



## REGIONAL BOARD MEETING

**Tuesday 25 March 2025**

**at 10am in Fraserburgh**

**Campus Boardroom,**

**Fraserburgh**

## REGIONAL BOARD

### NOTICE OF MEETING

There will be a meeting of the Regional Board of North East Scotland College on TUESDAY 25 March 2025 at FRASERBURGH CAMPUS at 10am.

### AGENDA

Agenda Item		Paper
45-24	Apologies for Absence	
46-24	Declaration of any Potential Conflicts of Interest in relation to any Agenda Items	
47-24	Minutes of the previous meeting (December 2024)	x
48-24	Matters Arising from the previous meeting (December 2024)	x
	<b>Reserved Matter for Discussion</b>	
49-24	Summary/Overview of Quality Assurance Issue (A du Plessis)	
	<b>Matters for Decision</b>	
50-24	Equalities Mainstreaming Report (G Watt) – <b>late paper</b>	x
51-24	Governance Manual – Annual Review (S Elston)	x
52-24	Regional Board Succession/Office Bearer positions (S Elston)	x
	<b>Matters for Discussion</b>	
53-24	Strategic Plan Update (R Laird)	
	<b>Reserved Matters for Discussion</b>	
54-24	Energy Transition and Skills Hub Update (S Grant)	x
55-24	AY2024/25 Budget and Funding (S Thompson)	x
56-24	25/26 Budget (S Thompson)	x
57-24	5-Year Plan (S Thompson)	x
58-24	ASET Update (S Thompson)	x
59-24	Data Management System Update (L Taylor)	
60-24	Strategic Leadership Team Update (Executive Team)	x
	<b>Reports to the Board</b>	
61-24	Report by the Regional Chair (S Elston)	x
62-24	Report by the Principal (N Cowie)	x
63-24	Report by Committee Chairs	x
	<b>Matters for Information</b>	
64-24	Strategic Risk Register (S Thompson)	x
65-24	Indicative Funding Allocation AY2025/26 (S Thompson)	
66-24	PREVENT Annual Report (A du Plessis)	x
	<b>Reserved Matters for Information</b>	
67-24	Credit Activity Update and Forecast (R Laird)	x
68-24	Opportunities Register (S Thompson)	x
69-24	<b>Any Other Business</b>	

70-24	<p><b>Summation of Actions and Date of Scheduled Next Meeting</b></p> <p><b>Please note the extra Regional Board Meeting called for Thursday 10 April at 10am – to be held via MS Teams.</b></p> <p>Next meeting of the Regional Board will take place on <b>TUESDAY 17 June 2025. Please note the venue may be changed to Altens Campus to allow for showcasing of ETSH building and vehicle.</b></p>	
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## Agenda Item 47-24

### REGIONAL BOARD

#### MINUTE OF MEETING

Minute of the Regional Board of North East Scotland College Meeting, held on Wednesday 11 December 2024 at 1000hrs in Room M102 of Altens Campus.

<b>Agenda Item</b>	<p><b>Present:</b>  Susan Elston, Regional Chair  Jim Gifford  Bryan Hutcheson  Sheena Ross  Caroline Laurenson  Iain Watt  Mark Fotheringham  David Blackhall  Neil Cowie  Duncan Cockburn  Ellie Zemani  Gerry Lawrie  Viktorija Nikitina  Emma MacIsaac  Emily Bell</p> <p><b>Present via MS Teams:</b>  Dave Anderson  Averil Watt  Ewan Rattray</p> <p><b>In Attendance:</b>  Robin McGregor, Vice Principal, Curriculum &amp; Quality  Stuart Thompson, Vice Principal, Finance &amp; Resources  Susan Lawrance, Secretary to the Board  Karen Fraser, Minute Secretary</p> <p><b>Guest Attendees:</b>  Anne MacDonald, Senior Audit Manager, Audit Scotland (Agenda Items 25-24 and 26-24)  John Reid, ASET Chair (Agenda Item 37-24)</p> <p><b>Guest Attendees in Attendance via Teams:</b>  Robert Laird, Head of Planning and Academic Partnerships (for Agenda Item 43-24)</p> <p>S Elston welcomed all in person and virtual attendees.</p>
23-24	<p><b>Apologies for Absence</b>  Apologies were received in advance from C Dempster. It was noted L McDermid was not present.</p>

24-24	<p><b>Declaration of any Potential Conflicts of Interest in relation to any Agenda Items</b></p> <p>J Gifford declared a potential conflict of interest by virtue of his position with Aberdeenshire Council.</p> <p>D Cockburn declared a potential conflict of interest by virtue of his position with RGU.</p> <p>Post-Meeting, M Fotheringham declared a potential conflict of interest by virtue of his position on the ECITB Board.</p>
	<b>Reserved Matters for Decision</b>
25-24	<b>Annual Audited Financial Statements 2023-24 (as presented to Joint A&amp;R/F&amp;R Committees)</b>
26-24	<b>Annual Audit Report prepared by Audit Scotland (as presented to Joint A&amp;R/F&amp;R Committees)</b>
	<b>Guest Attendee A MacDonald left the Meeting at 10:24am</b>
27-24	<b>Minute of Previous Meeting (09/10/24)</b>

	The Minute was approved as a true and accurate record.
28-24	<p><b>Matters Arising from the Previous Meeting (09/10/24)</b></p> <p>Members noted that the Matters Arising were all marked as complete. In a correction to this, it was requested that Action 08-24 remain open for completion at the F&amp;R Committee's 19/02/25 Meeting.</p> <p><b>Action: Board Secretary to amend the Matters Arising Report</b></p>
	<b>Matters for Decision</b>
29-24	<p><b>SA Partnership Agreement AY2024/25</b></p> <p>Members were invited to review the Partnership Agreement as presented to the C&amp;Q Committee, which detailed the priority projects for the AY and which were summarised in discussion.</p> <p>The success in terms of student engagement achieved by the SA was noted as being reflected in the responses to the Student Satisfaction Survey.</p> <p>Discussion topics included observations surrounding regular users of the Food Pantry and the Breakfast Club and the possibility of signposting additional external areas of support via the Wellbeing advisors; the development of the Student Mental Health Agreement, and the increased uptake of extra-curricular activities.</p> <p>The growing impact of the SA year-on-year was acknowledged and praised.</p> <p><b>Action: The existing Part A of the Students Association Partnership agreement to be shared with Board Members.</b></p>
	<b>Matters for Discussion</b>
30-24	<p><b>SFC KPI Publication – NESCol Report AY2022/23 (re-presented from October Meeting)</b></p>
31-24	<p><b>KPI Position for AY2023/24 (re-presented from October Meeting)</b></p> <p>Members were provided with a summary of academic performance against KPIs in AY2023/24 as submitted to the SFC. This was discussed in conjunction with Agenda Item 30-24.</p>

32-24	<p><b>SFC Outcomes Framework and Assurance Model (re-presented from October Meeting)</b></p> <p>An overview of the SFC Outcomes Framework and Assurance Model was summarised to illustrate the revised approach to assurance and accountability in the tertiary education sector to help define the expectations from both Colleges and Universities.</p> <p>R McGregor intimated a greater difference in practice for universities than Colleges, advised of the removal of the Agreement Model, and explained the new peer-led review cycle. It was noted that NESCol's review will take place during AY2028/29.</p>
	<b>Reserved Matters for Discussion</b>
33-24	<b>Scottish Government Budget update – verbal</b>
34-24	<b>AY2024/25 Budget Update (as presented to F&amp;R Committee)</b>
35-24	<b>Opportunities Register (as presented to F&amp; R Committee)</b>
36-24	<b>ETSH Update</b>

	<p><b>Comfort Break 11:54am – 12:10pm</b></p> <p><b>Guest Attendee J Reid joined the Meeting at 11:56am</b></p>
37-24	<b>ASET Presentation</b>
	<b>Guest Attendee J Reid left the Meeting at 12:56pm</b>
	<b>Reports to the Board</b>
38-24	<p><b>Report by the Regional Chair (S Elston)</b></p> <p>S Elston summarised the key messages from her shared Report, specifically in relation to Colleges Scotland and College Employers Scotland.</p>
39-24	<p><b>Report by the Principal (N Cowie)</b></p> <p>N Cowie highlighted the key takeaways from his submitted Report, particularly the GB Energy Partnership Meeting held on 17/10/24 and the Meeting with Colleges Scotland Interim CEO held on 27/11/24.</p>
40-24	<p><b>Report by Committee Chairs</b></p> <p>Members noted the Report by the Committee Chairs, with Chairs from the A&amp;R and the F&amp;R Committees and R McGregor as representative of the C&amp;Q Committee invited to highlight the salient points from Meetings held.</p> <p>The need to allow extra duration for the Joint A&amp;R and F&amp;R Committees Meeting was noted.</p>
	<b>Matters for Information</b>
41-24	<b>First Impressions Survey Results A Y 2024/25 (as presented to C&amp;Q Committee)</b>



	Members were invited to note the results of the First Impressions Survey for AY2024/25, conducted during September and October 2024.
42-24	<b>Strategic Risk Register (as presented to A&amp;R Committee)</b>
	<b>Guest Attendee R Laird joined the Meeting via Teams at 1:09pm</b>
	<b>Reserved Matters for Information</b>
43-24	<b>Credit Activity Update and Forecast (R Laird)</b>
	<b>Guest Attendee R Laird left the Meeting at 1:15pm</b>
	<b>Summation of Actions</b> S Lawrance summarised decisions reached and actions recorded. Members noted the next Regional Board Meeting is due to take place on <b>TUESDAY 25<sup>th</sup> March 2025</b> , at 10am in the <b>Fraserburgh Campus</b> .
	<b>Any Other Business</b> No other business was raised.
	<b>NESCol staff (including Minute Secretary), SA staff and Trade Union Representatives left the Meeting at 1:17pm</b>
	<b>Private Reserved Matters for Decision</b>
44-24	<b>Principal's Performance Management Objectives for AY2024/25</b>

Actions from the Regional Board Meeting 11 December 2024			
Agenda Item	Action	Responsible Person	Deadline
25-24	<b>Financial Statements:</b>		
28-24	<b>Amendment to Matters Arising Report:</b> Amend	Board Secretary	Feb 2025

	to reflect 08-24 update to F&R Feb Committee.		
29-24	<b>SA Partnership Agreement:</b> Part A to be circulated to Board members.	Board Secretary	As soon as possible.
36-24	<b>ETSH:</b>		
42-24	<b>Strategic Risk Register:</b>		

**REGIONAL BOARD**

An update on matters arising from the meeting of the Regional Board of North East Scotland College held on Wednesday 11 December 2024.

<b>Agenda Item</b>	
25-24	<b>Action: Financial Statements:</b>
	<b>Status:</b>
28-24	<b>Action: Amendment to Matters Arising Report:</b> Amend to reflect 08-24 update to F&R Feb Committee.
	<b>Status: Complete</b> – Amendment made to Matters Arising Report
29-24	<b>Action: SA Partnership Agreement:</b> Part A to be circulated to Board members.
	<b>Status: Complete</b> – shared at F&R Committee (available on MS Regional Board Team space)
36-24	<b>Action: ETSH:</b>
	<b>Status:</b>
42-24	<b>Action: Strategic Risk Register:</b>
	<b>Status:</b>

<b>REGIONAL BOARD</b>  <b>Meeting of 25 March 2025</b>	
<b>Title:</b> The Equality Mainstreaming and Outcomes of North East Scotland College 2025-29	
<b>Author:</b> Gwen Watt (Head of Student Support and Engagement) and Alesia Du Plessis (Assistant Principal Curriculum and Student Experience)	<b>Contributor(s):</b> Paul Smith (Assistant Principal Planning and Communications), Robert Laird (Head of Planning and Academic Partnerships), Duncan Abernethy (Assistant Principal Curriculum and Community Development), Jill Leishman (Learning and Development Manager), Lorna Doyle (L&D Business Partner), Sheila Howitt (Procurement Manager), Andrew Donn (Head of Sector), Brian Dunn (Head of Sector), Emily Bell (Student Support and Engagement Coordinator)
<b>Type of Agenda Item:</b>  <div style="display: flex; justify-content: space-between;"> <div> <b>For Decision</b>   <b>For Discussion</b>   <b>For Information</b>   <b>Reserved Item of Business</b> </div> <div style="text-align: right;"> <input checked="" type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/> </div> </div>	
<b>Purpose:</b> To allow the Regional Board to review progress from the previous report and make a decision on the proposed equality outcomes for 2025-29.	
<b>Linked to Strategic Theme:</b>  <b>4. Delivering Excellence and Innovation</b>	
<b>Linked to Strategic Risk(s):</b>  6.1 IF staff do not adhere to key statutory obligations and legislative requirements THEN the College may face significant financial penalties and/or reputational damage may occur.	
<b>Executive Summary:</b>  North East Scotland College remains committed to mainstreaming equality, diversity, and inclusion. The working draft Equality Mainstreaming and Outcomes 2025-2029 report outlines progress to date and sets out four Equality Outcomes focused on mental health, racial equity, and reducing attainment gaps for care-experienced students and those with mental health conditions.	

These outcomes have been approved by the Strategic Leadership Team, Curriculum, Quality and Student Support Committee, Equalities and Wellbeing Committee, and the Student Engagement Action Group. Progress will be monitored by the Equalities and Wellbeing Committee to ensure accountability and impact. The appendices 2, 3, 4, 5 and 6 have been approved by the Board's HR Committee. Once the report is finalised, the complete version will be shared.

**Recommendation:** It is recommended that the Board approves the four new Equality Outcomes for 2025-29.

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

**Equality Impact Assessment:**

**Positive Impact** ☒

**Negative Impact** ☐

**No Impact** ☐

**Evidence:**

# **The Equality Mainstreaming and Outcomes of North East Scotland College 2025-2029**

Draft Only

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Draft Only



## Principal's Foreword

At North East Scotland College we take pride in our role in giving every student who falls under our wing the best chance to succeed in education, in work and in life. We strive every day to provide opportunities for all.

Equality and inclusivity is at the very heart of that ethos. NESCol is a vibrant, welcoming and nurturing environment and our students tell us the support and encouragement they receive, from staff and from peers, is one of the most important parts of their experience at College.

Great strides have been taken over many years to embrace the diversity of our College community and to promote those values that are so important to us. What we must never do is believe that work is complete – we must continue to be progressive, to adapt and to address the issues which exist in our society.

We have a central part to play as an educator, employer and anchor institution in our region. In my role as Principal and Chief Executive I am committed to working with colleagues, with students and with our partners to keep equality at the top of the agenda in every part of our operations.

Actions, of course, speak louder than words.

It is vital we hold ourselves to the highest standards and we assess and measure progress. This report is the foundation of our work in this area, demonstrating our success but also highlighting areas for enhancement. It provides a roadmap for the journey ahead, as well as a reflection of the path that has taken us to this point.

Neil Cowie  
Principal and Chief Executive North  
East Scotland College

## 1.1 Who We Are

NESCol is one of the largest providers of vocational education and training in Scotland, delivering to more than 20,000 full-time, part-time and distance learning students each year. The College operates from its main Aberdeen Altens, Aberdeen City and Fraserburgh campuses as well as the Scottish Maritime Academy in Peterhead. The College employs more than 800 people, serving an area of 2,500 square miles, and directly supports 1,200 businesses.

NESCol is proud of its role in the evolution of traditional industries as well driving growth in new and emerging sectors. The College works closely with industry partners to ensure the skills required in the regional employment market are reflected in the courses offered and the qualifications students gain.

The College is led by our Strategic Leadership Team and governed by the Regional Board, which provides strategic oversight and ensures the college delivers high-quality education that meets the needs of all its communities.

