POLICY NOTE

THE REGIONAL STRATEGIC BODIES AND REGIONAL COLLEGES (GLASGOW AND LANARKSHIRE) ORDER 2025

SSI 2025/177

The above instrument was made in exercise of the powers conferred by section 3(5) of the Further and Higher Education (Scotland) Act 1992 and sections 7A(1), 7B(2)(a) and (b), 7C(1), 23R(3)(c) and 34(2)(a) of the Further and Higher Education (Scotland) Act 2005. The instrument is subject to affirmative procedure.

The instrument abolishes two regional strategic bodies (RSBs) and designates four regional colleges under the Further and Higher Education (Scotland) Act 2005 ("the 2005 Act").

Schedule 2A of the 2005 Act is modified, removing the entries for the Regional Board for Glasgow Colleges and New College Lanarkshire for the purpose of abolishing those RSBs.

The four colleges which had been assigned to the RSBs being abolished are each designated as regional colleges under the 2005 Act. City of Glasgow College, Glasgow Kelvin College, Glasgow Clyde College were assigned to the Regional Board for Glasgow Colleges and South Lanarkshire College was assigned to New College Lanarkshire.

The Scottish Further and Higher Education Funding Council (the SFC) is given the power to take any action necessary to conclude any outstanding matters associated with the abolition of the Regional Board of Glasgow Colleges.

Policy Objectives

Background to college regionalisation

College regionalisation was introduced by the Post-16 Education (Scotland) Act 2013 ("the 2013 Act"). The original intentions of college regionalisation were to reduce duplication of provision, streamline quality learner pathways and ensure closer alignment to regional economies. This led to significant reform across the college landscape with the formation of 13 college regions; 10 regions with a single regional college and 3 multi-college regions.

In the 10 single-college regions, there is a single college incorporated under the Further and Higher Education (Scotland) Act 1992 ("the 1992 Act") which is a "regional college" within the meaning of the 2005 Act. These colleges were given the power and control to receive and be accountable for public funding from the SFC; to decide how to manage the resources at its disposal; and plan and provide education and skills curriculum for the benefit of the learner, regional economy and community. Each regional college is governed by a board of management, the Chair of which is appointed by the Scottish Ministers.

In the 3 multi-college regions – Glasgow, Lanarkshire and Highlands and Islands - it was recognised that fulfilling the aims of regionalisation would require individual colleges to work together. To support this, a new statutory body was introduced – a "regional strategic body" (RSB) – under the 2005 Act. Colleges within these regions are assigned to the RSB and referred to as "assigned colleges". The RSB is responsible for strategic oversight and funding arrangements across the region. The Glasgow and Lanarkshire RSBs are governed by a board of management, the Chair of which is appointed by the Scottish Ministers. Assigned colleges are governed via their own board of management, the Chair of which is appointed by the RSB.

While regional colleges have a direct funding and accountability relationship with the SFC bound by a financial memorandum, this is not the case for colleges in multi-college regions. In this case, the RSBs have the funding and accountability relationship with the SFC and are bound by a financial memorandum which sets out the relationships, expectations and accountabilities between SFC and the institutions it funds. A regional outcome agreement sets out what the region will deliver in return for the SFC core funding, and the RSB is accountable for that delivery.

In the multi-college regions, colleges which are assigned to the RSB are funded by the RSB and in turn are bound by a financial memorandum between the RSB and themselves which sets the conditions of funding. The RSB decides how its funding should be allocated to its assigned colleges and monitors the assigned colleges' financial performance and progress towards delivery of activity targets.

Glasgow region

The RSB for the Glasgow region is the Regional Board for Glasgow Colleges, and more commonly known as the Glasgow Colleges' Regional Board (GCRB). It was established by the 2013 Act, by way of amendment to the 2005 Act. From August 2014, GCRB assumed responsibility for the planning and delivery of coherent, high quality further and higher education in the Glasgow region via its three assigned colleges. The Assigned Colleges (Scotland) Order 2014 assigned the three existing colleges in Glasgow (City of Glasgow College, Glasgow Clyde College and Glasgow Kelvin College) to GCRB as the RSB.

