

# DE-MYSTIFYING COLLEGE GOVERNANCE AND ACCOUNTABILITY

COL BAIRD  
COLLEGE POLICY TEAM  
SCOTTISH GOVERNMENT

16 JUNE 2015



# Post-16 Education (Scotland) Act 2013

# The Mission

- ▣ Part pub quiz, part presentation
- ▣ Unpack the language around the structure and governance of the college sector
- ▣ Explore
  - the 'space' boards have to make decisions
  - the mechanisms in place to support good governance and accountability
- ▣ Show
  - how things fit together
  - beneath its seeming complexity there is underlying simplicity

# The Origin (of the Quiz)

- ▣ 7 D of the W
- ▣ 52 C in a P (WJs)
- ▣ 29 D in F in a L Y
- ▣ 3 B M (S H T R)
- ▣ 15 M on a D M C

# Quiz (1)

1. There are [     ] college regions
2. Immediately before October [     ], there were [     ] publicly funded colleges
3. Today, there are [     ], of which [     ] are i\_\_\_\_\_
4. This is the result of [     ] colleges merging
5. This created [     ] colleges of scale (and S\_\_\_\_\_, which is a h \_\_\_\_\_ e\_\_\_\_\_ i\_\_\_\_\_)

# Quiz (1)

1. There are **13** college regions
2. Immediately before October **2012**, there were **42** publicly funded colleges
3. Today, there are **25**, of which **20** are **incorporated**
4. This is the result of **26** colleges merging
5. This created **9** colleges of scale (and **SRUC**, which is a **higher education institution**)

# Quiz (2)

1. [     ] s\_\_\_\_\_ college regions
2. [     ] m\_\_\_\_\_ - college regions
3. [     ] colleges are f\_\_\_\_\_ o\_\_\_\_\_ the r\_\_\_\_\_ s\_\_\_\_\_
4. There are [     ] r\_\_\_\_\_ colleges

# Quiz (2)

1. 10 single college regions
2. 3 multi-college regions
3. 2 colleges are funded outwith the regional structure
4. There are 11 regional colleges

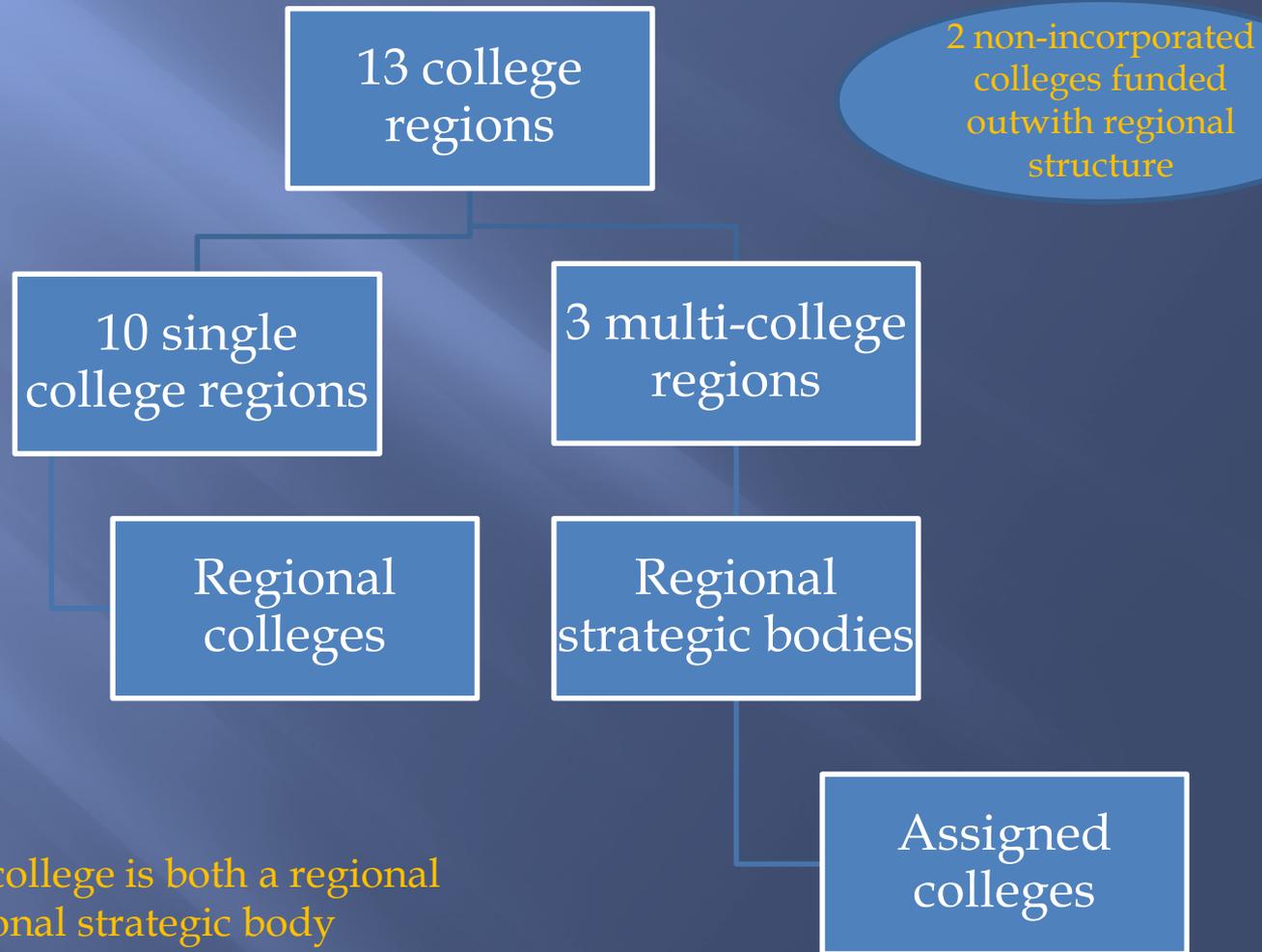
# Quiz (3)

