HR (Inc. Nomination) Committee

You are invited to attend a meeting of the **HR Committee** to be held on

Tuesday 18 March 2014 in the Tower Suite, Alloa campus at **4.30 pm**.

Refreshments will be available from 4.00 p.m.

Agenda

1.   Declarations of Interest

FOR APPROVAL

2.   Minutes of meeting of 19 November 2013

FOR DISCUSSION

3.   Matters Arising

   a) H/13/002 Minutes of Meeting of 25 April 2013
   b) H/13/004 Staff Development
   c) H/13/010 Pay Negotiations
   d) H/13/011 Update on Board Recruitment
   e) H/13/008 Cultural Survey Response

4.   Health, Safety and Sustainability Update   Claire Shiels

5.   Board of Management Transitional Arrangements   Andrew Lawson

6.   Staffing Establishment Update   Steven Still
     (Paper 6 is withheld from publication on the Forth Valley College website under
     Section 38 Personal Information of the Freedom of Information (Scotland) Act 2002.)

7.   Update on National Bargaining (Verbal)   Andrew Lawson

8.   Review of Risk

9.   Any other competent business

FOR INFORMATION

Programme of Committee Business
Value of wSUMs

HR (Inc. Nomination) Committee

Location:	**A202, Alloa Campus**
Date:	**19 November 2013 (commencing at 4.30pm)**

Present: Dr Bill Blair (Chair)
Ms Beth Hamilton
Ms Elaine McGeorge

Apologies: None

In Attendance: Mr Andrew Lawson, Associate Principal HR and Student Services
Mr Steven Still, HR Manager
Mrs Claire Shiels, Head of FM and Health and Safety (for item H/13/005 only)
Mr Stephen Jarvie, Corporate Governance and Planning Officer

H/13/001   **Declarations of Interest**

No declarations were made.

H/13/002   **Minutes of Meeting of 25 April 2013**

The minutes of meeting of 25 April 2013 were approved as a correct record.

It was identified that, under Item H/12/042, a report should be brought to the next meeting of the Committee on the value of wSUMs within the College. It was agreed that this report would come to the March 2014 meeting of the Committee.

H/13/003   **Matters Arising**

a) H/12/046 Government Commitment to National Bargaining

The Associate Principal HR and Student Services noted that this would be covered under item H/13/009

H/13/004   **Staff Development**

The HR Manager provided a verbal overview of staff development activity within the College. He outlined new programmes which have been specifically developed to support –

- Curriculum Managers
- Head of Teaching Departments
- Head of Service Departments
- Departmental Administrators

The HR Manager also outlined changes to the delivery of annual staff development training days. He noted that the current model of 2 consecutive days for all staff was logistically challenging with low attendance.

The new approach recognises the difference in training needs of academic and support staff and will be offered at times of the year which better suit the needs of each group.

The HR Manager concluded with an overview of the improvements to the Personal Target Setting and Review process, noting that the system has been developed to remove manual processes and utilise online resources.

a) Members noted the content of the update
b) Members requested a short written report on progress to the March meeting

H/13/005   Health and Safety Update

The Head of FM and Health and Safety provided members with an update on Health and Safety Key Performance Indicators.

She noted that accidents and incident rates were down from previous years, that a sustainability group has been established to oversee College waste reduction, and that staff absence was currently below the sector averages the College was aware of as outlined in H/13/007 below.

Members queried whether students were involved in the work of the Sustainability group. The Associate Principal HR and Student Services confirmed that the Student Union President was a member of this group.

a) Members noted the content of the report

H/13/006   Staffing Establishment Update

The HR Manager presented members with a report on the current staffing establishment position within the College.

Members requested that future reports contain previous year's statistics for the purposes of comparison.

The Chair noted the recent press interest in the use of zero hours contracts within organisations and queried if there are any of these contracts in use within the College.

The HR Manager confirmed that there are no College employees on zero hours contracts. He noted that there were some casual contracts for gym assistant and artist model roles and provided members with an overview of the difference between this contract type and zero hours contracts.

a) Members noted the content of the report and the assurance regarding zero hours contracts

H/13/007   **Absence Data Report**

The HR Manager presented an update on staff absence within the College.

He noted that, while there is a lack of sector statistics on absence, he does participate in the HR Managers' Community of Practice group which had compiled statistics across its members. Compared to these statistics, the absence rates for the College are below average and had the third lowest absence rate overall.

Members queried the effectiveness of the Back to Work process within the College. The HR Manager confirmed that this system appears to work well; ensuring staff who have had a long term illness are able to return to work in a phased and supported manner which meets their needs.

a) Members noted the content of the report.

H/13/008   **Cultural Survey Response**

The Associate Principal HR and Student Services provided a verbal update to members on a cultural survey which had recently been conducted with College staff.

He noted that the survey had a good response rate with 61% of staff completing the document.

While a detailed analysis is still underway, he was able to report on some headline statistics such as –

- 72% of respondents liked working for the College, and
- That the new Principal had received positive feedback from his staff engagement to date.

He informed members that he intended to complete the analysis and bring it to the Board of Management meeting in December 2013.

Members queried how feedback to staff would be managed. The Associate Principal HR and Student Services confirmed that the methodology for feedback to students known as "You Said – We Did" would be used.

Members noted that this was an effective methodology but care should be taken over the commitments made to ensure staff were not promised activity that could not be delivered in a reasonable timescale.

a) Members noted the content of the update

H/13/009   **Government Commitment to National Bargaining**

The Associate Principal HR and Student Services reported on progress with this topic since the last meeting of the Committee. He reported that some consultation activity had occurred which the College had responded to and

that there remained a number of issues to be resolved between the group established by the Scottish Government to progress this area and trade unions.

a) Members noted the content of the update

H/13/010   Pay Negotiations

The Associate Principal HR and Student Services updated members on negotiations with the College's recognised trade unions on the College's pay offer.

He outlined the offer being made at this time and noted that a quick, indicative poll of EIS members by their union indicated that they would not accept this offer.

He noted that both UNISON and EIS had to now perform a formal ballot of their members and outlined the potential actions should the unions reject the offer being made.

Members queried how many staff were union members. The HR Manager reported that union membership was approximately 60% of teaching staff in EIS and 50% of support staff in UNISON.

The Associate Principal HR and Student Services indicated that a paper on the outcome of the pay negotiations would be brought to the next meeting of the Committee.

a) Members noted the content of the update

H/13/011   Update on Board Recruitment

The Chair noted that the paper circulated to members on this topic should have been provided in the form of a minute. A minute of the meeting was then circulated to members.

The Chair provided a brief overview of the four candidates interviewed and outlined the process of the recruitment activity and the decision reached as noted in the minute to recommend all four candidates to the Board for appointment as members.