Lanarkshire region

The Lanarkshire Colleges Order 2014 ("the 2014 Order") designated the board of management of New College Lanarkshire (NCL) as a regional college, as well as making it the RSB with overarching responsibility for the planning and delivery of coherent, high quality further and higher education via the two colleges in the region (NCL and South Lanarkshire College). The 2014 Order also assigned South Lanarkshire College (SLC) to NCL as the RSB and made bespoke provision for the board of management of NCL to reflect the relationship with SLC.

The Case for Change

In 2020, the Scottish Government asked the SFC to undertake a review of coherent provision and sustainability of Scotland's tertiary education and research sector. In 2020, the SFC completed their Phase 1 report of their Review of Coherent Provision and Sustainability in the Tertiary sector. Further to this, the SFC also published their review into Regional

Strategic Bodies in 2020, with detailed reports on Glasgow Colleges' Regional Board, Lanarkshire Board and University of the Highlands and Islands Court.

In general, the SFC noted that each RSB had achieved its objectives of regionalisation, collaboration and integration to different degrees concluding that the "status quo is not tenable for reasons that are particular to each RSB, but often involves tensions in governance and accountability structures, contested costs and funding authority, and unclear outcome gains for students and taxpayers."

In March 2023, the Education, Children and Young People Committee of the Scottish Parliament concluded their review of college regionalisation. It also concluded that while single college regions provided a good basis for continuous improvement, further reform of RSBs was required to improve regional planning, performance and governance processes. Key issues included ambiguous and confused governance processes, decisions on provision separated from the delivery body and confusion for employers on the right door for collaboration.

Reform proposals

Having considered the evidence provided by the SFC report and the committee review, the Scottish Government concluded that reform was required, particularly to remove the cumbersome governance arrangements and improve college accountability. The Scottish Government has been clear that any new strategic approach must be in line with the new direction set out in the Purpose and Principles**1** and support the original aims of regionalisation to enable effective regional skills planning and provision and collaboration opportunities across the Glasgow and Lanarkshire college regions. It is imperative that colleges can provide a high quality streamlined learning offer that is rooted in a robust understanding of local needs, as well as regional and national priorities. It is also critical that appropriate accountability and assurance processes are in place to hold colleges to account.

On 16 May 2024, the Minister for Higher and Further Education; and Minister for Veterans announced plans to proceed with a consultation on the future of the Glasgow and Lanarkshire RSBs. A consultation to seek views on the proposals launched on 17 June 2024 and closed on 20 September 2024.

This consultation set out proposals to dissolve both RSBs and allow the assigned colleges to manage themselves as separate regional entities. The importance of continued collaboration was highlighted within the consultation and Scottish Ministers sought views on the best collaborative arrangements to meet the aims of college regionalisation.

Following this consultation exercise, which was widely supportive of the proposals put forward, Scottish Ministers agreed to proceed with the proposed plans and on 11 December 2024 announced that the Scottish Government would proceed with plans to:

a) Dissolve the GCRB, the RSB for the Glasgow college region;
b) No longer have NCL designated as the RSB for the Lanarkshire college region; and

1 https://www.gov.scot/publications/post-school-education-research-skills-purpose-principles

c) Designate each of the Glasgow and Lanarkshire colleges as "regional colleges".

This Order

In order to proceed with these plans this Order:

- modifies schedule 2A of the 2005 Act to remove the entries for the Regional Board for Glasgow Colleges and New College Lanarkshire having the effect of abolishing those RSBs
- gives the SFC the power to take any action necessary to conclude any outstanding matters associated with the abolition of the Glasgow Colleges Regional Board (for example to finalise the board's accounts).
- designates each of the colleges previously assigned to the RSBs as standalone regional colleges and
- makes consequential amendments to schedule 2 of the 1992 Act, the Lanarkshire Colleges Order 2014 and the Colleges of Further Education and Regional Strategic Bodies (Membership of Boards) (Scotland) Order 2023.

Reformed governance structures

The GCRB as an entity will cease to exist from the coming into force date of the instrument. From the same date, SLC will no longer be assigned to NCL and NCL's functions as a RSB will cease.