## 1.2 Why Equalities Are Important to Us

At NESCol, we are committed to fostering an inclusive and equitable learning environment where all students and staff can thrive, feel valued, and reach their full potential. We recognise that education is a powerful tool for social mobility and are dedicated to removing barriers to success for individuals from all backgrounds.

Our commitment to equality extends beyond compliance with legal obligations; it is embedded in our core values and reflected in our teaching, support services, recruitment practices, and strategic planning. By embedding equality, diversity, and inclusion into all aspects of college life, we aim to:

- Enhance student attainment and experience by ensuring that all learners, regardless of background, have the support they need to succeed.
- Reduce disparities in educational outcomes by addressing systemic barriers faced by underrepresented groups.
- Foster a diverse and representative workforce that is equipped to support the needs of our students.
- Strengthen community engagement by working with local and national partners to promote social justice and inclusion.

Our approach aligns with the United Nations Sustainable Development Goals (SDGs), particularly Goal 1, (No Poverty), Goal 3 (Good Health and Wellbeing), Goal 4 (Quality Education), Goal 5 (Gender Equality), and Goal 10 (Reduced Inequalities). By embedding these global commitments into our policies and practices, we contribute to a more equitable society, ensuring that education at NESCol is accessible, inclusive, and transformative for all.

### 1.3 Legal Context

NESCol operates within the framework of equalities legislation and regulatory requirements that guide the sector's approach to equality, diversity, and inclusion. The key legal and policy drivers include:

#### **The Equality Act 2010 and the Public Sector Equality Duty (PSED)**

The Equality Act 2010 provides the legislative framework for promoting fairness and preventing discrimination in the UK. It protects individuals from unfair treatment based on nine protected characteristics:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

As a public sector organisation, NESCol must also comply with the Public Sector Equality Duty (PSED), which requires us to:

1. Eliminate discrimination, harassment, and victimisation.
2. Advance equality of opportunity between people who share a protected characteristic and those who do not.
3. Foster good relations between different groups.

### **1.4 The Role of the Scottish Funding Council (SFC) and the Equality and Human Rights Commission (EHRC)**

The Scottish Funding Council (SFC) is the national body responsible for funding, monitoring, and supporting further and higher education institutions in Scotland. It sets strategic priorities for the sector, including those related to equality, diversity, and inclusion.

The Equality and Human Rights Commission (EHRC) is the statutory body that promotes and enforces equality and human rights laws across the UK. It provides guidance, monitoring, and enforcement to ensure compliance with the Equality Act 2010 and the Public Sector Equality Duty.

## 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. 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.

To continue to demonstrate its commitment to Equality and Diversity (E&D) the Board appointed a new E&D Champion in March 2024. The previous E&D Champion remains the Regional Chair. The key objectives of the role are to:

- 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.

The Champion is in attendance as an observer at meetings of the College's Equalities and Wellbeing Committee and sits on the Governance and Nominations Committee.

### 2.2 Programmes of Business

The annual Programmes of Business for the Regional Board and its Committees include the consideration of a number of equality related issues and through its role in the new SFC Outcomes Framework and Assurance Model is responsible for setting strategy and targets in relation to a number of protected characteristics and specific student cohorts. The Board is consulted in relation to the College's Equality Outcomes and is responsible for approving the College's Equality Mainstreaming Reports. 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 and Diversity

With continuing commitment to take positive action in recruitment, the Board's Recruitment & Selection Policy for Board Members includes a statement on striving for a 50/50 gender balance in terms of its membership but also taking cognisance of all other protected characteristics as part of its recruitment and appointment process.

In addition, the Board's Succession Planning Policy for Board Members highlights a planned and considered approach to the appointment/re-appointment of members, so as to reflect Scotland's diverse population.

The Board's gender balance in 2025 is as follows, which represents a positive trend towards an exceptionally well-balanced gender split within the Regional Board:

Non Exec Board Members (including Regional Chair)			Staff Board Members (including Principal & TU Members)		Student Board Members		
Vacancy	Male	Female	Male	Female	Vacancy	Male	Female
1	6	6	2	2	1	0	2

## 2.4 Equalities and Wellbeing Committee

The Equalities and Wellbeing Committee was restructured and rebranded in AY24/25, merging the former Equalities Committee and Wellbeing Matters Committee. This reconfiguration ensures a more integrated approach to equalities and wellbeing, reinforcing the College's commitment to both legislative compliance and the promotion of an inclusive and supportive environment for all students, staff, and stakeholders.

The committee leads the RESPECT Campaign, a key promotional initiative aimed at embedding messages of equality across all campuses and curriculum delivery. Targeted at staff, students, and stakeholders, the campaign ensures that equality, diversity, and inclusion remain visible and actively promoted within the College community. Respectful behaviours are strongly role-modelled within our community with 95% of students highlighting that they believe that college staff, students and contractors behave respectfully towards each other. Through clear and consistent messaging, the campaign reinforces NESCol's commitment to fairness, respect, and belonging for all. Students' awareness of the RESPECT brand is high as evidenced within the Student Satisfaction Survey (AY23/24) with 86% citing awareness of the campaign.

The committee operates through three dedicated subgroups, each with a distinct focus:

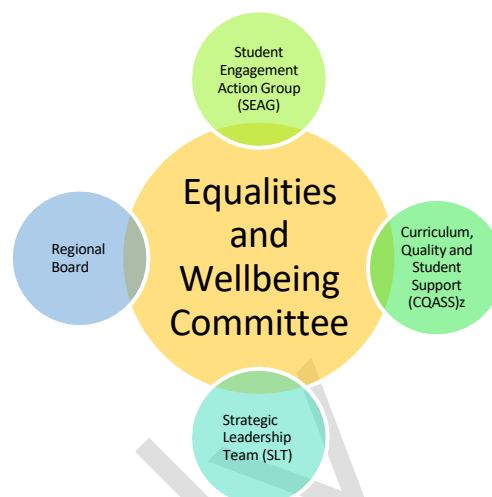
- **The Events and Promotion Subgroup** meets monthly and is responsible for raising awareness of key dates in the equalities calendar. It plays a crucial role in embedding equalities and wellbeing as a core consideration across all aspects of college life, aligning with the goals of the RESPECT Campaign.
- **The Advisory Panel** convenes twice per year, concentrating on the development and oversight of high-quality Equality Impact Assessments (EIAs) to ensure that College policies, procedures, and initiatives meet equality standards.
- **The Lived Experience Groups** are convened on an ad-hoc basis to gather direct feedback from service users. These groups provide valuable insight into the effectiveness of equality-related provisions and contribute to the review of policies, procedures, and strategies.

All three subgroups report regularly to the Equalities and Wellbeing Committee, ensuring a cohesive and informed approach to equality and wellbeing across the College. The committee is also responsible for overseeing the implementation of action plans linked to key policies and strategies such as the [British Sign Language \(BSL\) Plan](#), [Corporate Parenting Plan](#) and [Wellbeing Strategy](#), ensuring that progress remains on track and that intended outcomes are successfully achieved.



## 2.5 Integration of Committee Structures to Embed Equality

The College's committee structure reflects the priority given to equality, with the Equalities and Wellbeing Committee and sub-groups leading on key equality initiatives. Findings and recommendations from this committee are reported and shared to ensure that equality considerations inform decision-making processes and that effective communication is maintained throughout the organisation.



## 2.6 Strategic Leadership Team (SLT)

SLT is committed to fostering an inclusive and collaborative approach that ensures diverse perspectives are represented in decision-making. Comprising the Principal and Chief Executive, Vice Principals, and Assistant Principals, the SLT maintains strong links with all college teams and departments, ensuring that equality considerations are embedded across all key functions. In addition to integrating equality within broader discussions, the SLT also addresses equality matters as distinct agenda items. All members contribute to the mainstreaming of equality and the progress reporting of equality outcomes.

## 2.7 Student Engagement Action Group (SEAG)

SEAG plays a crucial role in mainstreaming equality by ensuring student voices are central to decision-making and institutional improvements. Through its partnership with the Students' Association and alignment with key frameworks, SEAG actively promotes inclusive engagement, wellbeing, and participation. The group ensures that equality considerations are embedded in student-led initiatives, quality enhancement, and representation structures, such as the Class Rep system. SEAG's reporting strengthens the integration of equality-focused strategies across all levels of NESCol, reinforcing a culture of collaboration and continuous improvement in student experience and outcomes.

## 2.8 Curriculum Quality and Student Support (CQASS)

CQASS plays a vital role in embedding equality considerations into institutional decision-making. As a key governance body, CQASS ensures that equality, diversity, and inclusion are integrated into quality assurance, curriculum development, and student support strategies. By reviewing reports and recommendations from the Equalities and Wellbeing Committee, SEAG, and SLT, CQASS helps to drive continuous improvement and accountability. This structured approach ensures that equality is not treated in isolation but is embedded across teaching, learning, and student support, reinforcing NESCol's commitment to fostering an inclusive educational environment.

## 3.0 Mainstreaming Equality for Our Colleagues

### 3.1 Staff Equality

The People Services Team is committed to equality, diversity and inclusion; to eliminate discrimination, advance equality of opportunity, and foster good staff relations. Details of the College's People Services mainstreaming activity can be found within the attached appendices:

- Staff Equality Profile (Appendix 2)
- Gender and Ethnicity Pay Gap Report (Appendix 3)
- Occupational Segregation: Gender (Appendix 4)
- Occupational Segregation: Disability (Appendix 5)
- Occupational Segregation: Race/Ethnicity (Appendix 6)

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

Overall, the appendices identify the activity and progress that the College has made within the area of mainstreaming equalities since the previous report. Data is shared and compared with previous publications to identify where there have been changes.

Generally, the information gathered within the College confirms that the staff profile is comparable to the wider College sector. The College employs more females than males and this is expected when considering sector wide information. There have been no huge changes in the data and information contained within the appendices when comparing them to previous information shared however there will be specific actions taken to address these findings.

There has been an increase in the number of staff not declaring their protected characteristics. The College plans to address this by inviting all staff to update or input their information.

The area of recruitment needs to be investigated to understand why the diversity of those that are appointed does not reflect the diversity that can be seen within those that apply. There may be further actions that come out of the findings but those have not yet been established although recruitment training has been identified as required for managers.

Information around flexible working and specifically the flexible working policy will be shared and highlighted to all staff. It is known within the College that flexible working is more commonly practiced by females so it has been identified that males should be encouraged to utilise the opportunity too.

Within the area of championing equality for women there will be consideration as to how the College supports females into senior roles. This will probably take the form of market research to understand what other comparable institutions are doing and what is available with the further education sector specifically within this area. Once these findings are collated, consideration will be given to the suitability of these to NESCol.



### 3.2 Staff Learning and Development

The College has resource dedicated specifically to the area of Staff Learning and Development. There has been a number of activities carried out within the area of staff development to mainstream equalities. Some of these are highlighted below:

- Refugee training – specific training delivered to a number of staff in order to support people from a refugee background
- Neurodiversity training – topics such as ADHD, autism, dyspraxia, dyslexia have all been covered in various formats and regular continuous professional development within these areas is encouraged of all staff
- Mental health continues to remain a priority area. A number of staff have been trained in First Aid for Mental Health to support staff, students and other stakeholders if required
- Suicide prevention – workshops have taken place on this subject to raise awareness and develop staff in being able to support others
- Gender Based Violence – the College has worked with Emily Test to upskill and train internal facilitators to deliver a live workshop of every member of College staff and this will be continued moving forward to ensure this is refreshed as necessary
- Trauma informed practice – training will be provided to all staff in this area
- Dementia awareness – sessions on this topic have been available to staff in order for them to be able to support colleagues, students and others
- Menopause – a new policy has been implemented along with the introduction of Menopause champions. Training sessions have been delivered to managers and others to encourage supporting all those going through menopause.

### 3.3 Procurement

NESCol is committed to ensuring that public procurement processes align with our ethical, legal, and social responsibilities. When awarding contracts and setting procurement conditions, we take active steps to uphold principles of fairness, transparency, and accountability.

The College requires all suppliers to comply with key policies on modern slavery and human trafficking, anti-bribery and corruption, and diversity and equal opportunities. We ensure that procurement decisions reflect our commitment to eradicating forced labour, maintaining ethical business practices, and promoting inclusivity. Suppliers must adhere to all relevant legislation, including the Modern Slavery Act 2015 and the Bribery Act 2010, and demonstrate a commitment to non-discriminatory practices. Additionally, they are expected to extend these obligations to any subcontractors.

Through these measures, NESCol ensures that procurement processes support our wider equalities objectives, reinforcing ethical business conduct and fostering an inclusive and fair working environment.



## 4. Mainstreaming Equality for Our Students

### 4.1 Mainstreaming equality in the curriculum

Student success is at the centre of everything we do at NESCol and we strive to make the student experience as accessible, inclusive, safe, welcoming and positive as possible. The College takes steps to ensure that it actively advances equality, diversity and inclusion for students as part of curriculum delivery, through high-quality educational provision and a whole-college approach to student support.

The College seeks as far as possible to meet the needs of the learner within its inclusive learning environment. Particular emphasis is placed on the promotion of inclusive teaching practices which reduce/remove the requirement for interventions/adjustments for individual learners.

The Learning and Teaching Futures group, a sub-group of CQASS, provides leadership, guidance and insight on key issues relating to the science of effective learning and teaching, high impact learning, teaching and assessment strategies and inclusive learning and curriculum design. The group is made up of staff and students from across the College who are enthusiastic and passionate about learning and teaching. The group works to identify and develop new and innovative learning and teaching strategies, including pedagogies that support effective digital and online delivery, improve attainment and enhance the student experience.

Additionally, NESCol are mainstreaming the use of the YuJa Panorama accessibility tool by integrating it into our standard teaching practices. This means that all course materials can be routinely checked and converted into accessible formats. Staff receive regular training on how to use YuJa Panorama effectively, ensuring that they are well-equipped to support diverse learning needs. By embedding accessibility into our everyday workflows, we are fostering an inclusive learning environment where all students have equal access to educational resources.

All full-time students are allocated an Academic Tutor, which provides the opportunity for effective relationships and trust to be built between staff and students, and signposting to relevant resources and support services available. Core to the whole-college support model, Academic Tutors promote retention and achievement via the delivery of effective monitoring and support interventions, and liaise with wider college teams regarding student support, advice, funding, transitions and progress.

Mainstreaming equality in the curriculum and the effectiveness of approaches is regularly discussed with curriculum management teams through Head of Sector, Curriculum Manager and Academic Improvement Lead forums which provide leadership, advice, guidance and support through a series of sessions and workshops.

### 4.2 Monitoring representation, experience and outcomes

NESCol continues to enhance its data management systems, providing staff with access to both historic and live data on applications, enrolments, and outcomes, disaggregated by protected characteristic. This data enables the College to identify strengths, areas for improvement, and trends related to under-representation, unconscious bias, and attainment gaps.

As part of the annual self-evaluation process, all curriculum and support teams formally assess their effectiveness in meeting the Public Sector Equality Duty. This structured reflection ensures that equality considerations are embedded across all areas of College operations.

Each team also produces an Annual Enhancement Plan, focusing on targeted improvements and further mainstreaming equalities within their work.

Curriculum teams undertake three “Stop and Review” activities/reports per year. Based on the Tertiary Quality Enhancement Framework and sparqs Student Learning Experience Model. In addition, curriculum and student support management teams review and evaluate representation, experience and outcomes biannually at meetings with a panel of Assistant Principals. These meetings offer an opportunity to review interventions, share best practices and ensure a strategic approach to addressing identified challenges, reinforcing the College's commitment to continuous improvement in equality, diversity and inclusion.

