences on gender bias in subject areas have been well documented and multi-agency intervention is recognised to be necessary to tackle the persistent divide. Intervention through activity in schools and at events has been hampered since 2020 by pandemic restrictions. However, courses such as Girls into Energy have continued, as has the weekend Coding Club for school age children and marketing aimed at tackling gender bias. The College has also run Lego League events where restrictions have allowed and this is continuing in 2022-23. This international competition is inspirational and attracts people of all genders in STEM challenges. STEM partners are also involved in tackling inequality and the College has hosted promotional events with Techfest in 2022-23 with a view to inspiration across all genders.

Progress made:

Whilst there have been some minor improvements, gender representation in some subject areas remains stubbornly resistant to change.

Science overall shows good gender bias but there remains a gender divide between biological and physical sciences (females predominate in biological sciences and males in physical sciences)

Computing FT Enrolments by Gender

Construction FT Enrolments by Gender

Engineering FT Enrolments by Gender

Science FT Enrolments by Gender

Care FT Enrolments by Gender

Hair and Beauty FT Enrolments by Gender

However, where females are in the minority, they are performing better than their male counterparts in all areas except construction. This is not true of males where they are the minority. In fact they are, for the most part, doing significantly worse than the females, the attainment gap being wider in these subject areas.

Cumulative FT Complete Success by Gender 2019-20 to 2021-22
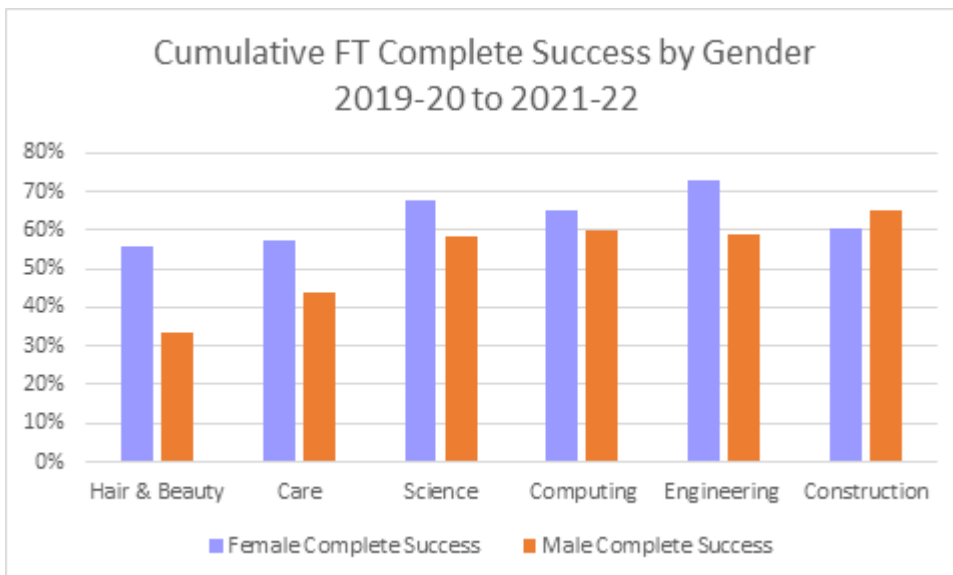
Further Actions:

Staff are now back to proactively working with primary and secondary schools and partners to promote opportunities, careers, skills in subject areas where there is a clear and sustained gender imbalance - for example, in Computing and Engineering. Work is also ongoing to re-engage with primary schools in science and computing.

The "Girls into Energy" programme which provides female S4 school pupils with opportunity to complete a Shell-sponsored Skills for Work Energy course is being expanded into schools in the Aberdeen City region. This, and the associated S2 engineering competition which is run for teams consisting of one male and one female, are intended to attract more females into engineering and other STEM disciplines.

Plans are underway to introduce a fulltime barbering course in 2023-24. This is expected to attract some more male students into hair and beauty, which is very heavily weighted towards females. The College is also active in partnership work through the SFC Pathways project in the region aimed at attracting more people into the health and social care. This will present some opportunity to attract some more males into this female dominated subject area.

10.1.3 Equality Outcome 3 : Digital Poverty and Literacy

Inequality

Digital poverty and/or literacy affects access to, and successful completion of, education and skills training for disadvantaged groups

Outcome

Improve access to, and attainment of, education and skills training for those suffering from digital poverty and/or literacy.

Action taken

Digital poverty in the form of lack of skills and/or lack of access to digital resource is recognised as a significant barrier to education and employment for many groups of people. The College has worked individually and with partners to address digital poverty in a range of ways:

- Extension of its "bring your own device" scheme to additional groups of students. In 2022-23 this has increased the number of laptops issued to students to 1,224
- Provision of loan laptops to an additional 205 students who are not on "bring your own device" courses
- Provision of dongles to 29 students to support internet access
- Delivery of a "Digital Passport" programme, sponsored by Shell, to support digital literacy in order to remove a barrier to re-employment. The project funded participants who needed support with barriers such as childcare or transport to improve accessibility. Completing candidates were allowed to retain the laptop issued to them to take part in the course – ensuring a longer term solution for digital inclusiveness was provided.
- The Digital Poverty Fund has allowed provision of funding for students to access (if they require) print credit, WIFI or MIFI dongles or Multi Factor Authentication (MFA) tokens
- The Digital Poverty Fund has allowed the upgrade of PCs in classrooms and community based learning settings and acquisition of a larger fleet of loan laptops.
- Upgrading of the network, both WIFI and Ethernet (partially funded by the digital poverty fund) which has facilitated students to be able to connect and have a much better experience once connected enabling them to stay on campus for longer.
- Provision of SAD lights for the library for students to utilise