The Chair noted that the candidates provided a good mix of age, skills and gender.

a) Members noted the content of the minute
b) Members noted that a paper recommending membership of the four candidates would be presented to the December 2013 meeting of the Board of Management for final approval

H/13/012   Review of Risk

The Associate Principal HR and Student Services noted that the pay negotiations item had the potential to arise as a risk if the pay offer was rejected and the unions moved to a dispute/industrial action position. The position would be revised once the outcome of Union ballots was known.

H/13/013   **Any Other Competent Business**

None

HR (Inc. Nomination) Committee

Subject:	Health, Safety and Sustainability Update	Agenda Item: 4
Date:	18 March 2014	**FOR DISCUSSION**

1. Purpose of Report

To provide the HR Committee with an update on the Health and Safety performance and Sustainability developments within the college session 2013-2014. The update includes the following;

- performance against the Health and Safety Committee key performance indicators;
- progress relating to the current health and safety culture and health and safety operational plan 2013-2014 **(Appendix A)**
- progress relating to the sustainability performance indicators **(Appendix B)**

2. Recommendation

- To note the continual improvements with health and safety since the last update in November 2013.
- To note the positive developments within the college sustainability agenda.

3. Background

Health and Safety
A positive health and safety culture in any organisation should include the following five key areas. This report offers the college position against each of these areas. All objectives are listed and tracked through the Health and Safety Operational Plan and Health and Safety Risk Register.

- Accident and Incidents
- Statutory Obligations
- Competency and Training
- Occupational Health
- Safety Culture

Sustainability
A Sustainability Steering Group was established last year, to agree, develop and monitor the sustainability key performance indicators for the College. This has been completed and has now developed into a Sustainability Operational Plan. The college has good representation within the sustainability steering group, to capture learner's views, health and wellbeing, climate change, waste, social citizenship, Fairtrade and travel. The termly meetings are chaired by the Director of Estates Development, giving credible support to a key college initiative. All meetings and actions are recorded on SharePoint.

In addition, the college has established and reviewed a set of key performance indicators to monitor and progress its sustainability responsibilities and agenda. Each performance indicator will continue to be tracked and measured in line with the overall sustainability college outcome objective. (Appendix B)

4. Key Considerations – Key Performance Indicators

The College Health and Safety Committee monitors 3 key performance indicators.

- **Accidents/ Incidents -** To maintain or reduce college accidents/incidents in line with the previous baseline of 141 p/annum; currently on target;
- **Waste** - To reduce waste to landfill – Target to maintain industry average of 65% recycle to 35% landfill or better, currently on target;
- **Absence** - To maintain within the current sector average for employee absence statistics (2013 CIPD Figure is 10.2 days p/person p.a) Scottish FE sector data collated by the HR DN Group indicate a 3.78% average. The College is currently projecting an annual average of 2.76%, better than target.

Accidents / Incidents Current Data Compared with Last Year's Data
KPI- To maintain or reduce college accidents/incidents in line with the previous baseline of 141 p/annum; currently on target; The table below illustrates the performance in the first two quarters this year compared to last year's figures.

2012/2013	Bruise/Abrasion	Burn/Scald	Crush/Injury	Cut/Laceration	Electric Shock	Eye Injury	Fracture/Dislocation	Other	Puncture Wound	Sprain	Sting	RIDDOR*	Total	Medical	Horseplay	Near Miss
Aug- Oct	9	9		16		3		1	3	9	2		52	23		5
Nov - Jan	9	3		13	2	2	1	2		6		1	39	21	2	6
Feb - April	8	3		15		4	2	2		4		1	39	14		3
May - July	7	1		3		1		1	2	4		1	20	9		3
Total	**33**	**16**	**0**	**47**	**2**	**10**	**3**	**6**	**5**	**23**	**2**	**3**	**150**	**67**	**2**	**17**
2013- 2014	Bruise/Abrasion	Burn/Scald	Crush/Injury	Cut/Laceration	Electric Shock	Eye Injury	Fracture/Dislocation	Other	Puncture Wound	Sprain	Sting	RIDDOR*	Total	Medical	Horseplay	Near Miss
Aug- Oct	8	4		7		1	3	2	1	6	1		33	21		4
Nov - Jan	6	8		16		3	1	3	1	5			43	23		6
Feb - April													0			
May - July													0			
Total	**14**	**12**	**0**	**23**	**0**	**4**	**4**	**5**	**2**	**11**	**1**	**0**	**76**	**44**	**0**	**10**

Incidents/Accidents
There have been no RIDDOR reportable injuries sustained within the first part of session 13-14. The college reported a total of 3 the previous year (12-13) so this reduction is an improvement.

Session 13- 14 shows an increase in reported cuts, eye injuries and burns/scalds. A trend analysis was completed to illustrate which departments and campuses these incidents related to and all Heads of Department have been informed of the results and their support is on-going to further reduce these.

The college has a plan to introduce safe systems of work and have targeted the areas with the statistically higher incident rates, with a view to reducing the trend.

Waste - KPI - achieve and average of 65% recycled waste to 35% landfill waste or better. Waste remains a key performance indicator as part of the progress towards sustainability and progress is monitored through the Sustainability Steering Group.

The College has exceeded the industry standard and current statistics illustrate recycled waste as 69% and 31% landfill. To assist with the recycling of waste, the Facilities Department launched a new "Waste Procedure" in January 2014. This procedure enables segregation of food waste from the general recycled waste to comply with the most recent Government legislation.

Absence

Absence statistics are reported to the HS Committee as one of the key performance indicators. The quarter two figures for 13- 14 illustrate an annual projected absence rate of 2.76% although this figure continues to remain below the sector average of 3.78%.

Absence figures from the first 6 months (Aug 13 – Jan 14) is predominantly due to a sharp seasonal increase in short term absence during January 14 mainly due to an acute spell of flu / cold.

Long term absence continues to be managed well. The statistics illustrate a rise in back pain (not work related) related absence, an area which has historically been low.

Overall our absence (FTE days lost) in Qtr 2 of 13/14 (585) is lower than Qtr 2 of 12/13 (659)

4.1   Health and Safety Progress is progressed and monitored through the Health and Safety Operational Plan.

The full Operational Plan is provided on Appendix A and a brief summary of the statutory requirements is given below.

Fire Safety

Fire Safety Risk assessments have been reviewed with the Scottish Fire and Rescue Service. Alloa campus and Falkirk Campus have been visited during session13-14. The college also has an effective process for communicating and developing PEEP[1]s for individuals to assist their evacuation. Fire Drills were carried out at the start of term and again week beginning 24/2/14 and met the estimated evacuation times.

Health and Safety Inspections continue throughout the year with departments completing housekeeping checks and the Health and Safety Operational Team continue the scheduled audits to support this process.

Maintenance of Work Equipment;

The College Estates Department maintains an insurance register for the statutory inspection of building fabric and services. This includes fume hoods, Lifting Equipment, compressors and local exhaust ventilation systems, as examples.