To support evaluation and action planning, work is underway to develop a robust Equalities Dashboard in Power BI which will support evaluation of data across protected characteristics. This tool will provide live and trend data, enhancing the College's ability to monitor progress against its equality outcomes.

### 4.3 Quality Processes

A range of quality assurance processes at NESCol incorporate the consideration of equality, diversity, and inclusion (EDI). Lesson observations assess how EDI is embedded within the teaching environment by identifying both examples of good practice and any missed opportunities to promote equality of opportunity or foster good relations.

To ensure accessibility and inclusivity, student questionnaires following lesson observations have been adapted for Learning Opportunities and English Speakers of Other Languages (ESOL) students. These customised versions use appropriate language and visual elements to support ease of completion.

As part of the College's internal curriculum approval and validation process, qualification approvals include sampling of teaching materials and supporting documentation. This ensures materials are accessible, free from unconscious bias (particularly in relation to stereotypes), and actively promote equality and diversity. In addition, the prior verification process requires curricular teams to submit materials for quality review before being sent to awarding bodies, ensuring clarity and accessibility of assessment instruments.

The Quality team includes Senior Lecturers of Enhancement, each assigned to support specific curriculum areas. Regular meetings with curriculum teams provide opportunities to review resources such as teaching master packs (focusing on accessibility and inclusiveness), enhance awareness of protected characteristics, and reflect on student feedback and lesson observation outcomes.

### 4.4 Student Satisfaction Data

Findings from the First Impressions Survey AY24/25 further reflect the positive student experience at NESCol with 98% stating they are satisfied with the College. Regarding NESCol's commitment to fostering an inclusive and equitable environment, 98% of respondents felt they were treated fairly, a satisfaction level comparable with the previous academic session.

Additionally, the results from the Student Satisfaction and Engagement Survey for AY23/24 confirms that students feel that the College does enough to promote equality and diversity issues with a 94% satisfaction rate.

Student satisfaction data is continually reviewed through the annual self-evaluation process and used to influence positive change.

## 4.5 Safeguarding

Safeguarding is a key priority at NESCol, ensuring a safe and supportive environment for all. The *Report and Support* platform, allowing students and staff to seek guidance or report safeguarding concerns. Dedicated teams provide confidential support and work closely with external partners effectively.

NESCol, through its partnership with Police Scotland and third-sector organisations in the City and Shire, is a member of the *Through Care After Care* Reporting Network, addressing regional concerns related to hate crime. As a Third-Party Reporting Centre, the College offers a safe space for students, staff, and contractors to report incidents.

Additionally, NESCol's partnership with Emily Test has enabled three staff members to become trainers in the *L.I.S.T.E.N.* programme. Training roll out for all staff is underway equipping them with the skills to recognise and respond to Gender-Based Violence.

## 4.6 Student Advice Centres

The Student Advice Centre (SAC) teams provide essential support to students throughout their journey at NESCol, from recruitment, funding, and enrolment to on-course guidance and pre-exit support. *Care-experienced learners' funding applications are prioritised* to ensure timely financial support. Additionally, the SAC teams actively participate in *Through Care After Care Forums* alongside regional social work teams, collaborating to address any challenges care-experienced learners may face and supporting their success at college.

The *Student Advice & Support Team (SAST)* plays a key role in ensuring an inclusive student experience. They conduct *Needs Assessment Reports* to identify additional support requirements, allowing curriculum teams to implement appropriate interventions. At the application stage, particular attention is given to students with additional support needs, care-experienced applicants, and other vulnerable learners, ensuring a well-planned and inclusive transition into college life.

SAST also facilitates *Alternative Assessment Arrangements (AAA)* for students requiring adjustments due to disabilities, medical conditions, or additional support needs. These measures, such as extra time, assistive technology, or alternative formats ensuring fair access to assessments.

The upcoming implementation of a new *Student Records System* in summer 2025 will further strengthen NESCol's *whole-college support model* by enhancing the secure and efficient sharing of key information. This will reinforce the College's commitment to widening access, promoting equality of opportunity, and improving student outcomes.

## 4.7 Student Wellbeing

NESCol provides a comprehensive range of wellbeing support to ensure students have access to the resources they need to maintain good mental health. In-house counselling is delivered by Mental Health Aberdeen (MHA), with consistently high demand highlighting the necessity of this service. Alongside counselling, NESCol's Student Advice and Support Team (SAST) includes dedicated Student Wellbeing Advisers who offer 1:1 appointments, in-class sessions, and support at mental health and wellbeing events. Wellbeing referrals are the largest referral type received by SAST; however, many students book appointments directly without a referral, ensuring a trauma-informed approach that minimises barriers to accessing

support.

The demand for Student Wellbeing Adviser support remains high, with 375 referrals recorded in AY23/24. While female students consistently account for the majority of referrals (59.73% in AY23/24), the proportion of male students seeking support has gradually increased, rising from 34.53% in AY22/23 to 37.87% in AY23/24. Despite this, stigma and barriers to disclosure continue to impact engagement, reinforcing the need for targeted initiatives that encourage help-seeking behaviour among male students.

To further enhance student wellbeing, NESCol has partnered with Spectrum Life, providing a holistic suite of support that includes 24/7 multilingual counselling, a digital gym with online fitness classes, a wellbeing series featuring weekly themed webinars, and a learning suite covering key topics such as anxiety, exam stress, and menopause. Additionally, Spectrum Life offers nutritional guidance through healthy budget-friendly recipes and calorie tracking tools.

Beyond in-house provision, NESCol works closely with external partners such as Aberdeen Foyer, Cyrenians, Alcohol and Drugs Partnership and Penumbra, ensuring students can access specialised support tailored to their individual needs. These partnerships reinforce NESCol's commitment to student wellbeing, offering a multi-layered approach that supports mental health, resilience, and overall wellbeing.

#### 4.7 Student Voice and the Role of the Students' Association

Student voice is a key priority at NESCol, with the Students' Association playing a vital role in shaping policy and driving meaningful change. Steven Seagull, the Students' Association mascot, can regularly be seen around our campuses during key events, encouraging student participation and engagement. In response to the cost-of-living crisis and student poverty, the Association has successfully introduced several key initiatives, including Student Breakfasts (providing free breakfast for all students), the Student Pantry, and Student Kitchens, allowing students to prepare or heat their own food. These initiatives have been widely utilised and are likely to have contributed to improved outcomes for learners from SIMD backgrounds.

The [Gender Affirming Fund](#), established by the Students' Association, has been recognised as sector-leading practice, providing financial support to students undergoing or considering transition. Since its launch in 2023, 82 students have benefited from this fund. NESCol is also an active member of the [TransEdu Network](#), attending regular meetings to ensure best practices and the latest developments are shared within the College community.

The Students' Association supports the mainstreaming of equality through various initiatives in collaboration with the Learning and Development Team. Language Cafés provide an inclusive space for students to develop language skills and cultural awareness, while in 2024, the Association partnered on the [Umbrella Project](#), part of the Aberdeen Inspired initiative, to celebrate neurodiversity. In response to feedback from the Annual Staff and Student BSL Survey, they also co-led activities during Deaf Awareness Week, addressing the demand for basic BSL learning. This included jointly purchasing 50 places on a CPD-accredited course from British-Sign.co.uk for staff and students, with plans to offer this opportunity annually.

NESCol and the Students' Association are co-sponsors of [Grampian Pride](#), organised by Four Pillars, which also regularly supports campus events such as Freshers' and WellFEST.

The Students' Association ensures that student perspectives inform College decision-making by holding seats on the Regional Board and key College committees, ensuring that student voices are represented at all levels of governance.



## **5. Projects and initiatives to support mainstreaming equality at NESCol**

NESCol actively embeds equality, diversity, and inclusion through initiatives that promote awareness, wellbeing, and support for students and staff. These projects create an inclusive environment, ensuring meaningful engagement and access to essential resources.

### **5.1 The Student Advice and Support Team (SAST) Initiatives**

As a Trussell Trust Referral Partner and Naloxone distributor, NESCol mainstreams equality by providing essential support to those in need. Access to food banks helps alleviate financial hardship, while Naloxone distribution promotes harm reduction and community safety. These initiatives ensure dignity, wellbeing, and practical assistance for staff and students.

### **5.2 Care Day**

NESCol participates in the annual Care Day event organised by EPIC, with the Students Advice and Support Team hosting activities and prizes to encourage engagement with support services while showing solidarity, celebrating and supporting our Care Experienced learners and staff.

### **5.3 16 Days of Activism**

Each year we actively participate in 16 Days of Activism by collaborating with Police Scotland, Rape Crisis Grampian, and other stakeholders to raise awareness and offer support on campus. A Gender-Based Violence Course has been created by Rape Crisis and shared with all staff and students via our virtual learning environment, MYNESCol, to raise awareness. There are plans to further enhance and embed messaging by working on a national campaign through the College Development Network (CDN) Equality, Diversity, and Inclusion Network.

### **5.4 Movember**

NESCol's commitment to men's physical and mental health is gaining momentum, reflected in its 9th-place national ranking for [Movember](#) fundraising, raising over £7,000. This growing engagement highlights an increasing willingness among male students and staff to discuss their health and wellbeing. Additionally, in partnership with NHS Grampian, NESCol hosted campus stalls offering activities and information on preventative health measures, including testicular cancer awareness and mental health support.

### **5.5 Sparkle**

The Sparkle Winter Festival is an annual celebration in the lead-up to the winter break, featuring a diverse programme of inclusive activities and events for staff and students. Designed to foster a sense of community and enjoyment, Sparkle also serves as a fundraising initiative, with all proceeds over the past three years, totalling over £9,500 supporting the Student Pantry. This vital resource helps alleviate financial pressures for vulnerable and disadvantaged students amid the ongoing cost-of-living crisis.

### **5.6 Neurodiversity Celebration Week**

Students and staff can engage with the new Celebrating Neurodiversity course on MYNESCol, promoting awareness and acceptance. Additionally, messaging encourages participation in the national Neurodiversity Celebration Week programme.



## 5.7 International Day of Sign Languages/Deaf Awareness Week

For International Day of Sign Languages and Deaf Awareness Week, the Students' Association has introduced free CPD-accredited British Sign Language (BSL) training, enhancing communication accessibility across the College. These initiatives, along with encouragement for staff and students to participate in the BSL Survey, are actively promoted during these awareness events.

## 5.8 ADHD Awareness Month

NESCol, in collaboration with the Students' Association and Learning and Development Team, joined the [Umbrella Project](#) with Aberdeen Inspired for ADHD Awareness Month, displaying umbrellas to support neurodiversity in our community.

## 5.9 The Learning Lounge

This group fosters student engagement through themed drop-in sessions, curated content on MYNESCol, and bespoke support sessions. Recent Learning Lounge topics have included Celebrating Neurodiversity, British Sign Language, and Mental Health and Wellbeing.



## 5.10 Active Campus

The introduction of the Active Campus Coordinator in September 2023, funded by Scottish Student Sport and Sport Scotland, has expanded free physical activity opportunities for students and staff. A three-year Active Campus Plan (2024–27) is in place, with the Active Campus Steering Group overseeing progress and the Active Campus Working Group driving collaboration among staff. Growing in popularity, particularly at Fraserburgh Campus, joint staff and student sessions like badminton and football provide a safe, inclusive space for participation. Weekly activities at our campuses include curling, boccia, [Frisbee Golf](#), table tennis, basketball, health walks, gym sessions and Scottish Country Dancing, promoting teamwork, wellbeing, and a sense of belonging.



## 5.11 Wellbeing Events and Initiatives

NESCol prioritises student wellbeing through events such as WellFEST, Time to Talk Day, and World Suicide Prevention Day, which promote mental health awareness and connect students and staff with support services. These events also provide opportunities for engagement and feedback, shaping initiatives like the *Student Mental Health Agreement*.

## 5.12 Fostering inclusion and RESPECT across our campuses

A range of inclusive initiatives, developed in collaboration with the Student Engagement Action Group and Employee Voice, enhance support across campuses. Wellbeing Hubs within library spaces offer a relaxed environment, particularly benefiting Learning Opportunities students. Contemplation/Prayer Rooms provide suitable spaces for reflection and prayer at the point of need. The Learning Tools Library allows students and staff to borrow assistive equipment, such as noise-cancelling headphones, coloured overlays, and reader pens, ensuring accessibility and support for diverse learning needs.

The *Respect Campaign*, overseen by the Equalities and Wellbeing Committee, promotes a safe and inclusive environment where all staff and students feel valued. Past campaigns have included #RESPECTME, highlighting neurodivergent staff experiences, and an Anti-Racism Campaign supporting NESCol's commitment to eradicating racism. In AY24/25, the Hate Crime Awareness Campaign was introduced to educate staff and students on new legislation and encourage the reporting of hateful behaviour.





## 6. Equality Outcomes 2021-2025 Conclusion

**Equality Outcome 1:** *Reduce the attainment gap for students who declare a disability.*

NESCol has made significant strides in reducing the attainment gap for students who declare a disability by enhancing accessibility, providing tailored support, and fostering inclusive learning environments. Between AY20/21 and AY23/24, the success rate for students with a declared disability (excluding mental health conditions) increased from 61.70% to 75.57%, demonstrating the impact of targeted interventions in supporting student achievement.

In AY23/24, a Student Support Survey was distributed to over 1,000 students enrolled in courses with a high uptake of reasonable adjustments. While participation rates were low, feedback highlighted that Support Needs Assessments and Alternative Assessment Arrangements (AAAs) were the most beneficial, with students identifying them as critical to their success. However, lower engagement with services such as Spectrum Life and In-Class Learning Support Assistants suggested potential gaps in awareness or areas for service refinement.

Additionally, Lived Experience Groups and Surveys were offered to 635 students who had received AAAs or a Needs Assessment in AY24/25. Feedback while limited, was largely positive, with students reporting that reasonable adjustments were implemented in a timely manner, communication throughout the process was clear, and the support contributed to improved resilience and coping strategies.

To address areas for improvement, NESCol has prioritised clearer communication regarding available support services.

The Student Advice & Support Team (SAST) has strengthened student resilience through regional drop-in sessions, improving accessibility, with 70 students accessing support within the first Academic Block of AY24/25. Additionally, the launch of a self-service AAA application process has empowered students to take control of their learning, resulting in 405 applications within six months.

NESCol remains dedicated to reducing the disability attainment gap by fostering a supportive, inclusive, and equitable learning environment for all students.

**Equality Outcome 2:** *Reduce the imbalance in biological sex representation and attainment rates in identified subject areas.*

There has been steady progress in addressing gender imbalances across key subject areas, reflecting the impact of targeted interventions between 2021 and 2024. Efforts to promote diverse role models, ensure inclusive curriculum design, and provide tailored support have contributed to positive changes in both representation and attainment rates.

- **Computing and Digital Technologies:** Female enrolment has remained steady at around 12.8% since 2021, with an increase in success rates from 70.13% (AY20/21) to 84.31% (AY23/24). Inclusive course materials have helped demonstrate computing as a creative, collaborative, and accessible field. In addition, case studies help to encourage female applications into the department and industry [Rebecca Clements](#).
- **Hair & Beauty:** The introduction of full-time Barbering courses has contributed to male enrolments increasing from 1.72% in AY20/21 to 6.76% in AY23/24. Male attainment rates have also improved significantly, rising from 47.37% to 76.67% over the same period.