Progress made:

- 1,224 students have been supported by provision of 1,224 "bring your own device" laptops
- 205 students have been supported by the provision of a loan laptop
- 29 students have been supported by the provision of dongles
- 87 candidates have been supported by the Digital Passport scheme. The programme was well placed in terms of providing support for a paper mill closure which saw several hundred face redundancy. Digital literacy was highlighted as a major barrier to re-employment and being able to offer a programme within a couple of weeks of the closure, helped to reduce the impact.
- Financial support for students with respect to access to infrastructure and print facilities
- Access to therapeutic facility for those suffering from SAD (seasonal affected disorder)

Further Actions:

Significant progress has been made in accessing technical equipment and infrastructure for students but there is more which can be done to address digital literacy.

- The College will investigate opportunities to promote careers in digital technology to under-represented groups such as young women

10.1.4 Equality Outcome 4: Community Partnership Working

Inequality
Access to, and attainment of, skills training and education is poorer for disadvantaged groups in the region, exacerbating poverty-related issues and limiting employment opportunities.

Outcome:
The College and its Regional partners will work together to improve access to education and training for identified disadvantaged groups in the region in order to increase the employability and aspirations of individuals within these communities.

Actions taken:
In originally establishing this long-term Equality Outcome the College sought to ensure that it could enhance its role, its approaches and its activities in relation to community planning across the North East of Scotland. In particular, the College has aimed to play an increasingly central role in reducing disadvantage in both Aberdeen City and Aberdeenshire by building its role within community planning partnerships and building the capacity to reduce social, economic and educational disadvantage within the region.

The College is represented on a range of community groups in the region with remits for tackling inequality. These include Community Planning Aberdeen Management Group and Board; four Outcome Improvement Groups – Aberdeen Prospers: Children's Services Board; Anti-Poverty Group; Alcohol and Drugs Partnership Group and a number of associated work streams (e.g. Attainment and Progression to Adulthood, Child Friendly Cities, Curriculum Alignment). It is also represented on Aberdeenshire Council Connected, Cohesive Communities Group. This enables to College to be informed and supportive, where relevant, of the regional plans.

The College currently works with Aberdeen City Council's Care Experienced Champions Board, and Aberdeenshire Council's Corporate Parenting Steering Board; Local Authority Social Care teams and Who Cares? Scotland to ensure that all care experienced and young carers are effectively supported to transition to the College so that their journey is a positive and successful one

The College is represented along with Aberdeen Foyer and Aberdeen City Council on the "Reboot" project (formerly Action Systems Change) to understand what needs to change in order to allow improved outcomes for young people who currently have unmet needs.

Partnership work is also ongoing with local authorities and third sector partners such as Grampian Region Equality Council (GREC) to provision ESOL courses and other potential educational support for refugee and asylum seeker groups in the region.

Progress Made:
- Success outcomes for the College's Full Time Care Experienced Learners has progressed as outlined below. The pandemic has impacted negatively on outcomes for all students but the attainment gap for care experienced students has grown during these years, reversing the progress made prior to COVID. Support for care experienced students was more difficult during the pandemic, with individuals being less easy to

reach and potentially suffering from digital poverty – despite the actions taken in relation to this. Return to campuses in 2022-23 has helped restore the accessibility of support for this group and so work continues to improve their outcomes.

	Completed Successfully			
	2018-19	2019-20	2020-21	2021-22
Care Experienced	59%	50%	47%	47%
Non care Experienced	68%	67%	61%	61%
Attainment Gap	-9%	-16%	-14%	-14%

- The College has, in 2022-23, enrolled 32 asylum seekers and 141 displaced/refugee students on full time ESOL courses. In addition, 16 unaccompanied asylum seekers have been enrolled in a vocational/ESOL programme through a school link course.
  As well as the improvement of their language skills, the students have benefitted from additional support with learning and opportunities to integrate into the wider college community, raising awareness and promoting good relations.
- The college has, in 2022-23, enrolled 439 refugees and asylum seekers on part time ESOL courses. Some progress from these programmes FT ESOL and some want to learn general English to help secure employment or get a better job. Some students are also enrolled on Community learning courses in partnership with the local authority.
- The College continues to deliver significant activity through our partnership with Aberdeen Foyer. Prince's Trust programmes are delivered across the region for the 16-25 age category and the REACH programme is available for over 25 year olds. This is a personal development and employability programme for adults in recovery from various things such as addiction; mental health challenges; low confidence and long-term unemployment and helps them overcome the challenge that brings in terms of self-worth and confidence. **These are individuals who would not have** engaged with the college through the traditional route and so the partnership programmes help bridge the gap back to into education. Many students progress onto full time courses, some gain employment, some take up volunteering opportunities and others attend further study with the Foyer. We currently have 162 students enrolled on Foyer programmes in 2022-23, and a total of 214 were enrolled in 2021-22.

Further Actions:

- Working with local authority partners, the College will investigate how it may further support integration and education for more unaccompanied asylum seekers, including progression from language-based courses where this is applicable
- Working with local authority partners, the College will investigate how it may support opportunities for young people in disadvantaged areas with access to vocational learning during their school careers

10.2 Update on Other Actions

The College also identified 5 other actions in the 2021-25 report. Progress with these is outlined below.

1. Provide additional support to improve efficacy of EIA writing, evidence collection and evaluation.

    2023 Progress: This has been delayed during the pandemic and with staffing changes in the relevant department but is ow being progressed.