1. There are [ ] r\_\_\_\_\_ s\_\_\_\_\_ b\_\_\_\_\_,  
of which [ ] R\_\_\_\_\_ B\_\_\_\_\_; [ ]  
c\_\_\_\_\_ and [ ] u\_\_\_\_\_
2. In L\_\_\_\_\_, [ ] college (N\_\_\_\_\_  
C\_\_\_\_\_ L\_\_\_\_\_) is both a r\_\_\_\_\_  
college and a r\_\_\_\_\_ s\_\_\_\_\_ b\_\_\_\_\_
3. There are [ ] a\_\_\_\_\_ colleges
4. Of which [ ] are not i\_\_\_\_\_; and of these [ ]  
are l\_\_\_\_\_ a\_\_\_\_\_ r\_\_\_\_\_

# Quiz (3)

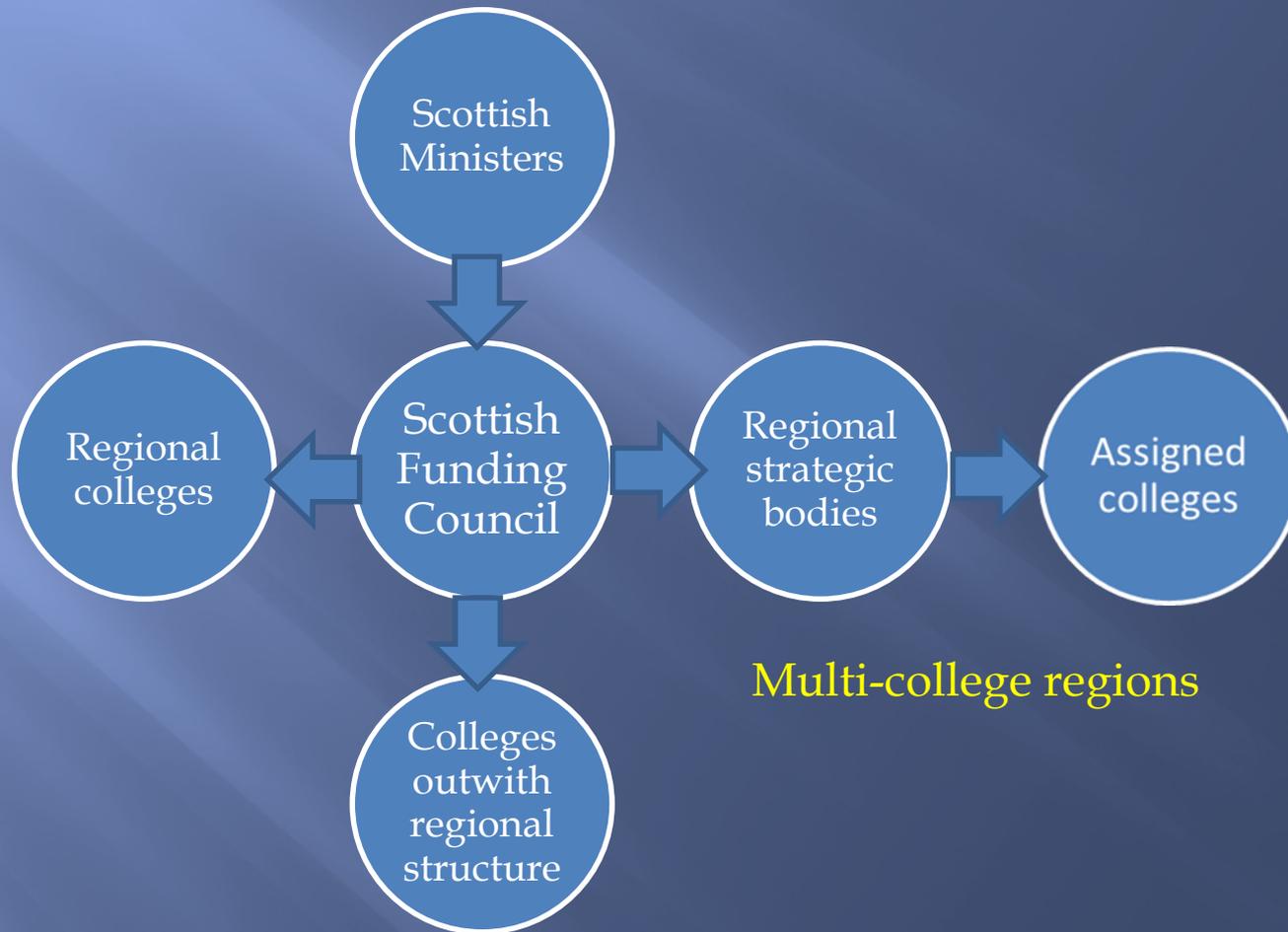
1. There are 3 regional strategic bodies , of which 1 Regional Board; 1 college and 1 university
2. In Lanarkshire, 1 college (New College Lanarkshire) is both a regional college and a regional strategic body
3. There are 12 assigned colleges
4. Of which 3 are not incorporated; and of these 2 are local authority run