- **Construction:** Female representation has declined from 8.42% (AY20/21) to 4.96% (AY23/24), though female success rates remain strong, fluctuating between 73.02% and 88.64%. The continued presence of female students at Open Days provides valuable role-modelling opportunities to inspire future learners.
- **Science:** Gender representation is nearing parity, with female enrolments at 50% (AY23/24) compared to 59.59% in AY20/21. Success rates have remained high for both female and male students, reaching 82.14% and 87.83% in AY23/24, respectively.
- **Engineering:** Female enrolment has fluctuated, peaking at 13.79% in AY22/23 before adjusting to 9.46% in AY23/24. However, female attainment has remained consistently strong, rising from 54.10% (AY20/21) to 81.11% (AY23/24), reflecting the success of interventions supporting women in engineering fields.
- **Care:** Male enrolments have seen a slight increase from 7.31% (AY20/21) to 8.61% (AY23/24). While male success rates remain lower than female counterparts, they have improved from 45.83% (AY20/21) to 52.17% (AY23/24), demonstrating progress in supporting men in care-related disciplines.

These improvements align with NESCol's commitment to mainstreaming equality. By continuing to highlight diverse role models, embedding inclusive teaching practices, and providing targeted support, the College is taking meaningful steps to reduce gender imbalances and enhancing attainment across all subject areas.

**Equality Outcome 3:** *Improve access to, and attainment of, education and skills training for those suffering from digital poverty and/or literacy.*

The COVID-19 pandemic underscored the significant impact of digital poverty, highlighting the need for targeted support to ensure equitable access to education. In response, NESCol has implemented several initiatives to remove barriers for those facing digital exclusion. During the 2024/25 academic year to date, 402 students have been supported in securing appropriate IT equipment. There have been 594 long-term loans approved. Additionally, NESCol has introduced Lap-safe Locker devices, enabling students to access laptops daily, for use on-campus, further enhancing digital accessibility. In AY24/25 to date, these laptops have been scanned out 12,443 times. These efforts reflect the College's commitment to bridging the digital divide and ensuring all learners have the tools they need to succeed.

### Enhancing Access and Diversity in Digital Education at NESCol

NESCol is committed to widening access to digital education and fostering diversity within the field of computing. In autumn 2021, the College signed the [Digital Technology Education Charter](#), a national initiative aimed at inspiring young people to engage with computing science. As a founding partner in the Future Skills Partnership, NESCol has also played a key role in regional efforts to encourage a broader and more diverse pipeline of students pursuing digital disciplines.

Representation is a key priority, with promotional materials both online and in print featuring diverse role models. Case studies, such as those of [Danielle Craig](#), and [Ella-May Quinn](#), highlight student success and challenge traditional stereotypes. The Computing and Digital Technologies teams actively support inclusion, with a strong female staff presence demonstrating that computing is a creative, collaborative, and impactful field. Course materials undergo regular review by Internal Quality Assurers to ensure they are inclusive and free from gender bias.

Targeted marketing campaigns showcase the real-world applications of computing in networking, software development, and gaming, making courses more accessible to a diverse range of learners. Confidence-building measures, such as additional support sessions, create an inclusive learning environment, while timetable adjustments accommodate religious observances, including Friday prayers.

NESCol's regional senior phase programme provides clear pathways from school to college, offering vocational courses, curriculum enhancement, supported learning, Foundation Apprenticeships, and SCQF Level 7 provision for S6 pupils. The College also works closely with local authorities to ensure students experiencing digital poverty have access to IT equipment.

Collaboration with the School-College Partnership Team, alongside open days and careers events, ensures computing opportunities are widely promoted. These initiatives not only expand participation but also help learners recognise the role of computing in driving social change, particularly in the rapidly evolving landscape of Artificial Intelligence (AI).

**Equality Outcome 4:** *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.*

#### **Community Partnership Working at NESCol**

NESCol is dedicated to expanding access to education and training for disadvantaged groups through strategic community partnerships, fostering employability and raising aspirations across the region. In collaboration with the University of Aberdeen, Values into Action Scotland, and Skills Development Scotland, NESCol offers an annual internship programme for 12 candidates with learning disabilities and/or autism. This one-year programme provides a combination of employability and independent living skills training alongside practical work experience in voluntary roles within the College, university, or other regional partners.

Additionally, NESCol has a longstanding partnership with Aberdeen Foyer, delivering development and employability programmes that create meaningful opportunities for vulnerable individuals, particularly young people. This is especially impactful in communities around Fraserburgh and Peterhead harbours, among the most deprived areas in Scotland. With the support of Aberdeen Foyer, initiatives such as The King's Trust and REACH help drive positive change by supporting individuals in overcoming barriers to employment and education.

#### **Supporting SIMD10 and Care-Experienced Learners**

The College has made notable progress in supporting students from Scotland's 10% most deprived areas (SIMD10), with enrolments peaking at 579 in AY22/23. Success rates have improved from 61.78% in AY20/21 to 76.61% in AY23/24, reflecting the impact of targeted initiatives. Similarly, care-experienced (CE) learners have seen success rates increase from 56.32% to 67.22% over the same period. While these rates remain below the College average, the gap is closing, demonstrating the effectiveness of specialist support and outreach initiatives.

## Schools-College Partnerships

NESCol works closely with regional schools to create clear pathways into further education, particularly for SIMD10 pupils. Key initiatives include:

- FA Construction (SCQF 4/5) at St Machar Academy – A pilot programme in collaboration with Robertson Construction, starting in schools before progressing to NESCol's industry-standard facilities.
- College Experiences for S2/3 Pupils – Introduced at Northfield, St Machar, Lochside, and Fraserburgh Academies, familiarising young people with NESCol's learning environment.
- Proposed NESCol School Hub – A 'pop-up' engagement model within schools, delivering curriculum-focused and student support sessions to increase awareness and participation.
- Unaccompanied Asylum-Seeking Children and Young People [Case Study](#).

Although a hair and beauty evening programme for adult learners at Northfield Academy is currently under review, the pilot demonstrated NESCol's commitment to flexible learning routes.

Through targeted partnerships, school engagement, and tailored support, NESCol continues to expand opportunities for disadvantaged learners, ensuring education and training remain accessible, inclusive, and impactful.

## Other Actions 2021-25

1. ***Provide additional support to improve the efficacy of Equality Impact Assessment (EIA) writing, evidence collection and evaluation.***

Following delays due to the pandemic and staffing changes, progress has resumed. In 2025, initial benchmarking has been conducted, and improvements to the EIA form have been aligned with Trade Union approval. Full benchmarking, further refinements, training and development are planned for AY25/26 to enhance effectiveness.

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

Initial efforts focused on introducing challenge questions to support teams, with plans to revise and expand them to enhance understanding across all teams. The approach now also incorporates Trauma-Informed Practice, encouraging teams to assess their services through an equalities and mainstreaming lens. Significant work was undertaken with managers in Spring and Summer 2024, and all-staff Trauma-Informed Training will be delivered by the College Development Network on 19th June 2025.

**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.***

In AY23/24, a significant emphasis was placed on Neurodiversity through a collaborative effort between the Equalities and Wellbeing Committee and the Learning & Development Team. This initiative aimed to upskill staff in understanding the specific challenges faced by neurodivergent colleagues and students.

Feedback from the Staff Development Day was overwhelmingly positive, underscoring the impact of this initiative. Furthermore, the #RESPECTME campaign, spearheaded by the RESPECT Subgroup, provided a platform for staff to share their personal stories, inspiring and supporting others. This year-long campaign, complemented by embedded CPD opportunities, has significantly enhanced awareness and contributed to fostering a more inclusive environment.

Over the past two years, progress has continued with managers being offered Psychological Safety and Wellbeing Conversations.

Additionally, staff have had access to ongoing CPD through "Minibites" Sessions, which have included topics such as "Additional Support Needs in the Classroom," further reinforcing our commitment to continuous learning and inclusivity.

**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.***

In 2023, adjustments were made to align data collection on gender identity and ethnicity with SFC requirements. Additionally, care-experienced data was refined to specify the type of care experience, improving clarity and reliability. The implementation of a new student records system in AY25-26 will further enhance data scrutiny, enabling more effective monitoring and continuous improvement.

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

In 2023, a proposal was developed for the establishment of two Equality Champion roles, alongside a detailed role description. However, the appointment process was postponed allowing for the exploration of the most effective approach to promoting equality.

Since then, the Equalities Committee and the Wellbeing Matters Committee merged to form the Equalities and Wellbeing Committee. The Learning and Development Team has initiated the curation of content to support the integration of Equality Champions. As part of NESCol's new Equality Outcomes, further learning opportunities and resources will be developed to facilitate the recruitment and onboarding of these champions. These individuals will be instrumental in monitoring and driving progress across each of the four priority Equality Outcomes chosen for 2025-29.

## Equality Outcomes 2025-29

NESCol has carefully considered the National Equality Outcomes (NEOs) and, through collaboration and consultation with staff, students, and regional partners, has identified four priority outcomes to focus on over the next four years. These priorities reflect our commitment to advancing equality, fostering inclusion, and ensuring positive outcomes for our students.

The following outlines our rationale for choosing each of these four priority Equality Outcomes, detailing the steps we will take to drive meaningful progress. Oversight of these actions and their impact will be led by the Equalities and Wellbeing Committee.

Information on the remaining NEOs that won't be progressed at this time can be found in [Appendix X \(information to be added to the final report\)](#), providing insight into our current position and rationale. Data on these remaining NEOs will be regularly reviewed throughout the reporting period by the Equalities and Wellbeing Committee to ensure NESCol continues to meet our Public Sector Equality Duty (PSED) while delivering an excellent experience for our community.

### Equality Outcome 1 (Sex)

*Increase awareness, accessibility, and engagement with mental health support for men (students and staff) at NESCol by addressing stigma, promoting inclusive services, and ensuring intersectional approaches to wellbeing.*

The decision to prioritise increasing awareness, accessibility, and engagement with mental health support for male students and staff at NESCol is informed by a combination of data analysis, feedback, and ongoing discussions. Events and initiatives such as Upstream, Movember, and the Man Cave sessions have highlighted the need for long-term strategies that encourage male students and staff to seek mental health support. The success of the pilot Man Cave sessions, which provided peer support while reducing stigma and normalising conversations, demonstrates the value of creating safe spaces for men to discuss their wellbeing openly.

Mental health referral data further highlights the need for targeted interventions. Although male students consistently account for approximately 35–38% of all wellbeing referrals at NESCol, they remain significantly underrepresented compared to their female peers. This suggests that men may be less likely to seek support despite experiencing mental health challenges. Additionally, while there has been an increase in the number of males accessing Mental Health First Aid (MHFA) support in AY24/25 (rising from 4 to 11), the overall engagement remains low, reinforcing the need for greater awareness and accessibility to preventative support.

These insights have prompted discussions with men's mental health charities to explore partnerships and establish a regular on-campus presence, further encouraging engagement and support for male staff and students. While data does not yet show a substantial increase in demand for mental health and wellbeing services from male students, feedback from curriculum colleagues during Key Performance Indicator (KPI) meetings strongly suggests that stigma remains a major barrier to disclosure and help-seeking. Staff have identified anxiety and resilience as key areas requiring further exploration and support.

In AY23/24, ACIS Counselling delivered by Mental Health Aberdeen (MHA), NESCol's in-house student counselling service, recorded 21 referrals from male students seeking counselling. The Safeguarding Platform also recorded three reports in AY24/25 citing mental health and



wellbeing as the reason for referral. Despite these figures, feedback from external surveys suggests that the actual prevalence of mental health concerns among male students is likely much higher.

Our awareness of these concerns was first raised through our participation in the UpStream Survey (2021–23) with Aberdeen Foyer. Although primarily focused on eradicating youth homelessness, the survey also gathered health and wellbeing insights using the Warwick Edinburgh Mental Wellbeing Scale (WEMWBS). It revealed that, despite not seeking support through College channels, poor mental health was notably high among male students at our Altens Campus.

Equality Outcome 1 will be addressed as a short- to medium-term priority, focusing on increasing awareness and engagement with mental health support for men (students and staff) at NESCol. These findings, combined with ongoing feedback, reinforce the urgent need to address mental health support for men. Moving forward, our approach will focus on reducing stigma, promoting inclusive services, and ensuring an intersectional approach to wellbeing.

### **How we plan to achieve this**

(Full Action Plan to follow after consultation with the Equalities and Wellbeing Committee and produced in 2025-26)

- Develop and deliver targeted awareness via RESPECT Campaigns
- Establish peer-led men's support networks
- Improve accessibility internal and external mental health services for men
- Provide staff training on men's mental health and stigma reduction
- Celebrate and participate in Men's Health Awareness Campaigns

### **Equality Outcome 2 (Disability)**

*NESCol will enhance support mechanisms, inclusive teaching practices, and targeted interventions to reduce the attainment gap of students who declare a mental health condition.*

As part of our commitment to becoming a Trauma-Informed College, we will embed mental health awareness within curriculum design, expand access to specialist support, and foster a culture of early intervention. By creating a learning environment that is compassionate, understanding, and responsive to the needs of all students, we will ensure equitable opportunities for achievement.

NESCol has identified improving the success and retention rates of students who declare a mental health condition as a priority for 2025-29, based on clear evidence of an attainment gap between these students and their peers. While overall student success rates have steadily increased from 70.61% in AY20/21 to 83.90% in AY23/24, the success rates of students declaring a mental health condition remain significantly lower, rising from 55.53% to 66.48% over the same period. Although this represents an improvement, a persistent gap remains, highlighting the need for enhanced support and targeted interventions to ensure these students achieve success at the same rate as their peers.

The demand for wellbeing and mental health support at NESCol continues to grow, with wellbeing referrals increasing year on year. In Block 1 of AY23/24, there were 168 wellbeing referrals, rising to 225 in the same period for AY24/25. Additionally, students can book wellbeing appointments without requiring a referral, ensuring a trauma-informed approach that reduces barriers to accessing support. In Block 1 of AY24/25 alone, 632 wellbeing

appointments have been booked to date: 266 at the City Campus, 153 at Fraserburgh, 26 at Altens, and 187 remotely. This increase in demand underscores the essential role of NESCol's Student Wellbeing Advisers in supporting students' mental health and wellbeing.

ACIS Counselling, has also experienced a significant increase in demand, leading to a temporary pause on new referrals as of 1 March 2025 to manage a backlog. This further demonstrates the scale of need for mental health support services and the importance of continued investment in accessible and timely interventions.

Through our direct engagement with students, we recognise the growing need to address anxiety and resilience, which have been consistently identified as barriers to success. These insights reinforce the necessity of a college-wide approach that embeds mental health awareness within curriculum design while fostering early intervention strategies.

As part of our commitment to becoming a Trauma-Informed College, NESCol participated in the College Development Network (CDN) Trauma-Informed College pilot, with three staff members receiving enhanced training. This commitment will be further strengthened by Trauma-Informed Practice training for all staff on 19 June 2025. Additionally, curriculum and support management teams have received training in AY23/24 and AY24/25 to ensure trauma-awareness is embedded across teaching and student support services.

We also recognise the impact of poverty on student mental health, as evidenced by findings from the [Pathways from Poverty series](#). NESCol has taken proactive steps to mitigate some of these challenges through initiatives led by the Students' Association, including the introduction of Student Kitchens, the Student Pantry, Free Breakfast, and our status as a Trussell Trust Referral Partner. While these initiatives provide critical support, further work is required to address the structural barriers affecting student mental health and academic success.

Equality Outcome 2 will be addressed as a medium- to long-term priority. By embedding mental health awareness within curriculum design, expanding access to specialist support, and fostering a culture of early intervention, NESCol will create a more inclusive and responsive learning environment. These efforts will ensure that students declaring a mental health condition receive the necessary support to succeed, closing the attainment gap and promoting equitable opportunities for achievement.