2. Incorporate challenge questions for all teams to further develop understanding of mainstreaming equalities and diversity within their own teams.

    2023 Progress: this has been developed and is being used by support teams

3. Develop staff skills in promotion of good relations and tackling prejudice so that stigma and fear of disclosure of personal characteristics is reduced and improvements to the inclusive environment are established.

    2023 Progress: Staff development days have concentrated on equality themes in 2022 and 2023. These have included training on topics such as gender pronouns, neurodiversity and autism and have improved staff understanding and confidence in tackling equality themes and supporting students to succeed.

4. Improve data and feedback collection for sexual orientation, gender identity; race; religious belief; pregnancy and maternity in order to inform the need for further action.

    2023 Progress: Some adjustments have been made, in line with SFC requirements, to collection of data on gender identity and ethnicity. Work has also been undertaken to clarify data on care-experienced students so that the type of care experience is noted. This will help student interpretation and understanding of the question and improve reliability of the data.

5. Introduce staff "Equality Champions" to help promote awareness and mainstreaming through all college teams and activities.

    2023 Progress: a proposal for 2 champions was developed, along with associated role description. However, appointments have been postponed meantime whilst the college reconsiders how to best promote equalities efficiently and effectively.

10.3 Review of Outcomes and Incorporation of National Equality Outcomes

Following a review undertaken by the Equality Committee, it was considered that the College needed to retain all of the existing outcomes for 2021-25 and continue the good work in progress. However, the Committee also reviewed the National Equality Outcomes (NEO) - which were published in the SFC Report "Tackling Persistent Inequalities Together" in January 2023 - and how they applied to NESCol. The SFC report is attached as Appendix 1.

As a result, NESCol's equality outcomes have been revised to incorporate the relevant NEOs as shown in the table below. The table which shows the existing outcomes and those added as a result of the publication of the national outcomes. Full development and action planning for the new outcomes is in progress and will be monitored with oversight by members of the Equality Committee.

Outcome Reference	Draft Revised Outcomes	Protected Characteristic	National Equality Outcome
EO1	Revised: The attainment gap for students who declare a disability and, specifically who have declared a mental health condition, will reduce Was formerly NESCol EO1: Reduce the attainment gap for students who declare a disability	Disability	The success and retention rates of college students who declare a mental health condition will improve.
EO2	Continue: The College will have regard to significant gender imbalances on selected courses and take action to address it. *Was formerly NESCol EO2:* *Reduce the imbalance in biological sex representation and attainment rates in identified subject areas.*	Sex	Institutions will have regard to significant imbalances on courses and take action to address it
EO3	Continue: Improve access to, and attainment of, education and skills training for those suffering from digital poverty and/or literacy. *Was formerly NESCol EO3:* *Improve access to, and attainment of, education and skills training for those suffering from digital poverty and/or literacy.*	Digital poverty and/or literacy	
EO4	Continue: The College and its Regional partners will work together to improve access to education and training for identified disadvantaged groups in the region in order to increase the employability and aspirations of individuals within these communities.	Disadvantaged groups	

	Was formerly NESCol EO4: *The College and its Regional partners will work together to improve access to education and training for identified disadvantaged groups in the region in order to increase the employability and aspirations of individuals within these communities*		
EO5	New: Complete success rates for students aged under 19 will improve.	Age	The success rates for college students aged under 19 will improve.
EO6	New: Disabled students report feeling satisfied with the overall support and reasonable adjustments received, including from teaching staff, while on their course	Disability	Disabled students report feeling satisfied with the overall support and reasonable adjustments received, including from teaching staff, while on their course
EO7	New: Create an inclusive environment in the college so that all individuals feel safe and supported to be themselves	Disability	Disabled staff and students report feeling safe in the College
		Gender reassignment	Trans staff and students report feeling safe to be themselves in the tertiary system
		Sexual Orientation	
		Race	Lesbian, Gay and Bisexual staff and students report that they feel safe being 'out' at

			university and college.
			Staff and students feel supported and safe and are confident that complaints of harassment or bias on the grounds of race will be dealt with appropriately because complaints procedures are fit for purpose and offer effective redress.
EO8	New: Curriculum content and teaching resources are diverse and anti-racist	Race	Institutions should also have regard to attainment levels by racial group and ensure that their curriculum is diverse and anti-racist.
EO9	New: Students and staff report that they have confidence in institutional report and support mechanisms because they are fit for purpose.	Religion or Belief Sex	Students and staff report that they have confidence in institutional report and support mechanisms because they are fit for purpose. Staff and students know how to access support about violence,

			harassment and abuse, report their experience and feel properly supported in doing so because the services are fit for purpose. Institutions can evidence approaches that prevent and respond to violence, harassment and abuse.
EO10	New: Men (staff and students) know how to access mental health support	Sex	Men (staff and students) know how to access mental health support (recognising intersectionality within that group).
EO11	New: Increase the diversity of the College Board so that disabled and racial representation is proportionate to the relevant population *NB: Disabled staff representation and staff racial diversity is covered in the People Services Equality Action Plan*	Disability	Where representation is not proportionate to the relevant population, increase the representation of disabled staff on College Boards
		Race	Where representation is not proportionate to the relevant population, address any racial diversity issues in college Boards

11.   CONCLUSION

North East Scotland College remains committed to promote diversity, fairness and opportunity for all, and to meet its Public Sector Equality Duties.

The College has made good progress with its 2021-25 Equality Outcomes, with measurable gains in outcomes 1, 3 and 4. Whilst there has been no measurable gain for Outcome 2 to date, this is a complex issue with long-term action in mind. The collaboration and in-person activity which this outcome needs has also been severely disrupted by pandemic restrictions but activity continues.