To ensure work equipment is adequately maintained for compliance with legislative requirements such as the PUWER[2] and LOLER[3] Regs, the college has developed an asset register and has cross checked all assets on the list. This process is now in place at Falkirk and the Department of Engineering, Department of Construction and Estates Department. This system will now enable all assets to be viewed, tracked and maintained more easily, with a clear indication of responsibility and accountability for assets.

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[1] Personal Emergency Evacuation Plans
[2] PUWER Provision and Use of Work Equipment Regulations 1998;
[3] LOLER; Lifting Operations and Lifting Equipment Regulations 1998

Risk Assessments

College risk assessments are all available on the college SharePoint site. The relevant Heads of Department are given permissions to authorise/approve. All departments review their assessments in line with Curriculum changes. The process is embedded in to all college activity including risk assessments for outings, events and foreign travel.

Health Surveillance

The Health and Safety Co-ordinator continues to managing the statutory requirements for the health surveillance of employees, to identify, assess and monitor employees who are exposed to risks at work, which may affect their health.

The College continues to outsource health surveillance to ensure individual assessments are carried out by a competent person and accurate records are securely held. Appointments are held regularly in accordance with the health risk register and categorised. (Audio, Skin, Respiratory, HAVS[4])

4.2 HS Competent Persons

The college continues to maintain a "health and safety competent persons list" for all key health and safety roles within departments. These continue to be reviewed to ensure that requirements and provision is sustained.

The College recognises the importance of providing information, instruction and training to staff. To support this, the college plans to combine the mandatory health and safety training requirements into the PTS&R system. This will provide a training "diary" for the individual and also create the health and safety profile for their role and include a mixture of on-line and face to face courses. This process is being driven by HR and progresses from the launch of the new SD1 process being the first stage of this new on-line system.

Health and Safety Culture

The College continues to build on the positive health and safety culture established over the past few years. The College continues to engage with partners and stakeholders by participating in the GCSA meetings (Grangemouth Contractor Safety Association) led by INEOS, the community Police, attending the Delphinus Protect (counter terrorism) meetings, Falkirk Council Sustainability Group, The Central Scotland Safety Forum and the Apprentice Forum Meetings.

Regular audits and inspections continue through the Health and Safety Operational Team, throughout the year to monitor compliance.

5. Risk Analysis

The College risk remains low due to the support of all staff and the sound safety management operated in compliance with the established health and safety procedures.

Author:	Claire Shiels	**SMT:**	Tom Gorman
Date:	03/03/2014	**Date:**	05/03/2014

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[4] Hand Arm Vibration Syndrome

Departmental Operational Plan

Department of Health and Safety

2013/2014

Key Drivers for 2013-14

<u>Internal</u>

- Shared Department Objectives (such as Equalities, Finance, Learner Engagement)
- Sustaining positive relationships developed through the HS Operational Team and HS Committee
- Sound Management of Incident Reporting to reduce incidents.
- Develop and sustain suitable assessment of risk assessments for all activities
- Sound "Self Evaluation" process contributing to operational planning

<u>External</u>

- Stakeholders contribution and communications (e.g. Ineos, BP, Syngenta as communicated through the relevant departments)
- Community Partners and Community expectations for H&S standards
- HSE and Enforcing Authority Regulations

<u>Health and Safety Risk Register</u>

- The Health and Safety Committee has developed a risk register to monitor risk and progress and continually improve control measures to reduce risk as far as reasonably practicable. The risk register links to the Health and Safety Operational Plan and continues to be reviewed at the HS Committee Meetings along with the Health and Safety Operational Plan.

- Health and Safety Risk Register

Health and Safety Departmental Objectives 2013-2014 1-4 **ded into all Dept Operational Plans**

No	Departmental Objective (1)	Outcome (2)	Lead Person (3)	Start Date (4)	Target date (5)	Out. Agree	HMIe Qual F/wrk (6)	Risk Priority (7)	Status (8)	Risk R.A.G (9)
1	Progress the Sustainability Plan for the college;	Continue Health Initiatives and Health Surveillance Sustainability Statement Reviewed by the current Principal	H&S Co-ordinator (with regular contact with the Gym Co-ordinator)	Aug 13	July 14	15	1.3 8.2	3	This initiative is progressed through the Sustainability Steering Group. Link to the KPI document. Health Surveillance planned for Nov 13. Health Surveillance carried out in Nov/Dec 13. HWL Gold Award to be finalised – June 2014. Statements updated and available Jan 14. Receiving HWL Mental Health and Well-being Commendation Award on the 27/02/2014.	GREEN

No	Departmental Objective (1)	Outcome (2)	Lead Person (3)	Start Date (4)	Target date (5)	Out. Agree	HMIe Qual F/wrk (6)	Risk Priority (7)	Status (8)	Risk R.A.G (9)
2	Progress the Dept HS Training Compliance and Competent Persons Provision;	• On-line H&S training on Unit-e is implemented within all Depts as per the HS training matrix and linked to the Dept HS Competent Persons list to record all staff HS training and plan and manage refresher training. • H&S training needs are linked into the PTS&R process – refer to HR Operational Plan. A Pilot to commence. • Complete and current HS Competent Persons List (include Competent persons for skin checks) • Launch of Visual Display Unit (VDU) on-line package in August 2013. • Project on the list of college projects with James Aston.	(Head of FM and H&S) HOD Head FM & HS Head FM & HS	Aug 13	July 14		1.3 7.1 7.5	2	Met with D Fairman – 16/08/12 – to discuss problems with uploading DSE disks. Can be done by a link from Moodle to Intranet – passed email from D Fairman to J Hodge, E Glackan, K O'Reilly – 17/08/12. DSE package uploaded onto Moodle 15/4/13.. Completed and ready for use – 27/11/13 Meetings held 21/08/12 up to Dec 12 with D Allison and J Aston to progress on line training. SD1 on SharePoint launched Nov 13 – CPD now logged within the PTS&R. Schedule of refreshers carried out for CP's. (course/dates/campus). Refresher schedule emailed to HoDs/HoSs – 17/10/12. 26 First Aiders, 2 Caretakers and 1 FM Co-ordinator attended the Defibrillator Training in November 2013. Defibrillator Training arranged for the 17th March 2014.	AMBER