## Enrolment and Success Data

	Enrolments				Success			
	20-21	21-22	22-23	23-24	20-21	21-22	22-23	23-24
Total Enrolments	14302	20050	23449	18260	70.61%	79.91%	81.20%	83.90%
Mental Health Declared	1203	1616	1647	1417	55.53%	63.30%	62.84%	66.48%

These figures illustrate both the increasing number of students declaring a mental health condition and the persistent gap in success rates. NESCol is committed to closing this gap through strategic and targeted support, ensuring all students have the opportunity to thrive.



## How we plan to achieve this

(Full Action Plan to follow after consultation with the Equalities and Wellbeing Committee and produced in 2025-26)

- Identify barriers to success for students with mental health conditions through data analysis, feedback, and student engagement.
- Increase awareness and accessibility of mental health support services, ensuring students know where and how to seek help.
- Improve retention and attainment by expanding targeted support and early intervention initiatives.
- Embed mental health resilience within the curriculum through wellbeing-focused content and trauma-informed teaching practices.
- Enhance peer-led support by developing mentoring programmes and student-led mental health networks.
- Expand on-demand and drop-in support through digital counselling, self-help resources, and wellbeing hubs on campus.
- Ensure continuous monitoring and improvement by tracking student outcomes, evaluating service effectiveness, and acting on student feedback.

## Equality Outcome 3 (Race)

*Ensure that attainment levels by ethnicity are monitored and addressed while embedding a diverse, anti-racist curriculum and workplace culture that reflects, supports, and values the experiences of all students and staff.*

Ensuring that students from all ethnic backgrounds achieve equitable educational outcomes and feel represented, supported, and valued within NESCol's learning environment is a key priority. By closely monitoring attainment levels by ethnicity and embedding an anti-racist curriculum, the College aims to create an inclusive learning experience that actively supports all students and promotes equitable opportunities for success.

Addressing attainment gaps remains a key focus, as while overall success rates continue to improve, it is essential that attainment levels by ethnicity are closely monitored to ensure that no student group is disadvantaged. Embedding an anti-racist curriculum will create an inclusive learning experience that actively supports all students and promotes equitable opportunities for success.

Representation within the workforce is another important consideration. Although there has been a slight increase in the number of BAME staff at NESCol, overall representation remains below both regional and national levels. Ensuring that the College's workforce reflects the diversity of the student body and the wider community is essential in fostering an inclusive and supportive environment for both students and staff.

Scotland's Census (2022) data highlights an increasing diversity across the country, with Aberdeen City having a significantly lower proportion of White Scottish residents (67.8%) compared to Aberdeenshire (79.8%). NESCol's student demographics, with 66.4% identifying as White, align more closely with Aberdeen City, but still indicate an opportunity to further engage and support students from minority ethnic backgrounds.

Institutionally, NESCol has committed to fostering an equitable curriculum through its Learning and Teaching Futures Group, which feeds into CQASS and ensures that teaching practices are inclusive. Additionally, staff representation on the regional Anti-Racism Roundtable with partners including NHS, Local Authorities, RGU, Police Scotland, University of Aberdeen and

GREC ensures that the College remains aligned with best practices and up-to-date research in tackling racial disparities in education and employment.

Equality Outcome 3, will be pursued as a long-term goal throughout the 2025-2029 reporting period, ensuring meaningful and lasting change. Taking a proactive approach to embedding a diverse curriculum and an inclusive workplace culture will not only address potential attainment disparities but also enhance the overall experience for both students and staff. This work is essential to ensuring that all individuals within the College feel valued, supported, and represented in every aspect of their learning and working environment.

### How we plan to achieve this

(Full Action Plan to follow after consultation with the Equalities and Wellbeing Committee and produced in 2025-26)

- Engage with the college's diverse community to collectively understand and implement anti-racist approaches.
- Strengthen data collection and analysis on attainment and career progression by ethnicity.
- Embed anti-racist education across the curriculum and professional development to cultivate a culturally diverse and inclusive college environment.
- Act on all forms of racist behaviour, including overt racism, microaggressions, and institutional racism, while empowering staff and students to recognise, challenge and report these behaviours.
- Partner with external agencies and organisations to share best practices and increase the representation of ethnic minority role models within college spaces, enabling the college community to learn from diverse experiences
- Address attainment and career progression gaps through targeted academic and professional development support.

### Equality Outcome 4 (Disadvantaged groups)

*NESCol will enhance support mechanisms, inclusive teaching practices, and targeted interventions to reduce the attainment gap of students who declare care-experience.*

NESCol will prioritise the success and retention of care-experienced learners by taking a trauma-informed approach and strengthening partnerships with regional agencies to ensure informed transitions into, through, and beyond college. We will enhance the student experience by providing tailored support, fostering a sense of belonging, and addressing barriers to engagement. Through collaborative working and a commitment to continuous improvement, we will create an inclusive learning environment where care-experienced learners can achieve their full potential.

Addressing attainment and career progression gaps for care-experienced learners is vital for ensuring equitable opportunities for success. NESCol's Corporate Parenting Plan 2024-26 underpins our commitment to supporting care-experienced students, aligning with our broader efforts to close attainment gaps. While overall student success rates at NESCol have improved, care-experienced learners still face attainment gaps. In AY20/21, the success rate for care-experienced students was 56.32%, compared to 72.78% for their peers. Though this improved to 67.22% in AY23-24, the gap persists, highlighting the need for continued, enhanced support.

NESCol has taken significant steps to support care-experienced learners, including collaboration with Through Care After Care in Aberdeenshire to provide consistent support from both the College and social work teams. Work is also underway to establish a similar

forum in Aberdeen City. Care-experienced bursary applications are prioritised, and monthly meetings between Student Support Managers and Curriculum Managers ensure targeted interventions.

Despite the support available, many care-experienced students are reluctant to seek assistance. To address this, NESCol distributes a Care-Experienced Newsletter three times a year and maintains a Wakelet that hosts tailored support information from NESCol and regional partners, ensuring that it is easily accessible when students need it most.

Recognising the trauma many care-experienced learners have faced, NESCol is working to embed trauma informed practice across all our services embedding trauma-informed practices in its student support services. This aligns with the College's broader commitment to creating an inclusive environment and removing barriers to learning.

NESCol collaborates with Robert Gordon University and the University of Aberdeen to support care-experienced learners in transitioning to higher education. However, uptake remains low, and further development is needed. The re-introduction of the Care Experienced, Estranged, Carers (CEEC) North Forum, chaired by NESCol staff, will improve progression pathways. NESCol is also active in the National Key Policy Group, ensuring care-experienced students' challenges inform sector-wide discussions and policy development.

Additionally, NESCol engages with Virtual Head Teachers to provide early information on college transitions for care-experienced school pupils. The College is represented on the Corporate Parenting Leads Group in Aberdeenshire and the Champions Board in Aberdeen City, reinforcing its commitment to supporting care-experienced students through the Corporate Parenting Plan 2024-26.

Equality Outcome 4, will be delivered through a medium to long-term action plan, ensuring sustained support and measurable progress. By continuously monitoring progress, enhancing academic support, and working with external partners, NESCol aims to close the attainment gap and help care-experienced learners achieve their full potential.

### **How we plan to achieve this**

(Full Action Plan to follow after consultation with the Equalities and Wellbeing Committee and produced in 2025-26)

- Ensure all staff undertake Trauma Informed Practice training.
- Collaborate with the Students' Association to organise Lived Experience Focus Groups to identify barriers to learning, support and attainment.
- Strengthen transition support for care-experienced learners.
- Enhance tailored academic and wellbeing support.
- Expand awareness and accessibility of care-experienced bursaries, discretionary funds, and other additional financial support.
- Improve the student experience and sense of belonging.
- Monitor and review attainment and retention data.

## Conclusion

NESCol remains committed to mainstreaming equality across all aspects of college life. Whilst good progress has been made in embedding inclusive practices, we recognise that continuous improvement is essential to ensuring equitable opportunities and outcomes for all students and staff. The College will continue to prioritise the achievement of the Equality Outcomes 2025-29, working in partnership with internal and external stakeholders to drive meaningful change.

To ensure accountability and sustained progress, the Equalities and Wellbeing Committee will closely monitor developments, evaluating the impact of initiatives and identifying areas for further action. Through ongoing collaboration, data-driven interventions, and a commitment to fostering an inclusive and supportive environment, NESCol will build on its successes and strive for even greater equity in education and employment.

## Agenda Item 51-24

REGIONAL BOARD	
Meeting of 25 March 2025	
<b>Title: Governance Manual – Annual Review</b>	
<b>Author:</b> Susan Lawrance, Secretary to the Board	<b>Contributor(s):</b> Governance and Nominations Committee
<b>Type of Agenda Item:</b> <b>For Decision</b> <input checked="" type="checkbox"/> <b>For Discussion</b> <input type="checkbox"/> <b>For Information</b> <input type="checkbox"/> <b>Reserved Item of Business</b> <input type="checkbox"/>	
<b>Purpose:</b> To enable the Regional Board to consider, and if so minded approve, an updated version of its Governance Manual, which includes (as track changed in Appendix 1): <ul style="list-style-type: none"> <li>1.3 (Introduction) – updated hyperlink to latest Code of Good Governance for Scotland's Colleges – September 2022.</li> <li>3.10 (Constitution and Standing Orders) – AY2023/24 final year in which SFC required colleges to submit Outcome Agreements. SFC's revised approach to assurance and accountability – the <a href="#">Outcomes Framework and Assurance Model</a> replaces Regional Outcome Agreements from AY2024-25.</li> <li>3.35 (Constitution and Standing Orders) – change from 24 to 36 months co-option. To allow for continuation of skills set of current co-opted member.</li> <li>3.60 (Constitution and Standing Orders) – Minutes – reference to relevant Chair's signature being made via physical or electronic means.</li> <li>4.3 (Scheme of Delegation) – reference to change from Regional Outcome Agreement to SFC Outcome Framework and Assurance Model.</li> <li>Minor amendments to Committee Terms of Reference (as agreed earlier in the current Academic Year) have also been reflected.</li> <li>Slight amendments to Terms of Reference as agreed at Committees earlier this year.</li> </ul>	
<b>Linked to Strategic Theme:</b> <b>4. Delivering Excellence and Innovation</b>	
<b>Linked to Strategic Risk(s):</b> n/a	
<b>Executive Summary:</b>	

In line with Good Governance the Regional Board are asked to annually review the Governance Manual. Attached as Appendix 1 is the updated Governance Manual with the amendments highlighted.

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

**Previous Committee Recommendation/Approval** (if applicable): Annual Review by Regional Board (March meeting).

**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 ~~2024~~2025**  
**Approved by Regional Board**





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## 1. INTRODUCTION

- 1.1 This document sets out:
- The statutory and regulatory responsibilities underpinning the operation of the Regional Board of North East Scotland College
  - The Constitution and Standing Orders of the Board and its Committees
  - The Scheme of Delegation, including delegation to the Chair, Committees, the Principal and the Secretary to the Board
  - The Regional Board Code of Conduct
  - The Terms of Reference of the Board and its Committees.
- 1.2 This Manual is not intended to undermine or supersede the formal Instruments and Articles of Governance, under which the College has its charitable status. In the event of any conflict between the contents of this Manual and the Instruments and Articles, the Instruments and Articles take precedence. Any changes to those Instrument and Articles will, as appropriate, be reflected in the content of this Manual.
- 1.3 This Manual should be read in conjunction with the [Code of Good Governance for Scotland's Colleges](#) [Code of Good Governance for Scotland's Colleges – September 2022](#) and the [Model Code of Conduct for Members of Devolved Public Bodies](#) ([standardscommissionscotland.org.uk](http://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, monitoring and review of core measures identified within the SFC Outcome Framework and Assurance Model; 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 17 nor more than 20 members (Appendix 2). 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.
  - g) two trade union nominees (one each from EIS and UNISON)

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 ~~24~~ 36 months, with a review to be held after 12 months, following support of the co-option by the Governance and Nominations 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's signature will be added, either physically or electronically, 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, [monitoring and review of core measures identified within the SFC Outcome Framework and Assurance Model 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

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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 an annual self-evaluation reflecting upon performance against remit and the provision of Executive support which will feed 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 \(standardscommissionscotland.org.uk\)](https://standardscommissionscotland.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 disclose 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	<b>Membership</b>	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	<b>Quorum</b>	No less than one half of the members entitled to vote.
1.3	<b>Remit</b>	<p>The Regional Board shall observe constitutional arrangements as set out in legislation and the Standing Orders in all its business.</p> <p>The Regional Board must ensure compliance with the statutes, ordinances and provisions regulating the College and its framework of governance and, subject to these, take all final decisions on matters of fundamental concern to the College.</p> <p>The Regional Board is responsible for overseeing the business of the College, determining its strategic direction and fostering a safe environment in which the College's vision is achieved and the potential of all learners is maximised through the delivery of high quality learning and outcomes. The Regional Board must also ensure that the College has in place effective management and financial controls to support the student experience within a framework of public accountability and transparency.</p> <p>The Regional Board shall:</p> <ul style="list-style-type: none"> <li>• Determine the College's vision, strategic direction, educational character, values and ethos;</li> <li>• Identify strategic priorities and provide direction within a structured planning framework;</li> <li>• 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;</li> <li>• 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;</li> <li>• 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;</li> <li>• Work in partnership to secure the coherent provision of high quality fundable further and higher education across the region;</li> <li>• Provide leadership in equality and diversity;</li> <li>• 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;</li> </ul> <p>and</p> <ul style="list-style-type: none"> <li>• Determine the Board's position regarding National Collective Bargaining and ensure that this is communicated to the Employers' Association.</li> </ul>

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	<ul style="list-style-type: none"> <li>• <u>Ensure that the College remains committed to environmental, economic and social sustainability, ensuring the needs of the present do not compromise the ability of future generations to meet their own needs.</u></li> </ul> <p>In observance of the Scheme of Delegation, the Regional Board reserves making decisions on the following matters to itself, upon advice from or recommendation by the relevant Committee where appropriate and must not be delegated:</p> <ul style="list-style-type: none"> <li>• determining the objectives of the Board</li> <li>• final approval of the College's Strategic Plan and Regional Outcome Agreement</li> <li>• approval of the year-end Annual Report and Accounts</li> <li>• approval of the Annual Budget</li> <li>• final consideration of the Annual Audit Report</li> <li>• approval of the Strategic Risk Register</li> <li>• acquisition and disposal of heritable property, subject to approval of the SFC</li> <li>• 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</li> <li>• ensuring appropriate arrangements are in place for the appointment of Staff and Student Members</li> <li>• appointment of the Senior Independent Member</li> <li>• appointment and removal of the Principal and Chief Executive</li> <li>• appointment and removal of the Secretary to the Board</li> <li>• approval of terms and conditions of appointment of Board Members</li> <li>• approval of the Students' Association constitution and the election regulations for student officers</li> <li>• delegation of functions of the Board including remits of Committees and this Scheme of Delegation</li> <li>• the making, amendment and revocation of the Standing Orders of the Board</li> <li>• approval of the awarding of contracts over a value of £250,000</li> <li>• approval of the College's capital programme.</li> </ul>
<b>1.4</b>	<p><b>Meetings/Reporting</b></p> <p>The Regional Board shall meet a minimum of four times per year.</p> <p>The Regional Board will normally hold <del>two</del> <u>at least one</u> Strategy Events during each academic year.</p>

