

Assignment of Argyll College to the Regional Strategic Body for the Highlands and Islands, the University of the Highlands and Islands (UHI)

Consultation Paper

May 2018



Scottish Government
Riaghaltas na h-Alba
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ASSIGNATION OF ARGYLL COLLEGE TO THE REGIONAL STRATEGIC BODY FOR THE HIGHLANDS AND ISLANDS, THE UNIVERSITY OF THE HIGHLANDS AND ISLANDS (UHI)

CONSULTATION PAPER

SECTION 1: INTRODUCTION

1.1 The college sector was restructured in 2014 along regional lines, creating 13 regions; in the three multi-college regions colleges were assigned to a Regional Strategic Body (RSB). The RSB is responsible for securing provision of fundable further and higher education in its region. Therefore Argyll College, which is located within the Highlands and Islands region, should be assigned to the RSB for that region (the University of the Highlands and Islands) to ensure appropriate accountability across the region.

1.2 On 1 August 2014 UHI was designated the RSB for the Highlands and Islands, and those colleges in the region that were already listed on Schedule 2 of the Further and Higher Education (Scotland) Act 2005 (i.e. colleges directly funded by SFC) were assigned to UHI. From that date, UHI assumed all of the responsibilities of RSB for the region, other than the direct funding of assigned colleges, which transferred from SFC in April 2015.

1.3 Argyll College was not listed on Schedule 2, therefore it could not be assigned. In order to assign Argyll College to UHI, the legislation stipulates that the Scottish Funding Council (SFC) can propose or approve assignment, only after considering the College's compliance with the criteria set out in section 7(2) of the 2005 Act (the 'fundable body criteria')

1.4 Whilst the college is unassigned it is currently funded through North Highland College; North Highland College contracts with Argyll College for the provision of SFC-funded activity in the Argyll region. North Highland College is assigned to the regional strategic body University Highland and Islands (UHI).

SECTION 2: BACKGROUND ON ARGYLL COLLEGE

2.1 Argyll College is one of the smaller colleges in Scotland, providing tertiary education to meet the needs of learners, communities and businesses across one of the most geographically fragmented areas of Scotland. It's 16 sites cover a population of approximately 88,000 people.

2.2 A study into local skills needs was commissioned by The Local Council, Highlands and Island Enterprise, Skills Development Scotland and UHI. The report placed the college at the centre of the development of the region.

SECTION 3: SFC ASSESSMENT

3.1 In order to assess the robustness of the governance and financial management at the College, the SFC asked the Council's Further Education Development (FED) group and Education Scotland to provide us with evidence by which we could assess the College against the fundable body criteria.. All recommendations for improvement have now been met.

3.2 The SFC Council Board considered a paper in September 2017 which recommended that Argyll College is assigned to UHI following confirmation that all outstanding matters have been addressed. The paper sets out the Council executive's assessment of governance arrangements at Argyll College with a view to the College being granted assigned college status. The paper also includes a table of criteria which the Council must consider in relation to approving additions to the list of fundable bodies, or before recommending assignation of a college to its Regional Strategic Body. The table includes sources which evidence the institution's preparedness for this. The board paper is available online and you can read it at:

http://www.sfc.ac.uk/web/FILES/councilpapers_22092017/SFC17_80_Confirmation_of_assigned_college_status_Argyll_College.pdf

3.3 UHI's internal audit service carried out a review of the College's governance structures and processes against the Code of Good Governance. UHI has confirmed that apart from one matter that will be addressed when the College is assigned to UHI, and another that will be addressed as part of the completion of the College's annual accounts later this year, the College is compliant with the Code.

Education Scotland Review

3.4 Until the college is assigned, North Highland College UHI retains overall responsibility for the quality assurance of SFC funded provision delivered by Argyll College. Over a number of years responsibility for aspects of quality management has been devolved to the college following the development of it's own policies and procedures.

3.5 Following an annual engagement visit conducted by Education Scotland, feedback was provided to the college on 3rd March 2016 with SMT, Chair of Board of Management and the Outcome Agreement Manager in attendance. Education Scotland has no major concerns regarding the quality of provision within the college. They felt significant progress had been made and worked with the college throughout the following year.

Ministerial powers to remove board members

3.6 Ministers have the power to remove any or all members of a college board (other than the principal) where mismanagement by boards is determined under Section 7 of the Post-16 Education (Scotland) Act 2013.

3.7 This removal process includes consultation of the council and giving notice of exercising this power of removal. Therefore Ministers do not currently have the power to remove Argyll college board members where they consider the college is not being governed effectively.

SECTION 4: CONSULTATION ON THE ASSIGNATION OF ARGYLL COLLEGE

4.1 This consultation paper takes forward, Section 7C of the 2005 Act which sets out the requirements in relation to assignation of colleges that are not fundable bodies:

“(1) The Scottish Ministers may by order assign colleges of further education to a regional strategic body.

(2) An order may assign a college which is not, immediately before the order is made, either—

(a) a fundable post-16 education body; or

(b) assigned to another regional strategic body,

- only if the Council has proposed, or has approved, the assignation.

(3) For the purposes of considering whether or not to propose or approve any assignation under subsection (2), the Council must have regard to the desirability of ensuring that the college concerned is a body for which there are suitable provisions, procedures and arrangements of the type described by or under section 7(2).”