# Regional Structure



In Lanarkshire, a college is both a regional college and a regional strategic body

# Funding Relationships



# Quiz (4)

1. There are [ ] r\_\_\_\_\_ ch\_\_\_\_\_
2. Of which, [ ] are a\_\_\_\_\_ by M\_\_\_\_\_ (r\_\_\_\_\_ by the P\_\_\_\_\_ A\_\_\_\_\_ C\_\_\_\_\_); [ ] r\_\_\_\_\_ c\_\_\_\_\_; and [ ] R\_\_\_\_\_ B\_\_\_\_\_
3. There are [ ] UHI a\_\_\_\_\_ p\_\_\_\_\_
4. Of which, [ ] are a\_\_\_\_\_ colleges

# Quiz (4)

1. There are 13 regional chairs
2. Of which, 12 are appointed by Ministers (regulated by the Public Appointments Commissioner); 11 regional colleges ; and 1 Regional Board
3. There are 13 UHI academic partners
4. Of which, 8 are assigned colleges

# Who Appoints Whom?

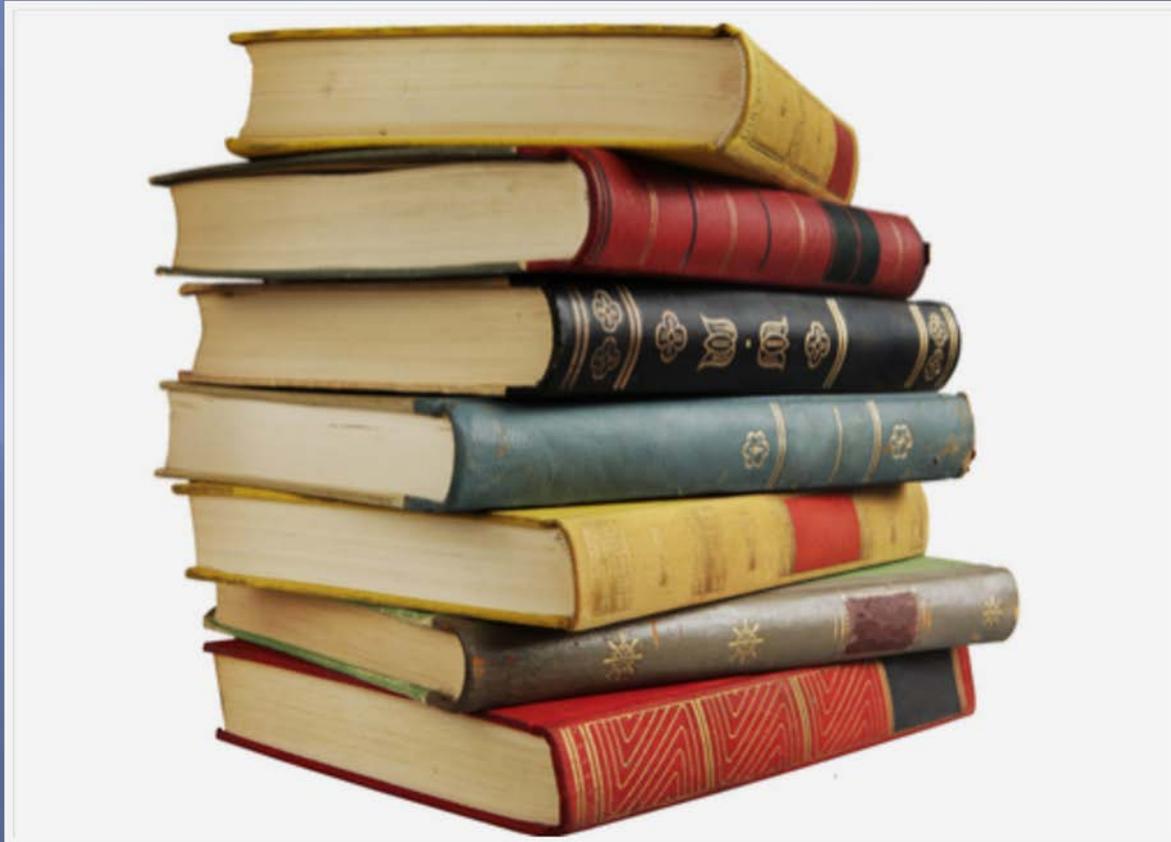
	<b>Chair</b>	<b>Non-executive members</b>
<b>Regional College</b>	Ministers (regulated by Public Appointments Commissioner)	College board, with approval of chair Ministers*
<b>Assigned (Incorporated) College</b>	Regional strategic body*	Regional strategic body*