The College plans to maintain its 4 outcomes from the 2021-25 report but has also made plans to incorporate the National Equality Outcomes which were published in 2023. Planning is in the early stages but an initial outline is provided.

The College is also satisfied with its progress with mainstreaming equalities: the work of the Equality Committee; "Respect" campaigns; Student Advice and Support and of quality activities being integral to this strategy.

The College will continue to work towards mainstreaming equalities and the achievement of its Equality Outcomes. Evidence will be continuously monitored to identify areas for improvement which will enhance the achievement of its vision and values to provide an accessible, inclusive learning environment where all individuals are treated with dignity and respect.

Tackling persistent inequalities together

Equality and Human Rights Commission

Scottish Funding Council
Comhairle Maoineachaidh na h-Alba

Tackling persistent inequalities together

ISSUE DATE: 18 January 2023

SUMMARY: This report outlines the persistent inequalities in the tertiary system and asks institutions to address them by contributing to a set of National Equality Outcomes (NEOs) as part of their Public Sector Equality Duty.

FAO: Principals, Chairs, Board Secretaries of Scotland's colleges and universities, Equality Leads in institutions, students, Student Associations, and the general public.

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Tackling persistent inequalities together

Introduction

1. The Equality and Human Rights Commission (EHRC) and SFC are proud to be working together to enhance our leadership and oversight role in tackling persistent inequalities in the tertiary system. We believe that this partnership is the first of its kind in the UK.

2. This report outlines the persistent inequalities in the tertiary system and asks institutions to address them by contributing to a set of National Equality Outcomes (NEOs) as part of their Public Sector Equality Duty. It also confirms a new SFC Strategic Equality Outcome and requests notes of interest for a collaborative event to be held later in the academic year to enable wider discussion.

3. The main focus of this publication is student inequalities but because students are part of a tertiary system the equality of their experience also relates to the diversity of staff and Boards/Courts for their institution as well as the representation within their student cohort. For this reason, some of the NEOs for some of the protected characteristics include staff and Court/Board membership.

4. The Equality Act (Scotland) 2010 defines equality as nine protected characteristics, these are: Age, Disability, Gender Re-Assignment, Pregnancy & Maternity, Marriage & Civil Partnership, Race, Religion or Belief, Sex and Sexual Orientation. The Act does not specifically define access groups such as students living in deprived communities, carers, care experienced and estranged students. This document focuses on equality and the protected characteristics. SFC remains committed to progressing improvements for access students through its existing policy work and engagement with institutions.

5. The EHRC and SFC recognise the existing commitments of institutions, including those of Student Associations, to equality and the financial pressures of institutions at this time. This approach does not expect institutions to invest more; rather it outlines the persistent inequalities across the tertiary system and seeks a collective response, with the support of SFC and EHRC.

Progress update

6. In 2019 the EHRC and SFC entered into a strategic partnership to explore mutual benefits to the organisations working together and, in the case of SFC, the sector it has oversight of. A Joint Memorandum of Understanding (MoU) and an action plan was developed, agreed and published in March 2020.

7. Our progress was unfortunately impacted by the pandemic, including through a purposeful decision to enable institutions to focus on their students and staff. We have provided a progress report and agreed an updated action plan in Annex A.

8. As we committed to in our Memorandum of Understanding with the EHRC, SFC have set an equality outcome specifically about our oversight role. This is additional to the set of equality outcomes already outlined in our PSED equality report. We believe that this ground-breaking strategic approach to tackling significant inequalities in our society through sector specific NEOs will help the tertiary system make real improvements for the people who work and study in Scotland. This equality outcome is outlined below:

> The tertiary system will make progress on the National Equality Outcomes through our support, monitoring and reporting.

9. More details on how that will be achieved are provided in Annex A. The next section provides more details on NEOs and guidance to institutions on how to evidence their contribution.

What are National Equality Outcomes?

10. A key priority in the EHRC/SFC action plan was to agree the most pressing inequalities that the sector should be acting on and to set NEOs. NEOs are focused on inequalities which are evidenced to be persistent at a national scale. To address these issues we need institutions to work with and for students to contribute towards a set of outcomes to make the tertiary system fairer and equitable.

11. The NEOs are provided in Annex B and were developed with a Persistent Inequality and Outcomes Group. This included the EHRC, SFC, Equality leads and planners from the sector and charities. It also includes input from those with lived experience. The evidence considered was based on published reports and data and the NEOs strongly align to the data provided in SFC statistical publications including the Report on Widening Access.

12. The NEOs include consideration of:

- Success and retention rates of students and seeks improvements, at a national scale, for older students in the university sector and younger students in the college sector.

- Satisfaction levels of disabled students in relation to the reasonable adjustments put in place to support their learning and student experience.

- The imbalance on courses by sex.

- The mental health of staff and students and seeks improvements in student learning outcomes and assurances of access to mental health support.

- The safety of students and staff and steps taken to address harassment particularly in relation to disability, race, sexual orientation, trans identity and religion and belief.

- Responding to the Scottish Government's Equally Safe strategy particularly in relation to prevention, support and response mechanisms.

- Proportionate representation of staff, Boards and Courts particularly in relation to race and disability.

13. To reduce reporting this will be part of institutions' already in place legal reporting duties. SFC will not seek any other equality reporting in relation to inequalities (more detail on this is provided in the next section). SFC, in partnership with the EHRC, will review the NEOs as part of their PSED reporting. This will include progress reporting and the need to update the NEOs. Any update to the NEOs will be done in consultation with students with lived experience and the tertiary sector.