No	Departmental Objective (1)	Outcome (2)	Lead Person (3)	Start Date (4)	Target date (5)	Out. Agree	HMIe Qual F/wrk (6)	Risk Priority (7)	Status (8)	Risk R.A.G (9)
3	Testing and Maintenance of Work Equipment to comply with PUWER, LOLER and Gas Regs.	• Definitive list of all departmental work equipment to feed into the existing insurance equipment/asset register, developing a central register. • Departmental maintenance regime established for all relevant work equipment. • Estates Asset Register reviewed with FES and Insurance Allianz to be update all current assets	HODs And Head of FM and H&S	Aug 13	July 14		1.3	2	Alloa and Stirling Complete – data inputted into Enquirer This action is being driven through the Estates Operational Plan. Engineering and Construction have listed their asset equipment Dept. Maintenance Regime to be developed Allianz List updated March 14	AMBER
4	Continue sound H&S Management	• Dept H&S inspections completed using (HS 017) form. Actions completed, • Quarterly monitoring and analyses of dept incident reporting and reactive investigations completed as required. • Requests for PEEP's and Inclusive Risk Assessments completed as required.	HS Co-ordinator /HOD	Aug 13	July 14		1.3	3	Schedule developed for 2013/2014 Audit and Inspection Schedule	GREEN

No	Departmental Objective (1)	Outcome (2)	Lead Person (3)	Start Date (4)	Target date (5)	Out. Agree	HMIe Qual F/wrk (6)	Risk Priority (7)	Status (8)	Risk R.A.G (9)
5	Fire Safety	• Review Fire Risk Assessment for Falkirk Campus • Fire drills carried out at each campus to monitor compliance and effectiveness; include evening fire drills as required. • Fire Warden Refresher course to carried out at each campus • Evac Chair Refresher course to carried out at each campus • Evening Class Fire Induction Refresher course to carried out at each campus	Head FM/HS Co-ordinator	Aug 13	July 14			1.3	Falkirk R/Ass complete. Four Fire Warden Update Training sessions carried out on the 19th and 20th August 13. Fire Drills Completed 12/9/13, all sites. Fire Drills to be carried out on all sites the week beginning 24/02/2014. Fire Plan for Falkirk developed and sent to the Scottish Fire Service – 27/09/13. Additional Sounders added to floors 1,2,3 of the west block – 22 November 2013. Fire Plan developed for Alloa and Fire Service Visit took place in January 2014.	GREEN

No	Departmental Objective (1)	Outcome (2)	Lead Person (3)	Start Date (4)	Target date (5)	Out. Agree	HMIe Qual F/wrk (6)	Risk Priority (7)	Status (8)	Risk R.A.G (9)
6	Continue the Occupational Health Provision to all staff	• Planned schedule of Occupational Health completed; • Issues collated, communicated and addressed (HR, HOD's and SMT) • To complete the Apprentice Medicals for BP apprentices as per BP schedule • Review and update Health Surveillance Risk Register with HoDs/CMs.	Head FM/HS H&S Co-ordinator	Aug 13 Aug 13	June 14 Sep 13		1.3	3	Occ Health schedules completed for August and November 2013. BP Apprentice Medicals being arranged by the Business Unit Health Surveillance to take place in April/May 2014	GREEN
7	Reduce and monitor Incidents and Accidents	• HR stats for work related ill health analysed within the OH & Accident statistics. • Quarterly Analysis of monitoring and all on-line incident reporting and reported to the HOD's , HS Committee & SMT. • Investigations completed for RIDDOR and lost time incidents and serious or potentially serious incidents in conjunction with the HOD, TU Safety Reps. • Successful system in place for increased feedback from HOD's on their dept stats. • Annual analysis of incidents for equalities data.(12-13)	HS Comm HS Co-ordinator HS Co-ordinator/ Head FM/HS Head FM/HS Head FM/HS	Aug 13	July 14		1.3 2.1 5.1	3	Circulated the annual stats 12-13 on 25/09/13 to all SMT/Heads. Continue trend analysis every quarter and sharing statistics with staff. Qtr 2 2013-2014 Incident Statistics by Department circulated to HoDs on the 12/02/2014.	GREEN

No	Departmental Objective (1)	Outcome (2)	Lead Person (3)	Start Date (4)	Target date (5)	Out. Agree	HMIe Qual F/wrk (6)	Risk Priority (7)	Status (8)	Risk R.A.G (9)
8	Launch and Implement the Work Positive Policy and Procedure	• Review statistics for the use of the Work Positive Policy and Procedure (Email to Work Positive Advisors)	Head FM/HS	Aug 13	Sept 13		7.2	3	HR refresher carried out by CS on 23/09/13. Circulated reminder on 3/10/13 and e-mail to WPAs and CMs offer of NHS FOC training in Dec 13 Work Positive Advisors listed on the HS SharePoint page.	GREEN

No	Departmental Objective (1)	Outcome (2)	Lead Person (3)	Start Date (4)	Target date (5)	Out. Agree	HMIe Qual F/wrk (6)	Risk Priority (7)	Status (8)	Risk R.A.G (9)
9	Improvement of communication of HS Information to staff / students and Stakeholders	• To continue to release HS information via the Forth Mail and Fusion Magazines each term. To include toolbox talks brief HS updates; and incident data. • Complete PPE compliance checks at start of term and at regular intervals throughout the term; • Compliance safety checks completed on Contractors when they are on FVC premises • Increase the number of dept "safety conversations" and use of HS 017 form and safety audit scheduling. • To complete the annual schedule of joint HS visits to College depts and to Ineos with positive outcomes. • Review H&S section in the Prospectus • Review and update staff and student H&S Inductions for 2014/15.(13-14 now complete)	HS Co-ordinator HS Co-ordinator Head //Co-ordinator; Ops Team HS Ops team Head FM/HS Head FM/HS Head FM/HS	Aug 13	July 14			3	Records of information circulated and kept. PPE Compliance checks completed as per the HS audit schedule. Checks carried out on all campuses. Compliance check carried out with Contractors. HS Induction to be reviewed for Learners for 14-15 Meeting with Ralph Burns on the 27/02/2014 to update H&S Staff Inductions.	GREEN

No	Departmental Objective (1)	Outcome (2)	Lead Person (3)	Start Date (4)	Target date (5)	Out. Agree	HMIe Qual F/wrk (6)	Risk Priority (7)	Status (8)	Risk R.A.G (9)
10	Introduce Safe Systems of Work (document)	• SSOW template developed in conjunction with the HS Operational Team • SSOW implemented within a single dept. • Expansion to other relevant areas. • System for recording SSOW.	Head FM/HS	Aug 13	July 14		6.3 1.3	2	SSOW template on SharePoint. Trial under way with Dept of Eng. Format agreed at H&S Committee Meeting. Meeting arranged with HoDs on 06/03/2014 to discuss college wide implementation of the SSOW.	AMBER
11	Health and Safety Procedures	• All HS procedures reviewed as per the review schedule in conjunction with the HS TU Reps • Documentary evidence in place to support the review / approval schedule • Review all procedures which have review dates during 2013/2014	Head FM/HS	Aug 13	July 14		5.1 2.1 1.3	3	All procedure renewals tracked through SharePoint. Updates to be made to procedures as highlighted from QSA Audit. Procedures progress reviewed at HS Committee	GREEN

Notes:
(1) Objectives should be SMART to ensure the outcome can be measured and that it is achievable in the timeline.
(2) The outcome should clearly state what difference the objective should make. This should be measurable and will require evidence.
(3) The Lead Person wills action the objective. The responsible person will always be the Head of Department.
(4,5) Please ensure accurate "start" and "end" dates.
(6) Attribute objectives to Corporate Plan objectives and actions.
(7) Risk Priority; this should reflect the level of focus and importance of the objective;
   - Risk Priority 1 = seen as a high priority and to be targeted to enable improvements to be progressed and achieved.
   - Risk Priority 2 = to be actioned over and above the day to day operations as a medium priority.
   - Risk Priority 3 = to be captured as part of the day to day operations to maintain standards.
(8) The status column should reflect text to support the current position.
(9) This column should reflect the current overall risk of the objective in RED, AMBER or GREEN, GREY completed.

