POLICY NOTE

THE CUMBERNAULD COLLEGE (TRANSFER AND CLOSURE) (SCOTLAND) ORDER 2013

SSI 2013/269

The above instrument was made in exercise of the powers conferred by sections 3(1)(c), 25(1), (1A), (2) and (5), and 60(3) of the Further and Higher Education (Scotland) Act 1992 ("the 1992 Act"). The instrument is subject to negative resolution procedure.

Policy objectives

The policy objective is that the two colleges listed below should be unified within a single institution:

- Cumbernauld College; and
- Motherwell College.

This will take effect on 1 November 2013. On that date, the whole property, rights, liabilities and obligations of the governing body of Cumbernauld College will be transferred to and vested in the governing body of Motherwell College. The employees of the governing body of Cumbernauld College will also transfer to the governing body of Motherwell College on that date. Cumbernauld College will close and the governing body will be wound up and dissolved on that date.

This is one in a series of actions across Scotland which will see colleges unified to create 13 college regions.

Consultation

In order to comply with the requirements of section 5(1) of the 1992 Act, Scottish Ministers have consulted the education authority for the area in which Cumbernauld College is situated. In compliance with the requirement to consult any other person affected by the closure, Scottish Ministers have also consulted a wide range of national and local stakeholders in advance of this instrument being made.

Consent

In accordance with section 25(7) of the 1992 Act, the governing body of Motherwell College has consented to the transfer to it of the property, rights, liabilities and obligations of the governing body of Cumbernauld College.

Equality Impact Assessment

An Equality Impact Assessment has been undertaken by the Scottish Government. Scottish Ministers have asked Colleges and the Scottish Funding Council (SFC) to pay close attention to any issues around transport in relation to curriculum planning, in so far as this may affect students and staff. More generally, following the transfer, the host college will be subject to

the scrutiny of both the SFC, who will undertake post-merger evaluation, and Education Scotland and will be held accountable for the delivery of all outcomes, including issues relating to equality. A summary will be published in due course on the Scottish Government website.

Financial Effects

The Cabinet Secretary for Education and Lifelong Learning confirms that no Business and Regulatory Impact Assessment (BRIA) is necessary as the instrument has no financial or regulatory impact on the Scottish Government, local government or on business.

Scottish Government
Employability, Skills and Lifelong Learning Directorate
September 2013