## COMMITTEE TERMS OF REFERENCE

AUDIT AND RISK COMMITTEE		
1.1	<b>Membership</b>	<p>A minimum of 6 Members, one of whom shall be appointed Committee Chair.</p> <p>The internal audit service provider and representatives of the external auditor will be expected to attend meetings of the Audit and Risk Committee and to be provided with the agenda and papers for meetings.</p>
1.2	<b>Quorum</b>	No less than one half of the members entitled to vote.
1.3	<b>Remit</b>	<p><b>General</b></p> <p>The Audit and Risk Committee shall make its recommendations to the Regional Board as appropriate. The Committee shall make its decisions and report these to the Regional Board. The Audit and Risk Committee shall observe the Standing Orders in all its business.</p> <p>The Audit and Risk Committee is established in accordance with the Financial Memorandum between the Scottish Funding Council (SFC) and the Regional Board of North East Scotland College.</p> <p>The Audit and Risk Committee is an advisory body with no executive powers, and will adopt and ensure compliance with Audit Scotland's Code of Audit Practice.</p> <p><b>Specific Duties</b></p> <p>The following provides a summary of the main duties of the Audit and Risk Committee:</p> <p><b>Internal Control</b></p> <ul style="list-style-type: none"> <li>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.</li> </ul> <p><b>Internal Audit</b></p> <ul style="list-style-type: none"> <li>Advising the Regional Board on the selection, appointment or reappointment and remuneration, or removal of the IAS provider where the service is contracted-out;</li> <li>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;</li> <li>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;</li> <li>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;</li> </ul>



	<ul style="list-style-type: none"> <li>Considering salient issues arising from internal audit assignment reports, progress reports, annual reports and management's response thereto and informing the Regional Board thereof;</li> <li>Informing the Regional Board of the Audit and Risk Committee's approval of the IAS's annual report;</li> <li>Ensuring <del>establishment of appropriate performance measures and indicators to monitor</del> appropriate liaison and co-ordination between internal and external audit;</li> <li>Ensuring good communication between the Committee, the Head of IAS and the external auditor; and</li> <li>Responding appropriately to notification of fraud or other improprieties received from the Head of IAS or other persons.</li> </ul> <p><b>External Audit</b></p> <ul style="list-style-type: none"> <li>In conjunction with the Finance &amp; 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);</li> <li>Reviewing the external auditor's annual Management Letter and monitoring management action on the implementation of the agreed recommendations contained therein;</li> <li>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;</li> <li>Reviewing the statement of corporate governance as part of the consideration of the College's annual financial statements;</li> <li>Reviewing the external audit strategy and plan;</li> <li>Holding discussions with external auditors and ensuring their attendance at Audit and Risk Committee and Regional Board meetings as required;</li> <li>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</li> <li>Securing appropriate liaison and co-ordination between external and internal audit.</li> </ul> <p><b>Value for Money</b></p> <ul style="list-style-type: none"> <li>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;</li> <li>Advising the Regional Board on potential topics for inclusion in a programme to undertake individual assignments considering the required expertise and experience; and</li> <li>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.</li> </ul> <p><b>Risk Management</b></p> <ul style="list-style-type: none"> <li>Reviewing the Risk Management Policy, ahead of its consideration by the Regional Board; and</li> <li>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.</li> </ul>
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	<p><b>Governance</b></p> <ul style="list-style-type: none"> <li>• Reviewing the College's governance arrangements in line with the Code of Good Governance for Scotland's Colleges.</li> </ul> <p><b>Advice to the Board</b></p> <ul style="list-style-type: none"> <li>• Reviewing the College's compliance with the Code of Audit Practice and advising the Board on this;</li> <li>• Producing an annual report for the Regional Board;</li> <li>• Advising the Board of significant, relevant reports from the SFC, Audit Scotland and the Auditor General and, where appropriate, management's response thereto; and</li> <li>• Reviewing reported cases of impropriety to establish whether they have been appropriately handled.</li> </ul>
<b>1.4</b>	<p><b>Meetings / Reporting</b></p> <p>The Audit and Risk Committee will normally meet four times per year.</p> <p>The Chair of the Finance and Resources Committee may attend meetings of the Audit and Risk Committee in an observer's role.</p> <p>Once a year, subsequent to a meeting of the Audit and Risk Committee, Lay members of the Audit and Risk Committee will meet with the internal audit service provider and representatives of the external auditor. The Regional Chair may elect to attend this meeting.</p> <p>At its discretion, the Audit and Risk Committee may sit privately without any non-Members present for all or part of a meeting if they so decide.</p> <p>The Audit and Risk Committee will report to the Regional Board on a regular basis, and the Audit Chair will produce an Annual Report for submission to the Board following the end of the financial year.</p>
<b>1.5</b>	<p><b>Senior Management Support</b></p> <p>The following member of the Executive Team provides objective, specialist advice to support the Committee to discharge its remit:</p> <ul style="list-style-type: none"> <li>• Vice Principal – Finance &amp; Resources</li> </ul>

CURRICULUM AND QUALITY COMMITTEE		
1.1	<b>Membership</b>	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	<b>Quorum</b>	No less than one half of the members entitled to vote.
1.3	<b>Remit</b>	<p><b>General</b></p> <p>The Committee shall make its recommendations to the Regional Board as appropriate. The Committee shall make its decisions and report these to the Regional Board. The Committee shall observe the Standing Orders in all its business.</p> <p><b>Specific Duties</b></p> <p>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 &amp; Quality Committee shall:</p> <ul style="list-style-type: none"> <li>• Provide critical strategic direction and support for the College's improvement agenda;</li> <li>• Maintain oversight of the College's approach to curriculum planning, review and development;</li> <li>• Ensure that the College undertakes effective external engagement with key stakeholders to support evidence based approaches to curriculum and quality related developments;</li> <li>• Monitor key College student activity, student outcome and quality related performance indicators, including the consideration of national benchmarking data where available;</li> <li>• Ensure that appropriate mechanisms are in place for the effective oversight of the quality and inclusivity of the learning experience in the College;</li> <li>• Monitor progress against the College's Enhancement Plan;</li> <li>• Support meaningful ongoing engagement and dialogue with students, the Students' Association and, as appropriate, staff in relation to the quality of the student experience;</li> <li>• Consider the results of key student surveys and monitor related action plans that impact on the quality of learners' experience;</li> <li>• Ensure that learners are effectively supported to achieve the best possible outcomes;</li> <li>• Support and monitor the implementation of the Partnership Agreement between the College and the Students' Association;</li> <li>• Consider the recommended Students' Association annual budget proposal ahead of its inclusion in the College's draft annual budget;</li> <li>• Review, approve and monitor the implementation of the College's Business Development, Learning &amp; Teaching, and Marketing &amp; Communication Strategies;</li> <li>• Receive, as appropriate, reports from the Curriculum, Quality &amp; Student Support Committee, Student Engagement Action Group, and Equalities Committee; and</li> <li>• 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.</li> </ul>

<b>1.4</b>	<b>Meetings</b> The Curriculum & Quality Committee will normally meet at least three times per year.
<b>1.5</b>	<b>Management Support</b> The following members of the Executive and <del>Strategic</del> Leadership Teams provide objective, specialist advice to support the Committee to discharge its remit: <ul style="list-style-type: none"> <li>• Vice Principal – Curriculum &amp; Quality</li> <li>• <del>Associate Assistant Vice</del> Principals</li> <li>• <del>Director of Business Development</del></li> <li>• Director of Quality</li> </ul>

FINANCE AND RESOURCES COMMITTEE		
1.1	<b>Membership</b>	<p>A minimum of 6 Members, one of whom shall be appointed as Committee Chair Principal One Staff and one Student Member</p> <p>The Chair of the Finance and Resources Committee is precluded from serving on the Audit and Risk Committee.</p>
1.2	<b>Quorum</b>	No less than one half of the members entitled to vote.
1.3	<b>Remit</b>	<p><b>General</b> The Committee shall make its recommendations to the Regional Board as appropriate. The Committee shall make its decisions and report these to the Regional Board. The Committee shall observe the Standing Orders in all its business.</p> <p><b>Specific Duties</b> The Committee has overall responsibility (within the Financial Memorandum between the College and the Scottish Funding Council (SFC)) for the direction and oversight of the College's financial affairs. The Finance and Resources Committee shall:</p> <ul style="list-style-type: none"> <li>• Monitor the College's financial position;</li> <li>• Review and monitor the Colleges' key financial performance indicators, student funding performance indicators, and student activity performance indicators;</li> <li>• Monitor performance against specific targets relating to the generation of commercial income as defined by the College;</li> <li>• Consider and recommend the College budget for the following financial year to the Regional Board;</li> <li>• Consider the College's annual financial performance through the Annual Financial Statements;</li> <li>• In conjunction with the Audit &amp; Risk Committee, consider and approve the College's annual financial statements and the external auditor's report prior to submission to the Regional Board;</li> <li>• Consider the proposed SFC Financial Forecast Return (FFR) and make recommendations to the Regional Board;</li> <li>• 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;</li> <li>• Approve and review the College's Finance Strategy;</li> <li>• 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;</li> <li>• Approve annually, all course fees (other than those fixed by statutory regulations);</li> <li>• Approve fee waivers on behalf of the Regional Board;</li> <li>• Approve the write-off of individual bad debts in excess of £3,000;</li> <li>• Oversee cash management and the Scottish Government Banking Service;</li> <li>• Agree and monitor the College's insurance arrangements;</li> <li>• Approve the award of contracts with a value of £100,000 to £249,999;</li> <li>• Consider and monitor the College's Estates Strategy (including capital proposals and major capital works) making recommendations to the Regional Board as appropriate;</li> </ul>

	<ul style="list-style-type: none"> <li>• 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</li> <li>• 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.</li> </ul>
<b>1.4</b>	<b>Meetings</b> The Finance and Resources Committee will normally meet four times per year.

HUMAN RESOURCES COMMITTEE		
1.1	<b>Membership</b>	A minimum of 5 Members, one of whom shall be appointed Committee Chair Principal One Staff and one Student Board Member
1.2	<b>Quorum</b>	No less than one half of the members entitled to vote.
1.3	<b>Remit</b>	<p><b>General</b> The Committee shall make its recommendations to the Regional Board as appropriate. The Committee shall make its decisions and report these to the Regional Board. The Committee shall observe the Standing Orders in all its business.</p> <p><b>Specific Duties</b> The Committee has overall responsibility for the direction and oversight of all human resource matters relating to the function of the Regional Board as employer of the College's staff. The Human Resources Committee shall:</p> <ul style="list-style-type: none"> <li>• Monitor the implementation of the College's People Strategy;</li> <li>• Monitor key performance indicators with regard to People Services objectives and College staff through the consideration of key management information reports;</li> <li>• Monitor staff-related equality data;</li> <li>• Ensure that the College maintains positive employer relations through the implementation of its approach to employee engagement;</li> <li>• Ensure that the College promotes the physical and mental health and wellbeing of its staff;</li> <li>• Maintain oversight of Learning &amp; Development, including health and wellbeing and Learning Technologies, activities within the College;</li> <li>• Approve the College's annual Equal Pay Statement and Policy, Occupational Segregation and Gender Pay Gap Reports;</li> <li>• Approve College HR policies and procedures as appropriate;</li> <li>• Monitor progress against the People Services Enhancement Plan;</li> <li>• Undertake appropriate monitoring to ensure that the College meets all legislative duties in relation to human resources;</li> <li>• Monitor progress against the implementation of the outcomes of National Collective Bargaining; and</li> <li>• Receive regular updates on Local Joint Negotiating Committee meetings.</li> </ul>
1.4	<b>Meetings</b>	The Human Resources Committee will normally meet three times per year.
1.5	<b>Management Support</b>	<p>The following member of the <b>Strategic</b> Leadership Team provides objective, specialist advice to support the Committee to discharge its remit:</p> <ul style="list-style-type: none"> <li>• <del>Director of</del> <u>Assistant Principal</u> - People Services</li> </ul>

CHAIRS COMMITTEE		
1.1	<b>Membership</b>	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
	<b>Advisors</b>	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	<b>Quorum</b>	3 members
1.3	<b>Substitutes</b>	If a Chair is unable to attend a meeting, the Vice Chair of the respective Committee may attend in their place.
1.4	<b>Remit</b>	The Chairs Committee shall: <ul style="list-style-type: none"> <li>• provide support and guidance to the College's Executive Team and advice to the Regional Board; and</li> <li>• act on behalf of the Regional Board in any matter which, in the judgement of the Regional Chair, requires urgent attention or decision.</li> </ul>
1.5	<b>Meetings</b>	The Chairs Committee will meet as required.



REMUNERATION COMMITTEE		
1.1	<b>Membership</b>	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	<b>Quorum</b>	4 members
1.3	<b>Remit</b>	The Remuneration Committee shall: <ul style="list-style-type: none"> <li>• 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;</li> <li>• Seek comparative information on salaries and other emoluments and conditions of service in the FE sector;</li> <li>• Ensure that the performance of the Principal as head of the College is assessed on an annual basis; and</li> <li>• 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.</li> </ul>
1.4	<b>Meetings</b>	The Remuneration Committee will meet as required.

GOVERNANCE AND NOMINATIONS COMMITTEE	
1.1	<p><b>Membership</b></p> <p>Chair of Regional Board, who shall serve as Committee Chair</p> <p>Vice Chair(s) of Regional Board</p> <p>Chair of the Finance and Resources Committee</p> <p>Chair of the Curriculum and Quality Committee</p> <p>Chair of the Human Resources Committee</p> <p>Equality and Diversity Champion</p> <p>Senior Independent Member</p> <p>Principal and Chief Executive</p>
1.2	<p><b>Quorum</b></p> <p>3 members</p>
1.3	<p><b>Remit</b></p> <p>The Governance and Nominations Committee will support the Regional Board in maintaining high standards of governance. The Committee shall</p> <ul style="list-style-type: none"> <li>• Consider and recommend amendments to the Regional Board's Governance Manual;</li> <li>• Ensure that the Regional Board complies with the Code of Good Governance for Scotland's Colleges;</li> <li>• Consider implications of legislative changes and advise the Regional Board accordingly;</li> <li>• 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;</li> <li>• Consider the Board's succession planning arrangements;</li> <li>• Support the process by which Regional Board Members are recruited, selected, and recommended for appointment;</li> <li>• Support the process by which individuals, including Non-executive Members at the end of their term of office, are co-opted to Board Committees;</li> <li>• Advise the Regional Board on matters relating to the appointment of the Chairs, Vice Chairs and membership of the Board's Committees; and</li> <li>• 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.</li> </ul>
1.4	<p><b>Meetings</b></p> <p>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.</p>

## 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

### **SANCTIONS AVAILABLE TO THE STANDARDS COMMISSION FOR BREACH OF THE CODE**

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

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

- all meetings of the 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

### **EQUALITY AND DIVERSITY CHAMPION ROLE DESCRIPTION**

#### **Key Objectives**

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

#### **Main Tasks**

- Attend meetings of the College's 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

### COMMITTEE CHAIR ROLE DESCRIPTION

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/Strategic 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 Strategic Leadership Teams
- Ensure the Executive and Strategic 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

### **SECRETARY TO THE BOARD ROLE DESCRIPTION**

**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.

## APPENDIX I



### 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

### **REGISTER OF INTERESTS FORM**

NAME OF MEMBER:
INTERESTS RELATING TO REMUNERATION:
INTERESTS RELATING TO RELATED UNDERTAKINGS:
INTERESTS RELATING TO CONTRACTS:
INTERESTS RELATING TO HOUSES, LAND AND BUILDINGS:
INTERESTS RELATING TO SHARES AND SECURITIES:
INTERESTS RELATING TO GIFTS AND HOSPITALITY:
INTERESTS RELATING TO NON-FINANCIAL INTERESTS:
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<sup>1</sup> 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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<sup>1</sup> 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 exists, they should seek advice from the board chair.

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

### **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 reasonably 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 publicly 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<sup>2</sup> 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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<sup>2</sup> 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**<sup>3</sup> 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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<sup>3</sup> 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](#)<sup>4</sup>, 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<sup>5</sup>.