Sustainability Performance Indicators Appendix B

The following performance indicators will be used to satisfy both the future feedback to the EAUC[1] and future review of the College Sustainability Statement. The progress of these indicators will be tracked on the Sustainability Operational Plan and reviewed by the Sustainability Steering Group.

Sustainable Factor	Target to be achieved by July 2014	Baseline	How will this be measured?	Responsibility for Reporting against the PI
WASTE				
Waste Ratio	Aim for the industry standard of 65% recycling and 35 % landfill	51% Landfill v 49% recycling (12-13)	Reports received from waste contractor via FES FM	FM Co-ordinator – P Donaldson
TRAVEL				
Strategic Travel Management Plan; Travel Mileage claimed;	5% Reduction of business travel claimed (incl. college cars) and carbon used	Year 2008-09 total staff miles claimed 354,713 (updated baseline requested from Finance)	Travel Expenses Claims; College vehicle mileage records	Finance FM Co-ordinator – P Donaldson
SUSTAINABLE ESTATES				
BREEAM[2]	Achieve a post occupancy "Excellent Rating" for new campus builds	Based on BREEAM 2010 submissions	Post occupancy external consultant will assess compliance- Alloa Complete. Stirling to be confirmed but on target.	Head of FM and H&S – C Shiels
ENERGY CONSUMPTION				
Reduce Carbon Emissions for Utilities	10% reduction by Aug 2018 (relating to gas, electric)	2012-2013 figure of 2993.35 tCO2	Energy supplier monthly statements	Head of FM and H&S – C Shiels
FAIRTRADE				
Sustain Fairtrade status for the College;	Deliver the Fairtrade Fortnight & 2 x Fairtrade Meetings p.a Review the Fairtrade Policy	Fairtrade Status re-newel due April 2014	Fairtrade Folder of Evidence since 2012	Fairtrade Co-ordinator – Lisa Hachemi

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[1] Environmental Association of Universities and Colleges
[2] Building Research Establishment Environmental Assessment Method

SUSTAINABILITY IN THE CURRICULUM				
Sustainability Learning Strategy; 1) Departments to increase opportunities for learners to embed their understanding of sustainability issues by 2014/15. (include citizenship and employability)	a) Listening to Leaners reflects understanding of sustainability across the curriculum; Target 75% of learners to acknowledge understanding. b) Depts self-assessment score relating to this strand of the Learning Strategy progresses each year. Aim for 75% of dept feedback to include sustainability delivery in programmes.	a) Listening to Leaners: Sustainability awareness 45% confirmed awareness in 2011-2012 b) The average self-assessment score for "developing learner awareness of sustainability issues" for 2010-2011 was 49% and in 2011-2012 67%.	Analysis of Listening to Learners Focus Group feedback. Measured by Department self-assessments against Learning Strategy	Head of Curriculum and Quality F Brown
2) Key Departments increase student understanding of sustainability;	2a) Core and Essential Skills Departments. Increase number of non advanced students achieving sustainability understanding from previous year. Aim for 30%. 2b) Access & Progression Increase the number of certificates issued for sustainability awareness	2a) FVC Core and Essential Skills achieved approx. 5% of students in 2011-12 2b) 241 certificates during 12-13	Measured through the PLPs or in house sustainability certification. Sustainability embedded in some LDW workshops, mainly through Fairtrade workshops.	Core Skills- Kim Reid A&P Linda McPherson

ETHICAL PROCUREMENT OF GOODS AND SERVICES				
Undertake an annual review of the College's effectiveness and compliance of its sustainability procurement targets,	Attain Level 2 of the Flexible Framework	Level 1 of the Flexible Framework 2011-2012	Measured by APUC against the Scottish Government Flexible Framework Criteria	Procurement Manager – P Johnstone
PAPER CONSUMPTION				
Paper consumption from the print unit.	To reduce print unit figures by 5% on year 2012 in line with the development of on-line learning materials	2012 figure – 5,544,258 copies	Print Unit equipment production figures	Marketing Manager – L Condie Print Unit Co-ordinator – S Smith
College Statement additional indicators				
Employee Awareness / Levels of training and information for staff	All staff to complete Moodle training course –launched Sep 2013 "protecting the environment at work and at home"	Nil- new course	Reports provided from the Unite training database taken from Moodle.	Health and Safety Coordinator – F Duff
Health and Welfare				
Health Surveillance	95 % of employee health surveillance undertaken against actual required.	2010-2011- 295 employees	Health Risk Register is in place and reviewed against actual attended - on target	Health and Safety Coordinator – F Duff
College Gym Users	15% increase in the number of staff using the gym facilities- Aim for 215 in total	Baseline 12-13 = 187 staff in total using the three gyms	Gym usage tracked monthly - on target	Gym Coordinator – Wai Mun Lee

HR (Inc. Nomination) Committee

Subject:	Board of Management Transitional Arrangements	**Agenda Item:** 5
Date:	18 March 2014	**FOR DISCUSSION**

1. Purpose of Report

To inform members of the changes to Board of Management membership and recruitment requirements resulting from the Post 16 Education (Scotland) Act 2013.

2. Recommendation

- That Members to the note the changes and the impact on current Board Membership
- That the Committee nominate Member(s) to work with SMT to prepare the College response to the Scottish Government consultation (attached)

3. Background

The Post 16 Education (Scotland) Act 2013 "(the Act")" received Royal Assent in August 2013. The Act made a number of provisions in relation to Board of Management membership and recruitment. The key provisions were

- The Board of Management of Forth valley College would be designated as a regional college
- The Regional Chair would be appointed by Ministers through the Public Appointments Commissioner for Scotland
- The number of members would increase to be between 16 and 18, which includes an additional Student Member
- Future recruitment of Board Members would be on an open and competitive basis which will be underpinned by Ministerial guidance.

4. Changes implemented from March 2014

On 3 March 2014, the Board of Management of Forth Valley College was designated as a regional college. This designation is achieved by the Designation of Regional Colleges (Scotland) Order 2014.

Hugh Hall has been appointed by the Scottish Ministers as chair of the Board of Management.