The 4 assigned colleges will become regional colleges and a range of new statutory duties will be placed on the colleges under the 2005 Act. This includes duties to plan and secure coherent provision of a high quality of fundable further and higher education in the locality of the regional college, with due regard to issues such as local skills needs, social and cultural issues, sustainable development, educational and related needs of students or prospective students and widening access to education from socio-economically disadvantaged groups.

NCL is already designated as a regional college under the Lanarkshire Colleges Order 2014, which will continue to have effect for this purpose. As NCL continues to exist, notwithstanding the removal of RSB designation, there is no need for the SFC to take on concluding any outstanding matters, as it will for GCRB.

A range of views were offered in regards to appropriate collaborative arrangements that could be implemented in both regions with no majority view. Consultation responses were generally in favour of collaboration but there was no clear consensus on the format of collaboration or optimum range of partners. Views also noted the need for adaptability to allow arrangements to be flexible to meet the future needs of regional colleges. As such, formal collaborative arrangements in respect of the 5 colleges will not be underpinned by any statutory requirements. The SFC will work with the colleges to develop appropriate collaborative arrangements, which will be overseen in line with existing accountability and assurance processes.

Changes to board composition

Regional colleges have specific composition requirements for their boards of management which are set out in paragraph 3A of schedule 2 of the 1992 Act. This means that the boards of management of the newly designated regional colleges – City of Glasgow College, Glasgow Clyde College, Glasgow Kelvin College and SLC will require to be led by a Ministerially appointed Chair.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

The Scottish Ministers have made the following statement regarding children's rights.

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, the Regional Strategic Bodies and Regional Colleges (Glasgow and Lanarkshire) Order 2025 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

A consultation to seek views on the proposals launched on 17 June 2024 and closed on 20 September 2024.

As part of this public consultation, in accordance with sections 7A(2), 7B(3) and 7C(6) of the 2005 Act the following were consulted on the proposals: the RSBs and boards of management of the colleges, the representatives of any trade union which the colleges recognise or which otherwise appears to be representative of the colleges' staff, the colleges' students' associations, the local authorities for the areas in which the colleges are situated and in which post-16 education bodies provide fundable further or higher education which is funded by the regional strategic bodies, the SFC and any other persons appearing as likely to be affected..

A copy of the analysis report in relation to this consultation is available on the Scottish Government website.

The majority of responses received were in favour of the proposal to dissolve the Lanarkshire RSB and for both Lanarkshire colleges becoming regional colleges, with 12 of the 14 respondents answering in favour. Similarly, the majority of responses were in favour of the proposal to dissolve GCRB and the 3 Glasgow colleges becoming regional colleges, with 15 of the 17 respondents answering in favour.

Most responses were in favour of implementing collaborative arrangements in the Glasgow and Lanarkshire college regions, with a range of views in respect of the most effective arrangements within the regions. Given the range of views and need for colleges to be able to respond flexibly to change, the Scottish Ministers are satisfied it is appropriate that

collaborative arrangements should be developed between the bodies and in compliance with their functions under the 2005 Act. The SFC will be expected to exercise its existing functions as appropriate to ensure collaborative arrangements are implemented.

Impact Assessments

The SSI concerns a structural reform to college governance arrangements.

The aim of the SSI is to improve the college governance structures and accountability within the regions. It is the intention that these reformed arrangements will better enable the colleges in the region to meet the aims of college regionalisation and align themselves with the future vision for the college sector, as outlined in the Purpose and Principles for Post-School Education, Research and Skills. However, the implementation will be determined by the decisions of individual colleges responding to their new duties as Regional Colleges. This will be monitored through SFC's normal assurance and accountability framework**2**.

For this reason the impact assessments have responded to the short term impacts of the legislative change rather than the subsequent, longer term and more disparate impact of decisions by the resultant regional colleges.

The Equality Impact Assessment and Fairer Scotland Duty Assessment show no impact on staff or students of the structural change itself.

Financial Effects

A BRIA has been conducted to set out the expected costs, benefits and impact of the policy. It confirms that the benefits (clearer governance and accountability structures and reduced costs from no longer funding the additional governance structures of the regional boards) justify the costs (additional costs of renumeration of 3 additional regional college chairs plus initial designation and wind-down costs).

Scottish Government
Lifelong Learning and Skills
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2 https://www.sfc.ac.uk/assurance-accountability/