- Staff members elected by staff
- Student members nominated by association
- Principal (employed by board)

\* Having regard to Ministerial appointments guidance

# Governance and Accountability Mechanisms

Ultimately derive from legislation



# Quiz (5)

1. F\_\_\_\_\_ and H\_\_\_\_\_ E\_\_\_\_\_

(S\_\_\_\_\_ ) A\_\_\_\_\_ ([ ])

2. F\_\_\_\_\_ and H\_\_\_\_\_ E\_\_\_\_\_

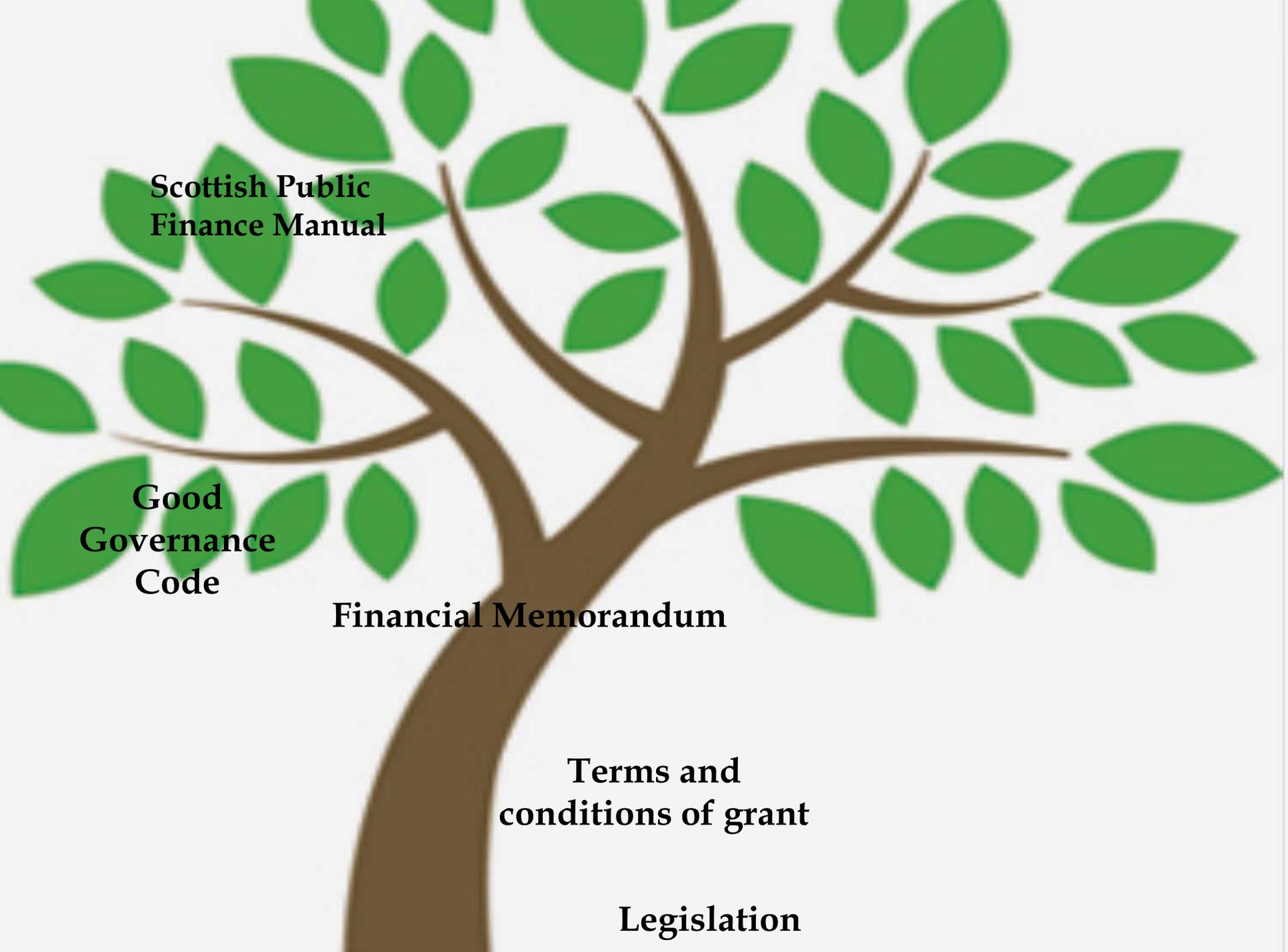
(S\_\_\_\_\_ ) A\_\_\_\_\_ ([ ])