In relation to other members

- the Board members elected by the teaching staff & non-teaching staff continue in office for the period until the expiry of their term office as a member of the Board of Management or until 2 March 2015, whichever comes first
- the Board member nominated by the students' association continues in office as a member of the Board of Management for the period until 31 August 2014
- all other persons ("ordinary members") who were immediately before 3 March 2014 members of the board of management (except the Principal) continue in office as members of the Board of Management for the period until the expiry of their term of office as a Board member or until 2 March 2015, whichever comes first
- the Principal of the College is on the College Board by right of their position and therefore Ken Thomson remains a member of the Board
- the College's students' association is to nominate a second student to the College Board. The Student Union have identified two potential candidates and the College Corporate Services team will support the Student Union through the election process

A letter from Michael Cross confirming these changes is attached for information.

The Scottish Government also announced on 12 March 2014 their intention to launch a consultation in April 2014 to look into setting mandatory quotas for the number of female Board members for public bodies. The College will monitor progress with this matter, incorporating any new requirements into our recruitment efforts and report back to the Committee in due course.

The news story can be accessed via this link http://news.scotland.gov.uk/News/Calls-to-close-gender-gap-on-boards-a4d.aspx

5. Re-appointment of Existing Board Members

The majority of "ordinary members" term of office will end of 2 March 2015 and those members will therefore need to re-apply through an open recruitment process if they wish to continue to serve of the Board of Management of Forth Valley College.

Arrangements will be put in place for the Nominations Committee to complete a full recruitment process, in line with the ministerial guidance, prior to March 2015. At that point all members appointed will be appointed for a period of no more than 4 years. Members will then have the option for their appointed to be extended for a further period of up to 4 years subject to the Chair's and Ministerial approval. At the end of the extended appointment members may re-apply through the open recruitment process.

In order to avoid the potential for all Board members term of office to expire at the same time in the future, it will be necessary to stagger the initial terms of office for appointments made as part of the 2014/15 recruitment process.

A copy of the draft ministerial guidance is attached for information.

6. Risk - Medium

The majority of "ordinary members" term of office will expire on 2 March 2015 which could result in a loss of continuity for the Board of Management. To mitigate against this a full recruitment process will be completed by early 2015 and terms of office for the new appointments will be staggered to ensure continuity in the future.

Author:	Alison Stewart	**SMT:**	Alison Stewart
Date:	12 March 2014	**Date:**	12 March 2014

Employability, Skills and Lifelong Learning Directorate
Colleges & Adult Learning: Funding & Policy Division

T: 0300 244 1292 F: 0300 244 1270
E: Michael.Cross@scotland.gsi.gov.uk

Alison Stewart
Secretary to Board of Management
Forth Valley College of Further and Higher Education
Grangemouth Road
Falkirk
FK2 9AD

4 March 2014

Dear Alison Stewart

**SECTION 6(2) OF THE POST-16 EDUCATION (SCOTLAND) ACT 2013
BOARD OF MANAGEMENT OF FORTH VALLEY COLLEGE OF FURTHER AND
HIGHER EDUCATION**

1.   As you will be aware, colleges are going through a radical programme of
reform supported by the Post-16 Education (Scotland) Act 2013 ("the 2013 Act").

2.   A central part of the reforms involve new arrangements for college boards of
management, which include:

- Ministerial appointment of regional college chairs, regulated by the Public
  Appointments Commissioner for Scotland;

- open and competitive board appointment processes on boards, underpinned
  by new Ministerial guidance. We are currently consulting on this guidance
  before it is issued[1];

- refreshing the membership of boards of management of incorporated
  colleges[2].

3.   I am writing to advise you that, as of 3 March 2014, the board of management
of your college was designated as a regional college. This designation is achieved
by the Designation of Regional Colleges (Scotland) Order 2014[3]. Section 6(1) of the
2013 Act, which makes new provision for the composition of college boards of
management by amending Schedule 2 to Further and Higher Education (Scotland)
Act 1992 ("the 1992 Act") came into force on that date in relation to your college.

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[1] http://www.scotland.gov.uk/Publications/2014/01/3875/downloads
[2] "Incorporated colleges" are colleges with a board of management under part 1 of the Further and
Higher Education (Scotland) Act 1992.
[3] http://www.legislation.gov.uk/ssi/2014/22/contents/made

Sections 23A to 23D of the Further and Higher Education (Scotland) Act 2005 also came into force on that date and make provision for functions of regional colleges.

Arrangements for college boards of management from 3 March 2014

4.   In putting in place a framework for refreshing the membership of boards, the Cabinet Secretary has sought to balance the need for business continuity with the need to move with pace towards the new, more transparent appointments system. Mr Russell has concluded that a standard migration period of one year (for existing members of boards of management) would best achieve this balance.

5.   To achieve this, Ministers are exercising their powers under section 6(2) of the 2013 Act to make arrangements in relation to a board of management of a college of further education in connection with the coming into force of section 6(1) of the 2013 Act.

6.   Against the background that Hugh Hall has been appointed by the Scottish Ministers as chair of the board of management, additionally the Scottish Ministers, in exercise of their powers under section 6(2)(b) of the 2013 Act, make the following arrangements with effect from 3 March 2014 for the Board of Management of Forth Valley College of Further and Higher Education which is designated as a regional college on that date:

   a) the board member elected by the teaching staff continues in office as a member of the board of management as if they were appointed under paragraph 3(2)(c) of Schedule 2 to the 1992 Act for the period until the expiry of their term office as a member of the board of management or until 2 March 2015, whichever comes first;

   b) the board member elected by the non-teaching staff continues in office as a member of the board of management as if they were appointed under paragraph 3(2)(d) of Schedule 2 to the 1992 Act for the period until the expiry of their term office as a member of the board of management or until 2 March 2015, whichever comes first;

   c) the board member nominated by the students' association continues in office as a member of the board of management as if they were appointed under paragraph 3(2)(e) of Schedule 2 to the 1992 Act for the period until 31 August 2014;

   d) all other persons who were immediately before 3 March 2014 members of the board of management (except the principal) continue in office as members of the board of management as if they were appointed under paragraph 3(2)(f) of Schedule 2 to the 1992 Act for the period until the expiry of their term of office as a board member or until 2 March 2015, whichever comes first.
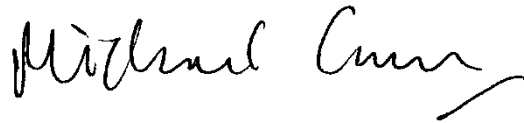
7.   There is no need for the Scottish Ministers to continue in office the principal of the college as they are on the college board by right of their position. Ken Thomson therefore remains a member of the board by virtue of paragraph 3(2)(b) of Schedule 2 to the 1992 Act.

8.   In relation to student members of the board, given the college is designated as a regional college, the college's students' association is to nominate a second student to the college board by virtue of paragraph 3(2)(e) of Schedule 2 to the 1992 Act.

