POLICY NOTE

THE ASSIGNED COLLEGES (SCOTLAND) ORDER 2014

SSI 2014/80

1. The above instrument is made in exercise of the powers conferred by sections 7C(1) and 34(2) of the Further and Higher Education (Scotland) Act 2005 ("the 2005 Act").

Policy objectives

2. The instrument forms part of an implementation package for the Post-16 Education (Scotland) Act ("the 2013 Act").

3. The Government is reforming the college sector to better meet the needs of learners and employers in a region through a coherent and sustainable curriculum, with a sharper focus on outcomes; funding based on regional needs; and strong accountability for regional performance. This has involved, among other things, the creation of thirteen college regions[1].

4. There are three regions with more than one college[2]. Each will have a regional strategic body that will have the role, among other things, to fund colleges assigned to it. Regional strategic bodies provide a way to achieve the benefits of taking a regional approach to college funding and planning in multi-college regions.

5. The Order assigns the three publicly funded colleges in Glasgow to the regional strategic body, the Regional Board for Glasgow Colleges, with effect from 1 August 2014.

6. All three colleges are incorporated colleges[3]. The principal effect of the Order on the three colleges listed in article 2 will therefore be to cease the effect of articles 4 and 5 of the Post-16 Education (Scotland) Act 2013 (Commencement No. 3 and Transitory and Savings Provisions) Order 2014 ("the 2014 Order") (SSI 2014/21) which were to apply until any college of further education listed in Schedule 2 to the 2014 Order was either designated as a regional college or assigned to a regional strategic body. Since this Order assigns City of Glasgow College, Glasgow Clyde College and Glasgow Kelvin College to the Regional Board for Glasgow Colleges, this will give these colleges the board arrangements of a college that is not a regional college, as provided for in schedule 2 to the Further and Higher Education (Scotland) Act 1992 ("the 1992 Act"), as amended by the 2013 Act. It will also extend to these assigned colleges the effect of the provisions in section 26A of the 2005 Act (equal opportunities: post-16 education bodies etc.)[4] and section 24 of the 1992 Act (mismanagement by boards)[5].

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[1] Aberdeen and Aberdeenshire, Ayrshire, Borders, Dumfries & Galloway, Edinburgh, Fife, Forth Valley, Glasgow, Highlands and Islands, Lanarkshire, Tayside, West and West Lothian.
[2] Glasgow, Highlands and Islands and Lanarkshire.
[3] "Incorporated colleges" are colleges with a board of management established under the Further and Higher Education (Scotland) Act 1992.
[4] As inserted by section 19 of the 2013 Act.
[5] As substituted by section 7 of the 2013 Act.

7. The functions of regional strategic bodies in sections 12A, 12B and 23E to 23O of the 2005 Act[6] are in respect of the colleges assigned to it.

8. Ministers will make a separate Order under section 7(1) of the 2005 Act at a later date to remove the colleges from the list of fundable post-16 education bodies in schedule 2 to the 2005 Act when they are satisfied that the new arrangements are working well. While they are fundable post-16 education bodies, the colleges will remain eligible in principle for funding from the Scottish Funding Council (SFC) and the SFC will retain functions in respect of them.

9. Further Orders will also be made at a later date in relation to the Lanarkshire and the Highlands and Islands regions.

Consultation

10. In accordance with the requirements of section 7C(6) of the 2005 Act, the Scottish Government issued a consultation paper[7] in October 2013 on, among other things, plans to assign colleges in Glasgow in August 2014. Ministers consulted with the boards of management of the colleges affected, the representatives of any trade union which were recognised by the colleges or which were otherwise representative of their staff, the colleges' students' associations, the SFC, the local authorities for the areas in which the colleges are situated and other persons likely to be affected by the order. Ministers did not consult the Regional Board for Glasgow Colleges as it did not yet exist at the time of consultation.

11. Overall, respondents were supportive of the plans. The Scottish Government will publish the responses and its analysis shortly.

12. Given that the colleges listed in article 2 of the Order are fundable post-16 education bodies, the provision in section 7C(2) of the 2005 Act that requires the SFC to approve or approve their assignation does not apply.

Impact assessments

13. There are no significant equality impact issues arising from this Order.

Financial effects

14. The Cabinet Secretary for Education and Lifelong Learning confirms that no Business and Regulatory Impact Assessment is necessary as the instrument has no financial effects on local government or on business.

Scottish Government
Colleges and Adult Learning Division
March 2014

[6] Section 12A and 12B are inserted into the 2005 Act by section 9(2) of the 2013 Act. Sections 23E to 23O will be inserted into the 2005 Act by section 10 of the 2013 Act.
[7] http://www.scotland.gov.uk/Publications/2013/10/7639/0