3. P\_\_\_\_\_ -[ ] E\_\_\_\_\_ (S\_\_\_\_\_ )

A\_\_\_\_\_ ([ ])

# Quiz (5)

1. Further and Higher Education (Scotland) Act 1992
2. Further and Higher Education (Scotland) Act 2005
3. Post-16 Education (Scotland) Act 2013



**Scottish Public  
Finance Manual**

**Good  
Governance  
Code**

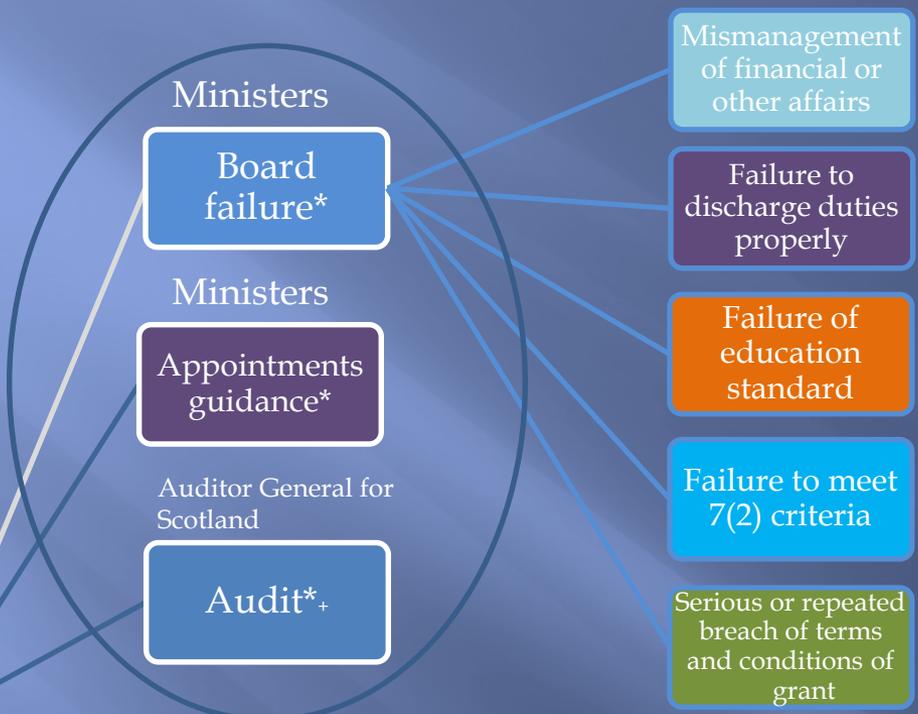
**Financial Memorandum**

**Terms and  
conditions of grant**

**Legislation**

# College Board Accountability

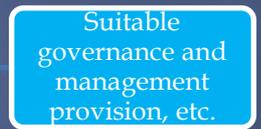
## Legislation



SFC/Education Scotland



SFC



Funding Body



\*Incorporated colleges only + other colleges also audited

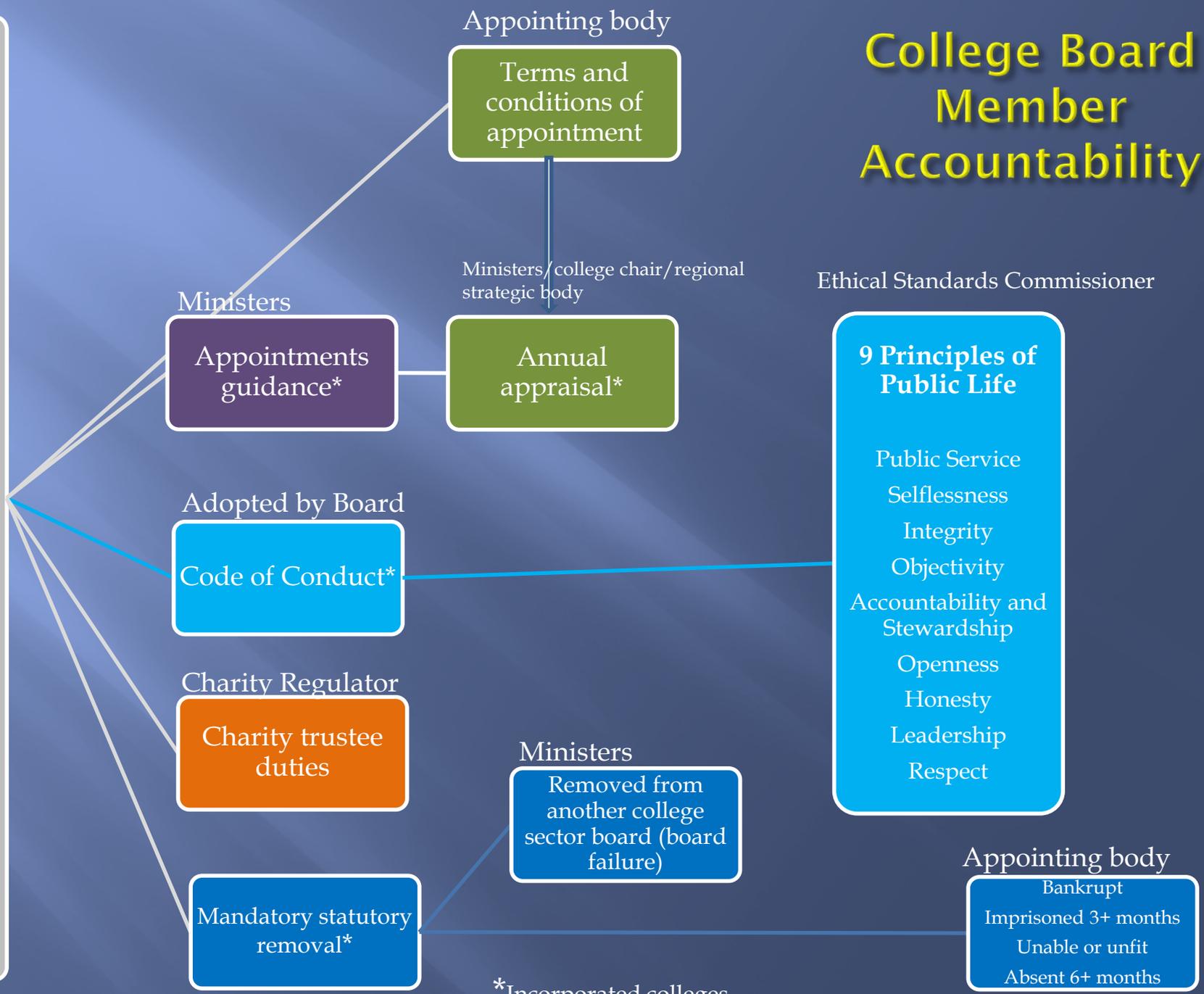
# Section 7(2) of 2005 Act

- Publicly funded colleges – whether fit to be eligible to be funded
- Incorporated colleges – ground for removal of board members

<b>Governance and management</b>	<b>Responsible officer:</b> <ul style="list-style-type: none"> <li>• signing accounts;</li> <li>• propriety and regularity of finances;</li> <li>• resources used economically, efficiently and effectively</li> </ul>
Assessing and enhancing <b>quality</b>	<b>Grievance</b> procedures
<b>Planning</b>	<b>Scottish Credit and Qualifications Framework</b>
<b>Students' association</b>	<b>Educational and related needs</b> (including support needs)
Taking into account <b>other provision</b>	Procedures and arrangements as a <b>regional strategic body</b>
Other as specified by regulations	

# College Board Member Accountability

## Legislation



Ministers

Appointments guidance\*

Terms and conditions of appointment

Annual appraisal\*

Ministers/college chair/regional strategic body

Adopted by Board

Code of Conduct\*

Charity Regulator

Charity trustee duties

Mandatory statutory removal\*

Ministers

Removed from another college sector board (board failure)

Ethical Standards Commissioner

**9 Principles of Public Life**

- Public Service
- Selflessness
- Integrity
- Objectivity
- Accountability and Stewardship
- Openness
- Honesty
- Leadership
- Respect