9.   I trust that this information is helpful. My colleague Col Baird in our Governance Team will be very happy to discuss any related matters with you. He can be contacted at colin.baird@scotland.gsi.gov.uk or on 0300 244 1312.

10.   I am copying this letter to Hugh Hall and Ken Thomson. I should be grateful if you could arrange for copies of the letter to go to all other board members so that they are also aware of arrangements made.

Yours sincerely

MICHAEL CROSS
Deputy Director

College Sector Board Appointments: Draft Ministerial Guidance

The Scottish Government
Riaghaltas na h-Alba

COLLEGE SECTOR BOARD APPOINTMENTS: DRAFT MINISTERIAL GUIDANCE

1.   INTRODUCTION

> "Strong governance of the sector matters. We entrust those who govern with ensuring that colleges are well led and managed so that they meet their objectives, deliver positive outcomes and provide good value for taxpayers who fund the services. Just as they hold college managers to account for their actions, they too must be accountable for their stewardship of this important public service."
>
> **Michael Russell MSP**
> **Cabinet Secretary for Education and Lifelong Learning**
> Reinvigorating college governance: The Scottish Government response to the report of the review of further education governance in Scotland, June 2012

1.1   This consultation paper seeks comments on draft Ministerial guidance on appointments to college sector boards.   It includes a series of questions. The questions are also set out in the formal respondent information document. We are inviting written responses by **Friday 30 May 2014**.

1.2   Please send the completed Respondent Information Form, which will include your response, to FEMailbox@scotland.gsi.gov.uk

or

College Sector Board Appointments Consultation
Colleges and Adult Learning Division
Scottish Government
6th Floor, Atlantic Quay
150 Broomielaw
Glasgow G2 8LU

1.3   If you have any queries contact Col Baird at the above email address or on 0300 244 1312.

1.4   Information about the wider role of Scottish Government consultation is at **Annex A**.

1.5   A list of consultees is at **Annex B**.

Draft guidance

1.6   Guidance that results from this consultation will be issued by the Scottish Ministers to:

- Regional college boards concerning the appointment of 'ordinary' board members to those boards;
- Regional Boards concerning the appointment of 'ordinary' board members to those boards; and
- Regional strategic bodies concerning the appointment of the chair and 'ordinary' board members of assigned incorporated college boards.

References in this draft guidance

Legislation

1.7   References to:

- the 1992 Act are to the Further and Higher Education (Scotland) Act 1992;
- the 2005 Act are to the Further and Higher Education (Scotland) Act 2005; and
- the 2013 Act are to the Post-16 Education (Scotland) Act 2013.

1.8   References to the 1992 Act and 2005 Act are to the Acts as amended by the 2013 Act.

Other references

1.9   Other references in this draft guidance:

- An "incorporated college" is a college with a board of management under part 1 of the 1992 Act.
- A "regional college board" is the board of management of an incorporated college designated by order under section 7A(1) of the 2005 Act as a regional college.
- 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 ordinary board members of assigned incorporated colleges.
- A "Regional Board" is a type of regional strategic body that is listed in Part 1 of schedule 2A to the 2005 Act. Unlike any other regional strategic body, the constitution of a Regional Board is set out in the 2005 Act[1].

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[1] Further information about the differences between Regional Boards and the other type of regional strategic body is set out in the Scottish Government draft summary guide at http://www.scotland.gov.uk/Topics/Education/post16reform/hefegovernance/CollegeReformsandPost-16Act

- 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.
- A "college sector board" is a board of either an incorporated college or a Regional Board. An "ordinary board member" is a member who is not the chair and who does otherwise hold a specific position on the board[2].

Ministers' powers and this guidance

1.10   Ministers have powers under paragraph 3C(1) of Schedule 2 to the 1992 Act to issue guidance, following consultation, to regional college boards and regional strategic bodies in relation to appointments to regional college boards and assigned incorporated college boards.

1.11   Regional college boards and regional strategic bodies must have regard to such guidance when appointing board members.

1.12   Ministers also have powers under paragraph 3(6) of schedule 2B to the 2005 Act to issue guidance, following consultation, to Regional Boards in relation to appointment to those boards. Regional Boards must have regard to such guidance when appointing board members.

1.13   This guidance is issued under paragraph 3C(1) of Schedule 2 to the 1992 Act and paragraph 3(6) of schedule 2B to the 2005 Act.

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[2] i.e. is not a student or staff member; and in the case of a college board, is not the principal; and in the case of a Regional Board, is not the chair of an assigned college.

2. OVERVIEW

2.1   All college sector board members play a vital role in ensuring that colleges and Regional Boards fulfil their roles, including meeting learner and business needs, ensuring value for money for taxpayers, and working in partnership with learners and staff.

2.2   Strong, accountable governance requires board members who reflect Scotland's diverse population with the right skills, knowledge, attributes and experience to make a valuable contribution to an effective board.

2.3   A key element of recent reforms to the college sector in Scotland has been to make significant improvements to the accountability of boards. Many of the measures – including those about appointments - being put in place to achieve this were recommended by the Review of FE Governance, published in January 2012[3], and were built on in the legislative changes brought in by the 2013 Act.

2.4   The new transparent appointment system for college sector boards aims to:

a) enhance public accountability
b) have boards that are properly equipped to perform the role asked of them to achieve positive outcomes
c) encourage participation from a wide and representative group of individuals
d) generate greater confidence in college governance arrangements.

2.5   This guidance:

a) identifies the **skills, knowledge, attributes and experience** of board members to enable college sector boards to perform effectively; and

b) outlines, in general terms, the **process** by which appointments should be made or extended to support a robust, effective, transparent system in which learners, staff, business, wider society and Ministers will have confidence.

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[3]http://www.scotland.gov.uk/Topics/Education/UniversitiesColleges/17135/CollegeGovernanceReview/FEGovernanceReport

3. REGIONAL COLLEGE BOARDS – APPOINTMENT OF 'ORDINARY' BOARD MEMBERS

What is a regional college board?

3.1 As previously outlined, a "regional college board" is the board of management of an incorporated college designated by order under section 7A(1) of the 2005 Act as a regional college.

Membership of a regional college board

3.2 Paragraph 3(1) of Schedule 2 to the 1992 Act outlines that a regional college board must comprise in total between 15 and 18 members. All paragraph references in this section are to that schedule.

3.3 Paragraph 3(2) details that the board must comprise:

- A chair appointed by Scottish Ministers
- The principal of the college
- Two elected staff members (one teaching and one non-teaching)
- Two nominated student members
- Ordinary board members appointed by the board.