In coming to a decision on whether to recommend the College’s assignation to UHI we have considered the College’s compliance with:

(a) the fundable body criteria (i.e. the criteria set out in section 7(2) of the 2005 Act); and

(b) the Code of Good Governance for Scotland’s Colleges (in respect of the first criterion, which is “suitable ... provision in relation to the governance and management of the body”).

4.2 This consultation paper seeks comments on the proposed assignation of Argyll College

4.3 A list of consultees is at **Annex A**.

4.4 Consultation is an essential part of the policy making process. It gives us the opportunity to get your opinion and expertise on a proposed area of work. You can find all Scottish Government forthcoming, open and closed consultations online at <https://consult.scotland.gov.uk/>

4.5 Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post. After a consultation is closed we publish all responses where we have been given permission to do so.

4.6 Responses are analysed and used as part of the policy making process, along with a range of other available information and evidence. Responses to this consultation will help to inform possible changes to legislation.

Proposed timeline

4.7 If the assignation proceeds it is expected that provisions will be in force by the end of 2018.

Deadline

4.8 The consultation was published on 28th May 2018 and closes at midnight on 25th June 2018.

How to Respond

4.9 You can respond to this consultation online, by email, or by post.

Respond Online

4.10 To respond online please use the Scottish Government's [Consultation Hub](#). You can save and return to your response at any time while the consultation is open. But please ensure that your response is submitted before the consultation closes at midnight on 25th June 2018. You will automatically be emailed a copy of your response after you submit it.

4.11 If you choose this method you will be directed to complete the Respondent Information Form. The Respondent Information Form lets us know how you wish your response to be handled, and in particular whether you are happy for your response to be made public.

Other Ways to Respond

4.12 If you prefer you can also submit a written response in hard copy to:

Julia McAteer
Colleges, Young Workforce and SFC Sponsorship Division
Scottish Government
6th Floor, Atlantic Quay
150 Broomielaw
Glasgow G2 8LU

Or, by email to ScotGov_Colleges_Mailbox@gov.scot

4.13 If you would like to submit your response by email or by post, please ensure that you complete the Respondent Information Form provided at **Annex B** and attach it alongside your response. The Respondent Information Form lets us know how you wish your response to be handled, and in particular whether you are happy for your response to be made public.

Next Steps

4.14 After the consultation has closed we will analyse all the responses received and use your feedback to help inform the development of the Assignment of Argyll College. Where permission has been given, we will make all responses available to the public at <https://consult.scotland.gov.uk/>. The responses to the consultation and analysis will be published following the consideration of the responses received.

Enquiries and complaints

4.15 If you have a query about the consultation process, or a complaint about how this consultation has been conducted you can send your query by email to Julia.mcateer@gov.scot, or by hard copy to:

Julia McAteer
Colleges, Young Workforce and SFC Sponsorship Division
6th Floor, Atlantic Quay
150 Broomielaw
Glasgow G2 8LU

References in this consultation paper

- “the 2005 Act” is the Further and Higher Education (Scotland) Act 2005.

References to Acts are to the Acts as amended, including by the Post-16 Education (Scotland) Act 2013 (“the 2013 Act”).

- A “regional strategic body” is a body listed in schedule 2A to the 2005 Act. The functions of a regional strategic body include appointing the chair and non-executive board members of assigned incorporated colleges.
- An “assigned incorporated college board” is the board of management of an incorporated college assigned to a regional strategic body by order under section 7C(1) of the 2005 Act.

SECTION 5: POSSIBLE ASSIGNATION OF ARGYLL COLLEGE TO THE REGIONAL STRATEGIC BODY FOR THE HIGHLANDS AND ISLANDS, THE UNIVERSITY OF THE HIGHLANDS AND ISLANDS (UHI)

Q1. Should Argyll College be assigned to the Regional Strategic Body for the Highlands and Islands, the University of the Highlands and Islands (UHI)?

Yes/No (closed question)

Q2. Do you have any comments on Ministers' plans to assign the following college to the following regional strategic body for the Highlands and Islands.

EQUALITY IMPACT

Q3. We would welcome comments on whether this matter may raise any equalities issues that require to be addressed with respect to age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

CONSULTEES

University of Highlands and Islands (Regional Strategic Body)

Argyll College

Inverness College

Lews Castle College

Moray College

North Highland College

Orkney College

Perth College

Shetland College

West Highland College

GMB

UNISON

Unite the Union

Educational Institute of Scotland

National Union of Students Scotland

Argyll College Students Association

Inverness College Students Association

Lews Castle College Students Association

Moray College Students Association

North Highland College Students Association

Orkney College Students Association

Perth College Students Association

Shetland College Students Association

West Highland College Students Association

Highlands and Islands Students' Association

Scottish Funding Council

Argyll and Bute Council

Orkney Islands Council

Shetland islands Council

Perth and Kinross Council

Moray Council

Comhairle nan Eilean Siar

The Highland Council

Office of the Scottish Charity Regulator

Colleges Scotland

Highlands and Islands Enterprise

Scottish Parliament's Education and Culture Committee



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This publication is available at www.gov.scot

Any enquiries regarding this publication should be sent to us at
The Scottish Government
St Andrew's House
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EH1 3DG

ISBN: 978-1-78851-925-0 (web only)

Published by The Scottish Government, May 2018

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS419846 (05/18)