14. NEOs do not prevent institutions from setting other equality outcomes or continuing with existing equality outcomes that directly relate to their institution; nor do we expect an institution to contribute to a NEO where the issue does not apply to them, but where this is the case, we ask for the rationale and evidence behind this decision.

15. This approach will reduce the need for additional reporting and is intended to sit as the key source of truth on the persistent inequalities (at this time) and therefore prevent the need for additional asks.

16. This approach does not replace the legal duties placed on institutions (and public bodies like SFC) to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010.

- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not.

- Foster good relations between people who share a protected characteristic and those who do not.

17. The EHRC and SFC also expect institutions to demonstrate good practice by undertaking equality impact assessments and publishing their findings as outlined in regulation 5 of the Specific Duties in the Act.

National Equality Outcomes: ask of institutions

18. Institutions are asked to:

   - Consider the NEOs outlined in Annex B and outline their contribution, where appropriate, towards them as part of the 2021-25 Public Sector Equality Duty reporting cycle (more details on what this means in relation to the forthcoming report are outlined in the next section).

   - Work with their students and Student Association to address the inequalities and contribute to the NEOs.

19. The move towards NEOs means that institutions do not need to report separately to SFC on equality issues and can signpost their contribution to the NEOs in their Outcome Agreements. The EHRC and SFC will use institutions' Public Sector Equality Duty reports as the key source of information on institutions' equality response. In many instances the NEOs will reflect the outcomes set by institutions.

20. The NEOs are based on evidence but some of the outcomes are more qualitative in nature. This is either because the sector data sources are not considered to be advanced enough yet to enable quantitative national reporting or that the issue does not lend itself to quantitative reporting.

21. We will keep these outcomes under review and will work with institutions on how we can work together to report national progress for future iterations of this work. The next phase of our joint work is outlined in Annex A and includes a measurement framework to support national reporting. This work will also enable SFC to consider the outcomes of the NEOs in relation to our work on the National Impact Framework and our Assurance and Accountability Framework.

22. In setting NEOs, we hope that institutions will be encouraged to collaborate to make real impact for the benefit of staff and students. We also want to encourage institutions to try new approaches and where possible take positive action to address inequalities. The EHRC and SFC would like to discuss how we might support and achieve that at a national event (more details are provided in the next section).

23. We recognise that some of these issues are societal and deeply embedded. For example, official hate crime statistics for Scotland show high levels of hate crime by race and increasing levels of hate crime on the basis of religion, sexual orientation, disability and trans. We are not expecting the sector to solve these issues but we are asking that they are recognised and institutions put steps in place to tackle prejudice and discrimination, advance equality and foster good relations in the tertiary system.

What does this mean for the 2023 Public Sector Equality Duty Report?

24. SFC and EHRC recognise that institutions will:

- Begin to prepare these reports shortly and that they need to be considered by various governance groups and senior colleagues within institutions before they can be published. This leaves limited time for institutions to fully adopt the NEOs (as outlined above) and demonstrate progress.

- Already have committed to a set of their own equality outcomes in their 2021 PSED reports and will want to report progress against those outcomes.

25. We see this upcoming report as an opportunity for institutions to reflect and move towards the NEOs outlined in this report and begin to work towards, where appropriate, their adoption. We do not expect to see progress against each NEO but we do want to see how institutions intend to adopt them into their approach and future PSED reports. For example, this could include a consideration of how institutions are likely to adopt the NEOs and evidence of the initial collating and interrogation of data to begin to establish baselines from which to report progress in future reports.

26. Institutions should consider the NEOs in relation to their existing set of outcomes in April 2023, and either continue or discontinue the existing equality outcomes. In responding to the NEOs institutions can also set short, medium or long-term equality outcomes or a mixture of all of these. Depending on the progress made to achieve existing equality outcomes, institutions may also want to continue some outcomes if not enough progress has been made or if more could be achieved.

27. Should an institution determine that any of the NEOs are not relevant they should set out why this is and ensure that there is a clear evidence base for the equality outcomes set for the period 2023-2025. SFC will work with the EHRC to review the Equality Outcomes set by each institution.

28. The EHRC and SFC are keen to prevent additional reporting requirements. We are therefore asking that, from 2023 you consider including evidence of the impact you are making against your equality outcomes in your Annual Reports. This relates to Regulation 10 of the Specific Duties, which specifies that equality outcome reporting should be done, as far as practicable, through existing means of public performance reporting.

29. We are hopeful that this will negate the need to include this information in a separate Public Sector equality duty update report going forward as you can sign post it, however you can of course continue to provide updates in a separate PSED update report if you so wish. However, if institutions choose not to report through existing means of public performance reporting, then they should assure themselves of their rationale as to why this is not practicable.

30. We would encourage each institution to ensure that the outcomes set meet the guidance set out by the EHRC on the principles of effective outcome setting, i.e. that they address a known inequality and have a measurable impact.

Working together to make impact

31. The EHRC and SFC intend to hold a free in person sectoral event to discuss the NEOs and how we can work together to maximise national impact. This event will be particularly relevant to staff members and students who work in equality roles and/or are responsible for equality reporting. We would be grateful if you could forward relevant contact details to fburns@sfc.ac.uk to help us engage with staff and set up an event. We will also ensure that the event is promoted via relevant digital channels.

Next steps

32. We want to thank the members of the Persistent Inequality and Outcomes Group and the Equality Leads from the sector for their thoughtful contributions to developing these NEOs.