4.10 [The Charity Test \(Specified Bodies\) \(Scotland\) Order 2008](#) (as amended) disappplies 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<sup>6</sup>. 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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<sup>4</sup> 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).

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

<sup>6</sup> 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<sup>7</sup>. 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)<sup>8</sup>.

#### 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

<sup>7</sup> 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".

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



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

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

- (a) hold and express opinion;
- (b) question and test established ideas and received wisdom; and
- (c) present controversial or unpopular points of view.

## APPENDIX 1

### SECTION 12 OF THE 1992 ACT (AS AMENDED)

#### BOARDS OF MANAGEMENT

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

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

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

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

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

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

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

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

(f) to supply goods and services;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*References to:*

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

## APPENDIX 2

### SCHEDULE 2 TO THE 1992 ACT

#### CONSTITUTION AND PROCEEDINGS OF BOARDS OF MANAGEMENT

##### Status

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

##### Membership

3. (1) The board of a regional college is to consist of no fewer than 15-17 nor more than 18-20 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.
- (g) two trade union nominees (one each from EIS and UNISON)

(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<sup>9</sup>.

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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<sup>9</sup> 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,

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

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

(4) Where a member removed under sub-paragraph (3) was appointed under paragraph 3(2) (f) or 3A (2) (a) or (f), the Scottish Ministers may appoint another person in place of the removed member<sup>10</sup>.

(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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<sup>10</sup> 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<sup>11</sup>.

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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<sup>11</sup>[http://www.sfc.ac.uk/web/FILES/Guidance\\_college\\_reclassification/Colleges\\_of\\_Further\\_Education\\_Order\\_2015.pdf](http://www.sfc.ac.uk/web/FILES/Guidance_college_reclassification/Colleges_of_Further_Education_Order_2015.pdf)

## APPENDIX 3

### SECTION 23A – 23D OF THE 2005 ACT

#### REGIONAL COLLEGES: FUNCTIONS

##### Regional colleges: general duty

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

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

##### Regional colleges: planning, consultation and collaboration

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

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

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

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

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

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

(b) its students' association;

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

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

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

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

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

(h) The Open University;

(i) The Skills Development Scotland Co. Limited;

(j) the Scottish Qualifications Authority; and

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

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

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

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

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

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

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

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

(f) The Open University;

(g) The Skills Development Scotland Co. Limited;

(h) the Scottish Qualifications Authority; and

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

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

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

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

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

#### **Regional colleges: improvement of economic and social well-being**

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

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

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

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

(3) For the purposes of subsection (2) (a), "needs" means needs which appear to the regional college -



(a) to exist for the time being or be likely to exist in the future; and

(b) to be capable of being addressed (wholly or partly) by the provision of fundable further education or fundable higher education.

(4) For the purposes of subsection (2) (b), “issues” means issues which appear to the regional college -

(a) to exist for the time being or be likely to exist in the future; and

(b) to be capable of being addressed (wholly or partly) by the provision of fundable further education or fundable higher education.

#### **Regional college to have regard to particular matters**

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

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

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

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

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

(2) In exercising its functions, a regional college is to have regard to the desirability of the achieving of sustainable development.

(3) In exercising its functions, a regional college is to have regard to the—

(a) United Kingdom context; and

(b) international context,

in which it carries on its activities.

(4) In exercising its functions, a regional college is to have regard to the educational and related needs (including support needs) of persons who are, and the likely educational and related needs (including support needs) of persons who might wish to become, students of the college.

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

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

(a) to exist for the time being or be likely to exist in the future; and

(b) to be capable of being addressed (wholly or partly) by the provision of fundable further education or fundable higher education.

(7) For the purposes of subsection (1) (b) and (c), “issues” means issues which appear to the regional college –

(a) to exist for the time being or be likely to exist in the future; and

(b) to be capable of being addressed (wholly or partly) by the provision of fundable further education or fundable higher education.

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

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

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

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

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

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

## APPENDIX 4

### SECTION 23N OF THE 2005 ACT

#### ASSIGNED COLLEGES: INFORMATION AND DIRECTIONS

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

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

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

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

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

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

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

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

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

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

(a) to give directions in relation to the transfer of any staff, property, rights, liabilities or obligations<sup>12</sup>; 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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<sup>12</sup> 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 25 March 2025	
<b>Title:</b> Succession Planning – Office Bearers Appointment/Board Vacancy	
<b>Author:</b> Susan Lawrance, Board Secretary	<b>Contributor(s):</b> Governance and Nominations Committee
<b>Type of Agenda Item:</b>  <b>For Decision</b> <input checked="" type="checkbox"/> <b>For Discussion</b> <input type="checkbox"/> <b>For Information</b> <input type="checkbox"/> <b>Reserved Item of Business</b> <input type="checkbox"/>	
<p><b>Purpose:</b> To enable the Regional Board to consider in line with the Succession Planning Policy approved at June 2023 Regional Board meeting, various Office Bearer positions and Board Vacancy. Members should note the recommendations below were discussed at the recent Governance and Nominations Committee Meeting, held in January 2025, with S Elston having been in communication with the relevant Board Members.</p> <p><b>Vice Chair Positions:</b> Members are asked to approve Ewan Rattray as the Vice Chair of the Finance and Resource Committee (following the resignation of N McLennan). At the time of writing the Curriculum and Quality Committee Vice Chair position remains vacant (following the stepping away from Office Bearer duties of Mark Fotheringham to allow him to continue to engage on behalf of the Board with the ETSH Project and the ASET Board). S Elston will continue to pursue this vacancy.</p> <p><b>Board Vacancy:</b> Having taken into consideration the skills set of existing Board Members it is recommended that applications be sought for the vacancy within the Regional Board (following the resignation of Neil McLennan) from applicants with a strong Finance/Accountancy background.</p> <p><b>Continuation of Terms of Office:</b> Members are asked to note that both two Board Members (Leona McDermid and Jim Gifford) have been verbally offered and accepted a second term of office. In line with legal requirements, an approval request for these continuations has now been sent to Scottish Government Ministers.</p> <p>Members are invited to continue to discuss and consider key roles within the Board at their annual one-to-one development meetings with the Regional Chair.</p>	

<b>Linked to Strategic Theme:</b>  <b>2. Empowering People</b>
<b>Linked to Strategic Risk(s):</b>  <i>n/a</i>
<b>Executive Summary:</b> In line with the Regional Board's Succession Planning Policy members are asked for their endorsement of: <ul style="list-style-type: none"> <li>• Approve Ewan Rattray as Vice Chair of F&amp;R Committee.</li> </ul>
<b>Recommendation:</b> It is recommended that the Regional Board consider, and if so minded, approve the changes to Regional Board Office Bearers.
<b>Previous Committee Recommendation/Approval</b> (if applicable): Governance and Nominations Committee – January 2025
<b>Equality Impact Assessment:</b>  <b>Positive Impact</b> <input checked="" type="checkbox"/> <b>Negative Impact</b> <input type="checkbox"/> <b>No Impact</b> <input type="checkbox"/> <b>Evidence:</b>  

REGIONAL BOARD	
Meeting of March 2025	
REPORT BY THE REGIONAL CHAIR	
The purpose of this report is to update the Regional Board on recent developments in the College sector and at the College and a summary of the Chair's attendance at meetings out with scheduled meetings of the Board and Committees.	
1	<p><b>Colleges Scotland</b></p> <p>A fundamental review of the funding model was requested by CS working through the tripartite working group (Scottish Government, Colleges Scotland and SFC) with 10 guiding principles proposed. The new model has been presented and expected to be endorsed at the next SFC board on 27 March. Changes mean there will be "winners and Losers" within the change and CS is working to influence any changes and ensure the guiding principles are reflected. Among the key concerns are the distribution of the uplift amount for lecturers pay from SG, SFC's strategic funds arrangements and flat cash settlements for 2025-26 and support for voluntary settlements.</p> <p>There are changes to the governance of CS proposed which will reduce the size and complexity of the CS board – this to be voted on at the AGM on 27 March.</p>
2	<p><b>College Employers Scotland (NJNC)</b></p> <ul style="list-style-type: none"> <li>• <b>Lecturers</b> – as the current 2 year deal is in place to 2026 the focus is on closing out outstanding issues around working practices and discussions are progressing well</li> <li>• <b>Support</b> – CES and unions are working towards a more collaborative relationship during current negotiations and the aim is to close out the current negotiations by end of 2025 academic year but there is still work to do.</li> </ul>
3	<p><b>CDN</b> – Following a review of CDN by SFC the outcomes of the findings and recommendations will be presented at the CDN Board on 26 March</p> <p><b>CPA</b> – The key focus of the last board was the Improvement Programme 2024-2026. There has also been a self-evaluation session to support the population of the improvement plan template</p>



6	<p><b>Attendance at Meetings – Regional Chair</b></p> <p>The Regional Chair has attended various meetings since the last Board Meeting, including:</p> <ul style="list-style-type: none"> <li>• RGU Board</li> <li>• Colleges Scotland Chairs Group in-person and TEAMS</li> <li>• Colleges Sector Finance Committee X2</li> <li>• CES Executive Committee</li> <li>• Colleges Scotland Board Meeting</li> <li>• CES Business Meeting</li> <li>• New Board Members one to ones</li> <li>• ASET Chair update</li> <li>• Nescol Committees</li> <li>• NJNC Negotiation Training</li> <li>• CDN Chair</li> <li>• RGU Audit Committee</li> <li>• Regional Board Development Day</li> <li>• CS Funding model workgroup</li> <li>• NJNC (support) negotiations</li> <li>• Scottish Government Ethics focus group</li> <li>• CDN Board Interviews</li> <li>• NJNC (Lecturing) negotiations</li> <li>• NJNC Central Committee</li> </ul>
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REGIONAL BOARD

Meeting of 25 March 2025

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 **Education, Children and Young People Committee – 5<sup>th</sup> February 2025**

I, along with Audrey Cumberland (Edinburgh College Principal), Joanna Campbell (Dumfries and Galloway College Principal and Chair of CPG) and Andy Witty (Colleges Scotland Policy Director) were recently asked to provide evidence to the Scottish Parliament's Education, Children and Young People Committee meeting held on 5 February 2025. The meeting focused on post-inquiry scrutiny of the Colleges Regionalisation Inquiry report published in March 2023.

A summary of some of the key evidence asked for and provided, is noted below:

**Funding and financial sustainability:** The panel emphasised the importance of skilled workers for Scotland's economy and the impact of funding cuts, citing a 17% real-terms reduction. Concerns were raised about the impact of funding cuts on colleges' ability to meet regional needs and support economic productivity. Calls were made for a more flexible and responsive funding model to address immediate and future skills gaps. It was stressed that such funding reform needed to be delivered at pace.

**Regional needs and skills:** Panel members highlighted the progress made since the 2023 College Regionalisation report but noted ongoing concerns about funding and the need for greater ambition from the Scottish Government. In the absence of any clear Scottish Government direction or strategy it was noted that some colleges had simply got on with forging their own paths in terms of what their respective regions needed.

Colleges' roles in addressing regional skills needs, particularly in emerging sectors like offshore wind and health and social care were, again, emphasised. As was the importance of an agile and responsive system, able to respond to both immediate and long-term skills demands.

**School-College Partnerships:** The significance of strong partnerships between schools and colleges in providing vocational and technical education was raised. Challenges in funding and the capacity to expand such partnerships were also discussed. Suggestions were made for reform of the senior phase and for the funding arrangements relating to both schools and colleges to be reconsidered.

	<p><b>Student Support and Wellbeing:</b> The impact of poverty on students was discussed, with colleges having to provide free meals and other services to support and retain students. Some concerns were raised about digital poverty and the need for continued investment in digital infrastructure. Concern for the continuation of specific funding for mental health counsellors was raised with panel members stating that the withdrawal of Scottish Government support would simply put significant strain on college resources, should the college in question continue to provide such support. The panel made a plea for a long-term and permanent solution to support student mental health and wellbeing.</p> <p><b>Strategic Vision and Leadership:</b> Andy Witty indicated that Colleges Scotland is working on a strategic vision document which will set out priorities for the sector and guide its future development. He re-emphasised the need for clear strategic direction from the Scottish Government and the Scottish Funding Council.</p> <p><b>Collaboration and Regional Autonomy:</b> Whilst fairer funding reform took up a significant amount of the evidence session, those college principals present were keen to stress that any future reform of the sector needed to retain and evolve college autonomy on a regional level. This would allow colleges to respond and adapt to whatever skills needs were required by regional partners and employers.</p> <p>The committee acknowledged the challenges faced by colleges and the need for continued support and investment. It was recognised that there was a growing importance for Scottish Government to support colleges by addressing funding issues, student wellbeing, and regional economic development.</p> <p>Links to the evidence given can be found below:</p> <p><a href="https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/ECYP-05-02-2025?meeting=16255&amp;iob=138854">https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/ECYP-05-02-2025?meeting=16255&amp;iob=138854</a></p> <p><a href="https://www.scottishparliament.tv/meeting/education-children-and-young-people-committee-february-5-2025">https://www.scottishparliament.tv/meeting/education-children-and-young-people-committee-february-5-2025</a></p>
2	<p><b>RGU/NESCol Scottish Labour Party Conference Fringe Event – 23<sup>rd</sup> February 2025</b></p> <p>Recently, and as part of an on-going collaborative approach to political engagement, both principals from RGU and NESCol hosted a fringe event at the Scottish Labour Party Conference on 23<sup>rd</sup> February 2025.</p> <p>The subject of the event was ‘A Timetable for Change – What do we need from our universities and colleges?’ and it aimed to highlight how Scotland’s education and skills system is undergoing significant reform whilst at the same time, our universities and colleges are facing unprecedented financial challenges.</p> <p>In addition to Steve Olivier and myself, the panel also comprised of Councillor Sandra Macdonald, Aberdeen City Council; Pam Duncan-Glancy MSP and</p>

	<p>Scottish Labour's spokesperson on Education and Skills, and Zoe Frieslick, RGU Applied Social Sciences Graduate and former NESCol student.</p> <p>The subjects covered during the session included what is needed from our universities and colleges; what is expected from both learners and employers; how we can collectively ensure that our universities and colleges deliver the education and skills that Scotland needs to be a prosperous and forward-thinking nation; and the importance of partnership working in order to equip students with what they need in an ever-evolving society.</p> <p>The session was well-attended, and delegates engaged well in the post-presentation discussions.</p> <p>As a consequence of the event there was also coverage in The Scotsman newspaper. The article highlighted the "major existential threat", that exists within the tertiary sector as institutions continue to be "significantly underfunded".</p> <p>A link to the article has been provided below:</p> <p><a href="https://www.scotsman.com/education/the-major-existential-threat-facing-scotlands-universities-hit-by-huge-22-cut-5003439">https://www.scotsman.com/education/the-major-existential-threat-facing-scotlands-universities-hit-by-huge-22-cut-5003439</a></p>
3	<p><b>British Council and CDN Internationalisation Workshop – 25<sup>th</sup> February 2025</b></p> <p>Scotland's International Education Strategy, published in February 2024, outlines a comprehensive framework to enhance Scotland's global reputation in education, research, and knowledge exchange.</p> <p>The strategy aims to:</p> <ul style="list-style-type: none"> <li>• Attract international students, staff, and researchers to Scotland's universities and colleges.</li> <li>• Promote Scotland's world-leading research and knowledge exchange capabilities.</li> <li>• Support the diversification of the international student population.</li> <li>• Maximise the social and economic benefits of international higher education.</li> </ul> <p>Through CDN's International Strategic Network, and in partnership with Colleges Scotland, CDN has been working closely with the British Council Scotland to support colleges across Scotland in their international ambitions and priorities. Earlier in the year an introductory joint virtual roundtable was held between CDN and British Council Scotland to reconvene the sector together to hear about their international priorities and potential for partnership opportunities across the globe.</p> <p>This work has led to the convening of an in-person strategic workshop on 25<sup>th</sup> February 2025 to allow college leaders, myself included, to meet in person and discuss ways in which we might engage internationally and plan for future international engagement and related commercial opportunities.</p>