Appointing body

Bankrupt  
Imprisoned 3+ months  
Unable or unfit  
Absent 6+ months

\*Incorporated colleges

# Quiz (6)

1. G\_\_\_\_\_ G\_\_\_\_\_ C\_\_\_\_\_ for  
S\_\_\_\_\_ C\_\_\_\_\_

2. F\_\_\_\_\_ M\_\_\_\_\_ with F\_\_\_\_\_  
B\_\_\_\_\_ in the C\_\_\_\_\_ S\_\_\_\_\_

3. S\_\_\_\_\_ P\_\_\_\_\_ F\_\_\_\_\_  
M\_\_\_\_\_

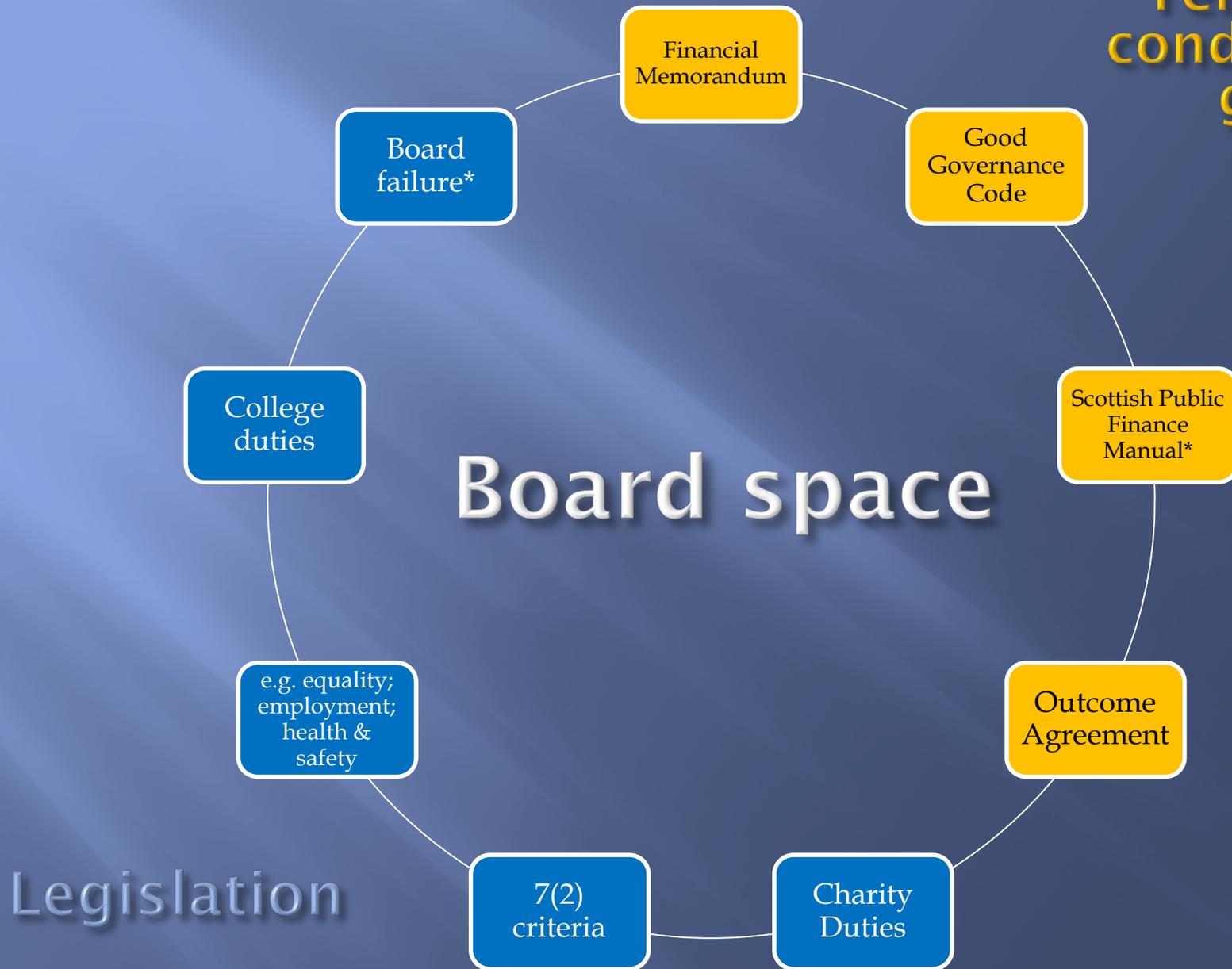
4. D\_\_\_\_\_ C\_\_\_\_\_ O\_\_\_\_\_  
A\_\_\_\_\_ (AY 2015-16)