33. We ask institutions to consider how they can contribute to the NEOs and adopt them into their PSED reports.

34. The EHRC and SFC thank institutions for their ongoing commitments to advance equality and we look forward to working with you as we make progress tackling the most persistent inequalities in our sector.

Further information

35. Please contact Fiona Burns, fburns@sfc.ac.uk or 0131 313 6517.

James Dunphy

Director of Access, Learning and Outcomes

Annex A – EHRC/SFC updated action plan

What we have achieved

1. Since the Memorandum of Understanding (MOU) and action was published in March 2020, the EHRC and SFC have:

Set equality outcomes to tackle the most significant inequalities

- Set up an evidence group to help identify the significant inequalities and priority equality issues relevant to the sector.

- Identified ways to integrate reporting on the PSED within existing outcome and reporting systems.

- Provided sectoral guidance and workshops to support universities and colleges set and achieve their equality outcomes.

- Reviewed university and college equality outcomes for 2021-25 against the requirements of the specific equality duty to set outcomes and EHRC good practice guidance.

Strengthened SFC performance of PSED

- Delivered development sessions and training on the Equality Act 2010 to SFC directorates to help them build equality into their day-to-day work.

- Agreed SFC equality outcomes.

Publish national equality outcomes

- Agreed the most pressing inequalities that the sector should be acting on.

- Integrate reporting on PSED into existing performance reporting systems.

What we still want to achieve

2. We have reflected on the progress made over the last two years and identified where we need to do more over the next phase of this action plan. We will:

Support universities and colleges

- To contribute to achieving the NEOs.

- Offer development sessions to leadership groups in the sector.

- Agree a national measurement framework to understand the impact of actions and progress.

- Integrate NEOs into our national performance frameworks.

Further strengthen SFC performance on PSED

- Identify how SFC will monitor and publish information about progress on NEOs.

- Develop a set of SFC annual thematic reviews to inform and direct improvement.

Evaluate the effectiveness of our work

- By April 2023, evaluate the work we have done to date, identify lessons learned and next steps.

Annex B – National Equality Outcomes

1. These NEOs have been developed using the following principles.

   - All nine protected characteristics outlined in the Equality (Scotland) Act 2010 should be included – Age, Disability, Gender Re-Assignment, Pregnancy & Maternity, Marriage & Civil Partnership, Race, Religion or Belief, Sex, Sexual Orientation.

   - The focus of this work is student inequality but consideration has been given to staff inequality as it directly impacts on students in relation to their experience and the representation of the tertiary system.

   - The NEOs should be evidence based and based on significant inequalities.

2. As outlined in Annex A - we intend to work with the sector to support their actions and measure progress at a national scale.

Protected Characteristic	Persistent Inequality	National Equality Outcome	Additional notes
Age	The outcomes of students, as evidenced by SFC and HESA data, by age group shows consistent under-achievement for students aged 25 and over in the university sector and for students under 19 in the college sector.	**The retention outcomes for university students aged 25 and over will improve.** **The success rates for college students aged under 19 will improve.**	
Disability	The outcomes of students, as evidenced by SFC and HESA data, shows consistent under-achievement for students who declared a mental health condition. The numbers of students disclosing this information is also increasing. Feedback from students to Lead Scotland, input from students into the SG/SAAS Disability	**The success and retention rates of college and university students who declare a mental health condition will improve.** **Disabled students report feeling satisfied with the overall support and reasonable**	During the development of these NEOs, the Persistent Inequality and Outcome Group discussed specific issues relating to student neurodiversity. It has not been possible to set a specific NEO on this

Protected Characteristic	Persistent Inequality	National Equality Outcome	Additional notes
	Related Student Support Review and input into the Disabled Students Employment Action Plan all outline issues from disabled students in relation to the access and implementation of reasonable adjustments.	**adjustments received, including from teaching staff, while on their course**	at this time but it is recognised that more work is needed to ensure the needs of this group are being met.
	Scottish hate crime statistics evidence increased harassment to people with a disability	**Disabled staff and students report feeling safe in the tertiary system**	
	Disabled people are under-represented in College Boards and Courts The proportion of disabled staff are not always in line with the local travel to work population (outlined in the 2022 Census) and are not in line with the national census.	**Where representation is not proportionate to the relevant population, increase the representation of disabled staff in the workforce and on college Boards and university Courts.**	
Gender Re-Assignment	There is limited quantitative data about the outcomes for trans staff and students. Research from Stonewall and TransEdu suggests that Trans people face harassment on account of their trans status.	**Trans staff and students report feeling safe to be themselves in the tertiary system**	
Marriage & Civil Partnership	PSED only relates to employment and no evidence of inequalities	**NA**	
Pregnancy & Maternity	No evidence of inequalities.	**NA**	
Race	As outlined in the EHRC Racial Harassment Inquiry	**Staff and students feel supported and safe and are**	Actions should include the

Protected Characteristic	Persistent Inequality	National Equality Outcome	Additional notes
		confident that complaints of harassment or bias on the grounds of race will be dealt with appropriately because complaints procedures are fit for purpose and offer effective redress. Institutions should also have regard to attainment levels by racial group and ensure that their curriculum is diverse and anti-racist.	recommendations from EHRC racial harassment inquiry (p15 & 16).
	Staff data and student data from both sectors and data on representation at Court level outlines under-representation issues.	Where representation is not proportionate to the relevant population, increase the racial diversity of Court members and address any racial diversity issues in college Boards. Where representation is not proportionate to the relevant population, increase the racial diversity of teaching and non-teaching staff to align with student representation in the sector.	During the assessment of data and discussions with the Persistent Inequality and Outcomes Group several race related issues were raised. The NEOs have been based on the actual data at National level but institutions should consider issues relating to racial diversity in depth across their institution.
Religion or Belief	There is limited quantitative data about outcomes based on religion and belief. We have used research presented by the Jewish Union of Students, and the lived experiences of people of faith in the development of	Students and staff report that they have confidence in institutional report and support mechanisms because they are fit for purpose.	Institutions should note the intersectionality outlined under the race NEO.