	<p>It was evident from the session that several colleges were already engaged in international activity and that others, including NESCol, were keen to find out more about how their curricula offer could be marketed and delivered internationally.</p> <p>With some increased priority, colleges are now being seen as a key priority under Scottish Government's International Education Strategy and this workshop aimed to help support a key ambition of enabling colleges in Scotland to internationalise their activity whilst reflecting the needs of industry, government and internationally competitive skills demand.</p> <p>The workshop also highlighted potential funding opportunities and international delegations for 2025 being introduced by the British Council and Department for Business and Trade.</p> <p>As a consequence of this workshop, further discussions are now taking place within the College to explore whether our curricula offer could be commercialised for international markets.</p> <p>Further updates will be provided to Regional Board members in due course.</p>
4	<p><b>Extraordinary CPG meeting – 28<sup>th</sup> February 2025</b></p> <p>At short notice, Colleges Scotland (CS) recently convened an extraordinary meeting with college principals to discuss funding allocations for the forthcoming year. As well as CPG and CS representation, the meeting was attended by the Funding Council's Director of Finance, Richard Maconachie and his team. The meeting centred around a paper that outlined SFC's proposed approach for AY2025-26.</p> <p>It is worth noting that SFC had already begun, in AY2023-24, to review and revise its intended approach to college funding. Thus far, the evolution of the college funding distribution methodology included the following key changes:</p> <ul style="list-style-type: none"> <li>• A 10% reduction in credits to create a new credit threshold better aligned with anticipated learner demand.</li> <li>• Overall funding maintained with associated increase in price-per-credit.</li> <li>• Introduction of 2% tolerance rate (backdated to AY2021-22).</li> <li>• Recognition of the semi-fixed costs that colleges face, decoupling 20% of a college's teaching funding from the delivery of credits.</li> <li>• A change to the required 'cut-off' date to bring it into line with the university sector.</li> <li>• Student support funding reduced to reflect spend trend.</li> </ul> <p>From SFC's perspective, core teaching funding was maintained and there was no movement of credits since these changes were first introduced.</p> <p>SFC identified the challenges with the current funding approach. These challenges included:</p> <ul style="list-style-type: none"> <li>• Inequality: not every college moved completely to the new credit model when first introduced several years ago.</li> <li>• Lack of transparency related to credit price.</li> </ul>

- Embedded premia which amplify price differentials.
- Embedded premia are based on out-of-date data, e.g., Access & Inclusion.
- Historical elements, (e.g., headcounts, pay harmonisation, historic efficiencies), remain in allocations.

In highlighting the further evolution of the SFC's funding distribution methodology (Phase 2), Richard and his team are proposing to address some of the challenges that remain within the current approach and by doing so are seeking to manage change in a staged, or phased, manner in order to avoid the risk of significant disruption and to ensure stability of provision.

The proposed stages include:

- Stage 1: Mapping college activity across price groups to reflect the actual (current) split of activity (rather than historic). The price for each price group will be consistent across all colleges. From this mapping, SFC will derive an average core credit price for each college. This is intended to generate a transparent core allocation on the same basis for all colleges.
- Stage 2: SFC will remove the premia from the core allocation and will split colleges into "families" primarily based on size and location. A single premia rate per credit will be applied to colleges in the same "family". This will be transparent, and each college will have sight of the premia rate applied to all. SFC will maintain the current split between core teaching funding – as identified in Stage 1 - and premium funding (currently around 80% core and 20% premium). The premium rates will be based on the current average overall premium funding for the colleges in each family. SFC's envisages that there will be six families.
- Stage 3: As a final stage, SFC has considered the redistribution of credits across the sector based on non-compliance with credit guidance (which would result in a reduction for colleges not complying with credit guidance) and evidence of demand (which would result in an increase for colleges).

The discussion then opened up in order to address the issues that this proposal creates. The key points from this discussion are noted below:

- There will be 'winners and losers'. Even if Stage 1 was solely introduced, there would be a shift, before any mitigation, which would range from a reduction in funding of -5.6% to an increase of 4.5%.
- SFC recognised that colleges will have already developed curriculum plans for AY2025-26. In contrast, colleges delivering non-priority activity (contrary to our credit guidance) might argue that they have the potential to shift that to priority areas.
- Without greater clarity, there would likely be differing views about the "family" groupings identified for the purpose of premia and the associated price differentials.

The SFC team went on to confirm 'next steps'. These included:

- Implementation of Stages 1 and 2.

	<ul style="list-style-type: none"> <li>• Agreement to mitigate impact by introducing for the forthcoming year only a range of funding settlements between no change and +3%. This will enable colleges to see the direction of travel.</li> <li>• SFC plans to flag areas of non-compliance with credit guidance and signal that we will remove credits and associated funding in AY2026-27 if delivery in these areas continues, credits will be reallocated to colleges demonstrating demand.</li> <li>• Over the coming year SFC will consider a further evolution of the methodology and in addition to redistributing credits following flagging of non-compliant activity, it plans to review price groups and price relativities and refine premia families and rates.</li> </ul> <p>SFC suggested that it would be meeting, early March, with colleges negatively impacted by this proposal. At the time of writing this report, I am aware that colleges have indeed been approached but to date NESCol has not.</p> <p>SFC is planning to publish indicative funding allocations on 27<sup>th</sup> March 2025. These allocations will show the impact of implementing the new model in full and the mitigated allocations for AY2025-26 (as indicated above – between no change and +3%). They will also identify, with full transparency, every college allocation and the “family” grouping for each.</p> <p>Whilst SFC was keen to frame this as a discussion on a proposal, and whilst there was still more detail to follow, it was evident to all that this was, more or less, a ‘done deal’.</p> <p>Further information will be provided to Board members at the next Regional Board meeting.</p>
5	<p><b>External engagements, selected key meetings and events attended since the previous Regional Board meeting:</b></p> <ul style="list-style-type: none"> <li>• Regional Economic Partnership (REP) Officer Group Meeting (12.12.24.)</li> <li>• Aberdeen Education Liaison Group Meeting (17.12.24.)</li> <li>• DYWNE – Meeting with Chair (19.12.24.)</li> <li>• REP Skills Action Plan Meeting (13.01.25.)</li> <li>• AGCC Business Breakfast (14.01.25.)</li> <li>• Meeting with ACC Chief Executive, Angela Scott (14.01.25.)</li> <li>• NE Investment Zone Steering Group Meeting (15.01.25.)</li> <li>• REP Officer Group Meeting (15.01.25.)</li> <li>• CDN Delivery Agreement Meeting (16.01.25.)</li> <li>• Meeting with UoA Principal, George Boyne (22.01.25.)</li> <li>• Meeting with Forth Valley College Senior Team (24.01.25.)</li> <li>• CS Pre-meet for Scottish Parliament Education Committee (30.01.25.)</li> <li>• Meeting with CS Chief Executive, Graeme Jackson (30.01.25.)</li> <li>• Net Zero Challenge Vehicle Launch (03.02.25.)</li> <li>• CPG Meeting (04.02.25.)</li> <li>• Education, Children and Young People Committee (05.02.25.)</li> <li>• REP Meeting (06.02.25.)</li> <li>• RGU-hosted Meeting with Pam Duncan-Glancy MSP (07.02.25.)</li> <li>• NESCol/Seven Incorporated Textiles Awards Event (12.02.25.)</li> </ul>

	<ul style="list-style-type: none"> <li>• NE Investment Zone Steering Group Meeting (13.02.25.)</li> <li>• Meeting with Jo Turbitt, CDN (14.02.25.)</li> <li>• Meeting with Ayrshire College Senior Team (18.02.25.)</li> <li>• Meeting with Protocol Team (18.02.25.)</li> <li>• Prosper Annual Lecture Dinner (20.02.25.)</li> <li>• Meeting with ACC Education Team (21.02.25.)</li> <li>• RGU/NESCol Scottish Labour Party Fringe Event (23.02.25.)</li> <li>• CDN Meeting with British Council (25.02.25.)</li> <li>• DYWNE Board Meeting (27.02.25.)</li> <li>• Extraordinary CPG Meeting (28.02.25.)</li> <li>• TQFE Meet the Principal Meeting (28.02.25.)</li> <li>• Meeting with Shell UK Chair, Parminder Kohli (04.03.25.)</li> <li>• NE Investment Zone Steering Group (06.03.25.)</li> <li>• REP Officer Group Meeting (12.03.25.)</li> <li>• NESCol Spring Open Day (15.03.25.)</li> <li>• Meeting with Professor Sue Rigby (Napier University) (17.03.25.)</li> <li>• CS Roundtable (Renewables) (19.03.25.)</li> <li>• Meeting with OPITO Senior Team (20.03.25.)</li> </ul>
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**REGIONAL BOARD**

**Meeting of 25 March 2025**

**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.

Members are asked to note the new Channel No. 8 within Regional Board Team space – Board and Committee Action Log where actions from all Board and Committee meetings, along with Action updates can be found.

**1**

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

Finance and Resource Committee	19 February 2025
C&Q Committee	19 February 2025
Audit and Risk Committee	26 February 2025
HR Committee	27 February 2025

**2**

**Finance and Resource Committee – 19 February 2025**

**Summary of key business:**

- 2024-25 Budget Update
- 20256-26 Budget Assumptions
- ETSH Financing Update
- ASET Financial update
- 5 Year Financial Plan
- Lessons Learnt Report
- Course Fees 2025/26
- Credits and Activity planning overview
- IT Strategy Annual Report
- Opportunities Register
- Environmental and Sustainability Annual Report
- Scottish Government Asset disposal guidance

**Agreed Actions:**

- AY2025/26 Budget to be presented to June Regional Board Meeting (including Scenario Planning document).
- Course Fees (include in PoB for November meeting).
- Opportunities Register cover paper to be amended going forward.

**3**

**Curriculum and Quality Committee – 19 February 2025**

**Summary of Key Business:**

- Quality Assurance Update
- Overview of Activities and Credits Position AY2024-25
- Applications Update

	<ul style="list-style-type: none"> <li>• Student Support Update including Equalities details</li> <li>• Students' Association Activity Report</li> <li>• SA Budget</li> <li>• SA Partnership Agreement</li> </ul> <p><b>Agreed Actions:</b></p> <ul style="list-style-type: none"> <li>• There were no agreed actions.</li> </ul>
<b>4</b>	<p><b>Audit and Risk Committee- 26 February 2025</b></p> <p><b>Summary of key business:</b></p> <ul style="list-style-type: none"> <li>• Strategic Risk Register</li> <li>• Internal Audit Plan 2024-25</li> <li>• Internal Audit Plan for 2024-2028</li> <li>• ASET Risk Register Update</li> <li>• National Fraud Initiative 2024-25 Update</li> </ul> <p><b>Agreed Actions:</b></p> <ul style="list-style-type: none"> <li>• Internal Audit Plan 2024-2028 to be presented to May Committee for review</li> <li>• ASET Risk Register to remain as Agenda item for A&amp;R Committee</li> </ul>
<b>5</b>	<p><b>HR Committee – 27 February 2025</b></p> <p><b>Summary of Key business:</b></p> <ul style="list-style-type: none"> <li>• Equal Pay Policy and Statement</li> <li>• 2024 Staff Equality Report</li> <li>• Pay Gap Report: Gender and Ethnicity: 2024</li> <li>• Occupational Segregation: Gender: 2024</li> <li>• Occupational Segregation: Race and Ethnicity: 2024</li> <li>• Occupational Segregation: Disability: 2024</li> <li>• People Services Equality Action Plan</li> <li>• People Services Enhancement Plan – Ay2024/25</li> <li>• Employee Voice Group Update</li> <li>• Committee Evaluation Feedback</li> <li>• CES Update</li> </ul> <p><b>Agreed Actions:</b></p> <ul style="list-style-type: none"> <li>• Update on Enhancement Plan and Action Plan to be provided to May Committee.</li> <li>• Update on Employee Voice Working Group to be provided to May Committee.</li> </ul>

REGIONAL BOARD	
Meeting of March 2025	
<b>Title:</b> PREVENT update	
<b>Author:</b> Alesia du Plessis (Associate Vice Principal Curriculum and Student Experience)	<b>Contributor(s):</b>
<b>Type of Agenda Item:</b> <b>For Decision</b> <input type="checkbox"/> <b>For Discussion</b> <input type="checkbox"/> <b>For Information</b> <input checked="" type="checkbox"/> <b>Reserved Item of Business</b> <input type="checkbox"/>	
<b>Purpose:</b> To provide the Regional Board with information on work undertaken in the College to meet its responsibilities regarding the Prevent Duty.	
<b>Linked to Strategic Theme:</b> <b>1. Being Agile and Responsive</b>	
<b>Linked to Strategic Risk(s):</b> <i>6.1 If staff do not adhere to key statutory obligations and legislative requirements then the College may face significant financial penalties and/or reputational damage may occur.</i>	
<b>Executive Summary:</b> <p>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 2025 on context, external speakers and events, leadership, staff training, safety online, welfare and pastoral care, monitoring and enforcement and continuing actions.</p>	
<b>Recommendation:</b> It is recommended that the Committee note the content of this update.	
<b>Previous Committee Recommendation/Approval</b> (if applicable):	
<b>Equality Impact Assessment:</b> <b>Positive Impact</b> <input checked="" type="checkbox"/>	

**Negative Impact** ☐

**No Impact** ☐

**Evidence:** As per Safeguarding EIA.

## 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.

### **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

The College has completed the self-assessment tool based on the key principles of the Prevent Duty Guidance as part of preparation for completing the Prevent Annual Assurance Return (PAAR). This has been shared through the Multi-Agency PREVENT Delivery Group attended by the Assistant 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 cases.

## Recommendation

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

Alesia du Plessis

Assistant Principal: Curriculum and Student Experience

## **Prevent Duty**

### **Position Statement – March 2025**

#### **Context**

- Scottish Government guidance on the Prevent duty for further education colleges was issued on 21 September 2015. The guidance was most recently renewed and published in May 2024 and became statutory on 19 August 2024. College policies and processes were 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 – anyone booking a campus space via COLin is requested to confirm the completion and approval of this form as part of the booking process.
- Procedures for approval of letting College premises are available via COLin.
- There is no formal terms of information sharing protocol relating to Prevent, however there is an understanding within the Multi-Agency PREVENT Delivery Group regarding information sharing relating to PREVENT cases or concerns.

#### **Leadership**

- The Regional Board has received briefings on Contest and the Prevent Duty.
- Senior manager appointed as point of contact (Assistant Principal Curriculum and Student Experience).
- College Prevent Group established to co-ordinate arrangements within the College (Vice Principal Finance and Resources, Assistant 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 Assistant 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 an online module and staff attend an in person session as well. 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 continually under review and update to reflecting changing nature of threats e.g. increasing prominence of right-wing extremism.



## **NESCol - OPPORTUNITY REGISTER**

- Mandatory PREVENT update to be rolled out in AY25/26. (still awaiting updated training materials from Scottish Government).

### **Safety online**

- Acceptable Use Policies for students and staff address the 'Prevent Duty'. This was updated in October 2022 and is due for review April 2025.
- 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.
- Contemplation Rooms have been refurbished at all campuses and are overseen by the Student Engagement and Wellbeing Manager.
- Safeguarding policies and procedures were reviewed and updated in December 2024.
- 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.