5. C\_\_\_\_\_ of C\_\_\_\_\_ ([ ]  
P\_\_\_\_\_ of P\_\_\_\_\_ L\_\_\_\_\_)

# Quiz (6)

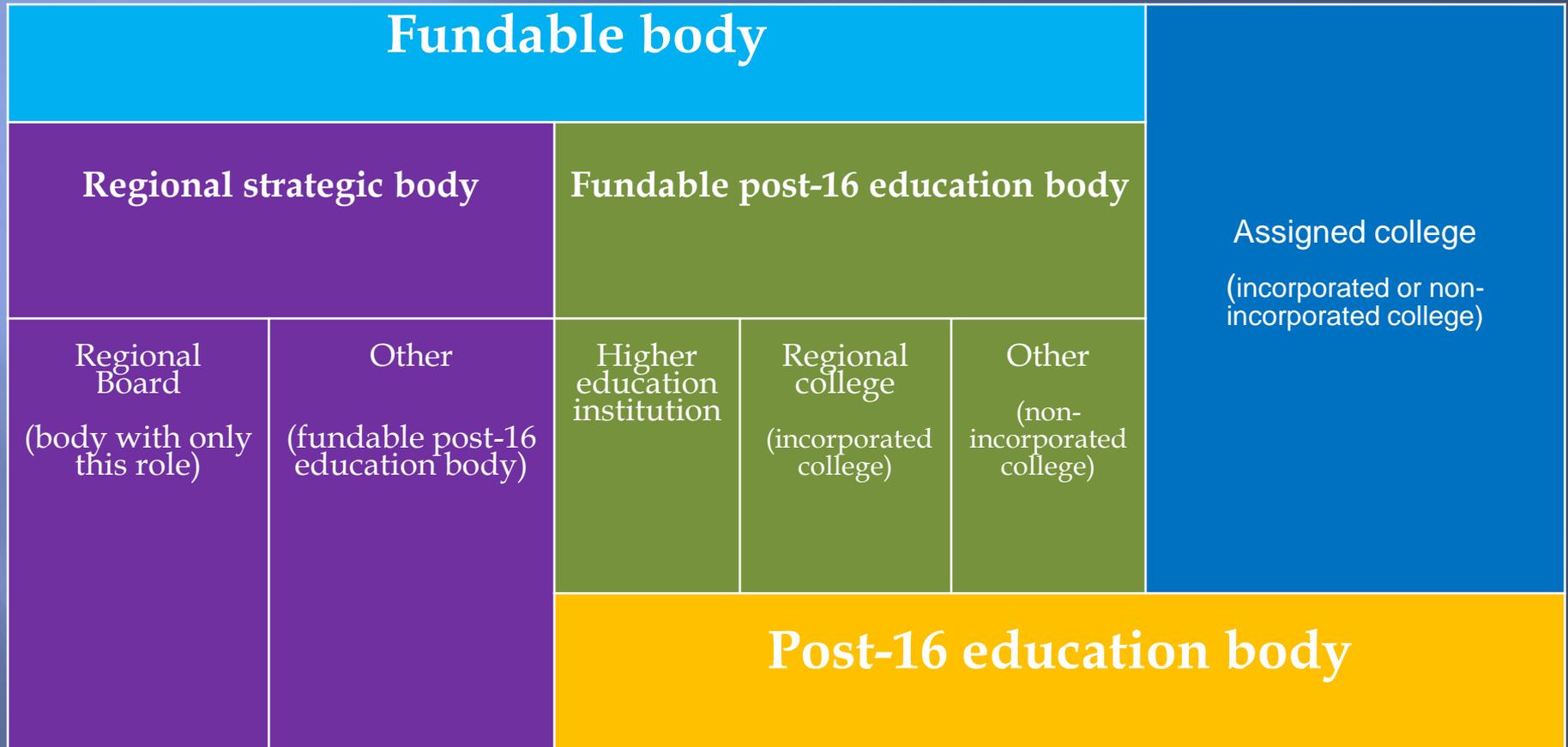
1. Good Governance Code for Scotland's Colleges
2. Financial Memorandum with Fundable Bodies in the College Sector
3. Scottish Public Finance Manual
4. Delivering College Outcome Agreements (AY 2015-16)
5. Code of Conduct (9 Principles of Public Life)

# Terms and conditions of grant



\*Incorporated colleges only

# Terminology



# Quiz (7)

1. Today, there are [ ] f\_\_\_\_\_ p\_\_\_\_\_ -  
16 e\_\_\_\_\_ b\_\_\_\_\_
2. Today, there are [ ] p\_\_\_\_\_ -16  
e\_\_\_\_\_ b\_\_\_\_\_
3. When all existing a\_\_\_\_\_ colleges are  
removed from schedule [ ] to the [ ] Act,  
there will be [ ] f\_\_\_\_\_ p\_\_\_\_\_ -16  
e\_\_\_\_\_ b\_\_\_\_\_ and [ ] p\_\_\_\_\_ -16  
e\_\_\_\_\_ b\_\_\_\_\_

# Quiz (7)

1. Today, there are 25 fundable post-16 education bodies
2. Today, there are 25 post-16 education bodies
3. When all existing assigned colleges are removed from schedule 2 to the 2005 Act there will be 13 fundable post-16 bodies and 25 post-16 education bodies

# Summary

- ▣ Single college region = regional college
- ▣ Multi-college region = regional strategic body  
(but can also have regional college)
- ▣ Regional Board = type of regional strategic body
- ▣ Incorporated = Board of Management = 1992 Act college
- ▣ Fundable = eligible to be funded by SFC
- ▣ Post-16 = learning provider

# Summary

- ▣ Terms and Conditions
  - Grant
    - Financial Memorandum
    - Outcome Agreement
    - Good Governance Code
    - Scottish Public Finance Manual (incorporated colleges)
  - Appointment
- ▣ 7(2) criteria
- ▣ Board failure provisions (incorporated colleges)
- ▣ Code of Conduct (incorporated colleges)
- ▣ Legal duties, including charity duties

# Contact Details

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