Protected Characteristic	Persistent Inequality	National Equality Outcome	Additional notes
	the race equality project.		
Sex	Evidenced from the Scottish Government's Equally Safe strategy including issues, predominately from women, relating to accessing support and reporting issues.	**Staff and students know how to access support about violence, harassment and abuse, report their experience and feel properly supported in doing so because the services are fit for purpose.** **Institutions can evidence approaches that prevent and respond to violence, harassment and abuse.**	
	Statistical data outlines that men in society are three times more likely than women to die by suicide. Men are less likely to access mental health support.	**Men (staff and students) know how to access mental health support (recognising intersectionality within that group).**	
	Statistical data shows that course choice and sex imbalance on courses remain an issue. However, the specific targets of the past have not had the required impact. Institutions have asked for flexibility to focus on key subjects where they could make an impact.	**Institutions will have regard to significant imbalances on courses and take action to address it.**	
Sexual Orientation	Stonewall Research suggests some LGB students hide their identities in universities and that staff experience barriers that prevent them from being out at work.	**Lesbian, Gay and Bisexual staff and students report that they feel safe being 'out' at university and college.**	

REGIONAL BOARD
Meeting of 22 March 2023

Title: PREVENT update

Author: Alesia du Plessis (Associate Vice Principal Curriculum and Student Experience)	**Contributor(s):**

Type of Agenda Item:

For Decision ☐

For Discussion ☐

For Information ☒

Reserved Item of Business ☐

Purpose: To provide the Regional Board with information on work undertaken in the College to meet its responsibilities regarding the Prevent Duty.

Linked to Strategic Theme:

1. Being Agile and Responsive

Linked to Strategic Risk(s):

6.1

Executive Summary:
This update sets out the background, prevent duty guidance, the College's approach and the current position, and provides a Position Statement as at March 2023 on context, external speakers and events, leadership, staff training, safety online, welfare and pastoral care, monitoring and enforcement and continuing actions.

Recommendation: It is recommended that the Committee note the content of this update.

Previous Committee Recommendation/Approval (if applicable)**:**

Equality Impact Assessment:

Positive Impact ☒

Negative Impact ☐

No Impact ☐

Evidence: As per Safeguarding EIA.

Template Version: August 2021

The Prevent Duty

Introduction

The Counter-Terrorism and Security Act (CTSA) 2015 placed a legal requirement upon North East Scotland College to "have due regard to the need to prevent people from being drawn into terrorism", which became effective on 21 September 2015. This is known as 'the Prevent Duty'.

The purpose of this report is to provide information to the Regional Board on work undertaken by the College to meet its responsibilities relating to the Prevent Duty.

Background

The College has well-established arrangements, which have been reported to and considered by the Regional Board.

Information was first provided to the Regional Board at a meeting in December 2014, where Police Scotland provided a presentation on 'CONTEST', the Government's counter-terrorism strategy.

There are 4 strands to CONTEST, these are:
1.   PREVENT - to stop people becoming terrorists or supporting violent extremism;
2.   PURSUE - to stop terrorist attacks through disruption, investigation and detection;
3.   PREPARE - where an attack cannot be stopped, to mitigate its impact;
4.   PROTECT - to strengthen against terrorist attack, including borders, utilities, transport infrastructure and crowded places.

CONTEST delivery groups have been established across Scotland on the basis of one group for each division of Police Scotland. Organisations participating in these groups include: colleges, universities, NHS Boards, local authorities, Police Scotland, Scottish Fire and Rescue Service and Scottish Prison Service.

The College is a member of the CONTEST group for North East Scotland, which encompasses the areas of Aberdeen City, Aberdeenshire and Moray Councils. The CONTEST group meets quarterly; meetings are chaired and facilitated by Police Scotland. Vice Principal Finance and Resources represents NESCol on the local CONEST group.

Prevent Duty Guidance

The Scottish Government issued guidance in March 2015 that is to be followed by public authorities that fall within the scope of the Act.

There are general duties which apply to each public authority including:

1.   having mechanisms for understanding the risk of radicalisation;
2.   ensuring staff understand the risk and building the capabilities to deal with it;
3.   communicating and promoting the importance of the duty;
4.   ensuring staff implement the duty effectively;

5. linking in to the single national strategic lead for Prevent in the sector, institution or organisation;
6. demonstrating evidence of productive co-operation in local CONTEST and Prevent delivery arrangements;
7. providing frontline staff who engage with the public with an understanding of what radicalisation means and why people may be vulnerable to it;
8. informing staff of the measures that are available to prevent people from becoming drawn into terrorism and how to access support for people who may be being exploited by radicalising influences;
9. providing appropriate training for staff involved in the implementation of the Prevent Duty.

The Scottish Government has provided guidance on the specific duties placed upon colleges. These duties are summarised under the headings of:

1. external speakers and events;
2. leadership;
3. staff training;
4. safety on-line;
5. welfare and pastoral care; and
6. monitoring and enforcement.

A statement of the actions taken by the College to fulfil these specific duties is given in Appendix 2.

Police Scotland has confirmed to the College that we are seen as an exemplar of good practice in addressing both general and specific Prevent duties;

The College's Approach

The College has shared its policies, procedures, self-assessment materials and position statement on radicalisation with members of CONTEST groups. Close co-operation between public authorities has been a feature of the work of the CONTEST groups.

The College's approach is based on treating 'radicalisation' as a 'vulnerability' and embedding the Prevent Duty in day-to-day operations as part of 'safeguarding' procedures, which are in place to protect young people and vulnerable adults.

Information has been provided to the Regional Board at previous meetings on the actions taken by the College to ensure compliance with the Prevent Duty and demonstrate that best-practice guidelines were being followed.

Current Position

In Scotland, Prevent delivery is overseen and supported by the Safeguarding and Vulnerability Team (SVT) at the Scottish Government. The College has a role to play in building resilience against being drawn into extremism and terrorism at a local level and in helping to safeguard individuals vulnerable

to radicalisation. To ensure the review of delivery in Scotland effectively, identifying areas of good practice and providing the opportunity for targeted support and continuous improvement across sectors, the SVT have developed a renewed Prevent assurance process for all statutory sectors in Scotland in conjunction with strategic sector leads and in agreement with the Home Office. This is to allow them to:

- Empower sectors and increase confidence in delivery
- Improve understanding of the local and national Prevent landscape in Scotland
- Improve feedback to sectors
- Provide improved and targeted support to sectors
- Improve SG and HO senior oversight and understanding of Prevent delivery
- Improve Prevent delivery in Scotland

A self-assessment tool based on the key principles of the Prevent Duty Guidance has been provided to The College for completion as part of preparation for completing the Prevent Annual Assurance Return (PAAR). The self-assessment tool has been completed and shared through the Multi-Agency PREVENT Delivery Group attended by the Associate Vice Principal Curriculum and Student Experience, who is also the College's Single Point of Contact (SPOC) for Prevent.

The College's policies and procedures in relation to the Prevent Duty have been reviewed and updated (minor changes have been made, which reflect changes in staffing structures and responsibilities).

In the past year, the College has not been involved in any PREVENT.

Recommendation

It is recommended that the Regional Board note the information provided in this report.

Alesia du Plessis
Associate Vice Principal: Curriculum and Student Experience

Prevent Duty
Position Statement – March 2023

Context
- Scottish Government guidance on the Prevent duty for further education colleges was issued on 21 September 2015. These guidance documents were updated on 10 April 2019 and again on 21 April 2021; college policies and processes reviewed to ensure alignment.
- This document measures progress and recent development in the areas noted in the guidance.

External Speakers and Events
- Procedure for approval of 'external speakers' is available to all staff via COLIN and now includes virtual as well as on campus visits.
- Procedures for approval of letting College premises are available via COLIN
- Terms of an information sharing protocol relating to Prevent have been agreed with Police Scotland, signing version awaited from Police Scotland – there has been some delay in this due to COVID but now being revisited.

Leadership
- The Regional Board has received briefings on Contest and the Prevent Duty.
- Senior manager appointed as point of contact (Associate Vice Principal Curriculum and Student Experience).
- College Prevent Group established to co-ordinate arrangements within the College (Vice Principal Finance, Associate Vice Principal Curriculum and Student Experience, Learning and Information Manager).
- ASET Chief Executive briefed and ASET has implemented variant of College action plan.
- SPOC attends Regional Multi-Agency PREVENT group comprising SPOCs from all public bodies and universities.
- The Associate Vice Principal Curriculum and Student Experience and Head of Student Support and Engagement attends the College Development Network (CDN) Safeguarding Forum – regular updates from sector Prevent lead.

Staff Training
- All new staff provided with Prevent training during induction – this is now an online module. Refresher training also available – working with Learning and Information Manager on including this in annual training schedules.
- All staff required to undergo Safeguarding training and complete a refresher every 3 years – Prevent is managed day-to-day via established Safeguarding mechanisms.
- Training materials currently under review and update to reflecting changing nature of threats e.g. increasing prominence of right-wing extremism.
- Mandatory PREVENT update to be rolled out in AY23/24.

Safety online
- Acceptable Use Policies for students and staff address the 'Prevent Duty'. This was updated in October 2022.

- IT systems require users to confirm agreement to relevant Acceptable Use Policy. Summary version has been developed and made more visible to users.
- Web filtering software operates to prevent access to inappropriate content (as defined in Acceptable Use Policies).
- Audit log of attempts to access blocked sites reviewed by the Safeguarding Team in collaboration with People Services and IT teams.

Welfare and pastoral care
- Statement on radicalisation has been adopted.
- Academic Tutors and Students Advice and Support team provide front line advice and pastoral support.
- "Report and Support" online support and safeguarding system enables easier direct, and now anonymous, referral – picked up almost instantly by Safeguarding team.
- Access to and management of 'quiet rooms' are being reviewed.
- Safeguarding policies and procedures are being reviewed and updated in March 2023.
- Referral process has been established with Police Scotland.

Monitoring and enforcement
- NESCol actions benchmarked using self-assessment toolkits.
- Grampian multi-agency Prevent Delivery Group established (NHS Grampian leading on this) and endorsed by local Community Planning Partnerships and the Grampian Local Resilience Partnership – attended by NESCol SPOC.
- NESCol SPOC has signed up to Prevent Scotland Knowledge Hub forum.

Actions
- Continue to review arrangements against Prevent self-assessment toolkits.
- Continue to review Counter Terrorism Protective Security Advice self-assessment.
- Continue programme of staff training, updating materials as required
- Continue to reinforce safeguarding and safety advice to students and staff.
- Information Sharing Protocol relating to Prevent to be signed (final version to come from Police Scotland).