3.4 A regional college board must therefore have between 9 and 12 ordinary board members.

3.5 Other key matters outlined in Schedule 2 to the 1992 Act include:

Appointment of ordinary members of a regional college board

- Ordinary board members are appointed by the regional college board, with the approval of its chair and Scottish Ministers. [Paragraph 3(3)]

Terms and conditions of appointment of ordinary board members

- An ordinary board member of a regional college board holds and vacates office on such terms and conditions as the board may determine[4]. [Paragraph 5(1)]

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[4] The regional college board also determines the terms and conditions of appointment of staff and student members.

<u>Length of appointment, extension and re-appointment of ordinary board members</u>

- An ordinary board member is to hold office for a period not exceeding four years. [Paragraph 5(2)(c)]

- A regional college board may extend the period of appointment of an ordinary board member for a single further period not exceeding four years; such an extension requires to be approved by the chair of the regional college board and Scottish Ministers. [Paragraph 5(2B)]

- After an appointment has ended, a person is eligible for re-appointment. [Paragraph 5(1)]

3.6   **Annex C** outlines the routes for ordinary members to continue on boards.

Equal opportunities

3.7   Regional college boards are bound by the Equality Act 2010. Section 26A of the 2005 Act provides that, among other things, when a regional college board makes appointments to its board, it must do so in a manner which encourages equal opportunities and in particular the observance of the equal opportunities requirements.

3.8   The terms "equal opportunities" and "equal opportunity requirements" are defined in section L2 of part II of Schedule 5 to the Scotland Act 1988. "Equal opportunities" means the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions. "Equal opportunity requirements" means the requirements of the law for the time being relating to equal opportunities.

Not eligible for appointment

3.9   Paragraph 5A of Schedule 2 to the 1992 Act makes provision for persons not eligible for appointment as a board member of an incorporated college. Paragraph 5A is reproduced at **Annex D** for ease of reference.

Scottish Ministers' powers to require information

3.10   Scottish Ministers have powers under section 12(6) of the 1992 Act to require incorporated college boards to give such information as Ministers require for the purposes of the exercise of their powers under the Act. This extends to information

Scottish Ministers may require in order to consider whether to approve the appointment or extension of a board member of a regional college board.

Guidance

3.11   Paragraph 3C(1) details that in making appointments and in extending the period of appointment a regional college board must have regard to any guidance issued by Scottish Ministers in relation to the making of such appointments (including any guidance on the desirability of appointing members with particular skills and experience).

3.12   Before issuing guidance to regional college boards under paragraph 3C(1), paragraph 3C(2) requires Scottish Ministers to consult a list of bodies.

3.13   Paragraph 3C(3) enables Scottish Ministers to issue different guidance for different purposes. It is for this reason that the Ministers can, for example, issue different guidance to regional strategic bodies in respect of assigned colleges and to regional college boards.

Relevant committee with responsibility for board appointments and extensions

3.14   A regional college board is to establish a relevant committee to nominate board member appointments and extensions. The chair of the regional college board should normally chair this committee.

3.15   The principal of the college must not to be a member of this committee, as there is a conflict of interest. The principal could, however, be asked by this committee to provide information to it (if required), whether in person to the committee or in writing.

Assessing the skills and experience required

3.16   Before beginning an appointments process, the relevant committee of the board is to identify the skills, knowledge, attributes and experience of existing board members.

3.17   This should be compared against the future needs of the board to enable it to perform effectively, taking into account the anticipated challenges and opportunities facing the college. In doing so, boards should demonstrate that they have drawn on a variety of regional and national sources of intelligence and information to evidence the gaps that are to be filled through the appointments process.

Skills, knowledge, attributes and experience of board members

3.18   Board members will be expected to adhere to the Principles of Public Life in Scotland and act at all times in good faith and in the best interests of the learners (see **Annex F**).

3.19   In appointing a person as an ordinary member of a regional college board, the board must have regard to the desirability of appointing someone who has proven:

   a) an ability to work successfully at a senior level, maintaining and developing excellent corporate governance
   b) an ability to contribute to the development of a vision and strategic direction for the college, and to help guide the delivery of planned outcomes in challenging circumstances
   c) an ability to engage and communicate effectively with a wide range of individuals and organisations
   d) senior level experience in building networks that help achieve shared objectives
   e) an understanding of the context in which the college operates, namely in terms of education and improving public services
   f) such other skills, knowledge, attributes or experience as the regional college board considers relevant.

3.20   The following is also considered desirable:

   a) proven experience of, or capacity in, further and/or higher education
   b) proven experience of, or capacity in, industry, commerce, finance, the Third Sector, local authority or trade union(s).

Representativeness

3.21   Moreover, boards should aim to have:

   a) a membership which, as far as possible, reflects the make-up of the population which they serve
   b) a majority of ordinary board members who have proven experience, or knowledge, of the region.

3.22   As required by the 2005 Act, in appointing members, a regional college board must do so in a manner which encourages equal opportunities and in particular the observance of the equal opportunities requirements.

Number of board members receiving remuneration

3.23   A regional college board cannot remunerate individuals for their role as a member of the board (other than its chair). However, as it is possible that members of staff of a college may seek to become 'ordinary' board members as private citizens like any other person, the board must ensure that less than half of its members receive remuneration from the board. Members receiving remuneration include the chair (as a remunerated board appointment); any salaried members of staff on the board, including the principal; and any sabbatical student members (whether remunerated directly by the college or by the college's students' association).

Open recruitment process

3.24   The board must conduct a fair, open and merit-based recruitment process, which includes:

1) for any particular appointment or appointments round, the relevant committee should identify an independent person to be part of the process throughout (including development of person specification, assessment criteria and methods as well as involved at the sift and interview) to ensure openness in the appointment round and to instil confidence in it. They must have otherwise no connection with the college (e.g. they must not be a board member, a member of any other college committee or an employee of the college)[5]. However, they must be:

    i.   knowledgeable about the regional college
    ii.   understand the skills, knowledge, experience and attributes required of the person(s) to be appointed
    iii.   have demonstrated sound judgment and decision-making.

2) Positions advertised with clear information on the role description, person specification, and assessment criteria and methods. This includes advertising on the Public Appointments website[6].

3) Timely information provided to both successful and unsuccessful candidates with an offer of feedback after application sift and interview stages.

4) Names of candidates that have the support of the chair submitted to the relevant committee.

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[5] The same person can be appointed for more than appointment round. However, care should be taken to avoid excessive reliance on the same person or persons, so as to call into doubt their credibility as an independent person.
[6] http://www.appointed-for-scotland.org/

5) An appointment made public once Ministerial approval has been given and the person has accepted the position in writing.

3.25   The **Code of Practice for Ministerial Appointments to Public Bodies in Scotland**[7] and accompanying guidance[8] are helpful reference tools in making appointments. While they are intended for regulated Ministerial public appointments, the principles of and approach set out by the code are relevant to and should underpin college sector board recruitment and appointment.

Extending board member appointments

3.26   Where an appointment has not already been extended, the relevant committee is to consider whether the needs of the board will be most effectively met by extending an appointment or by making a new appointment.

3.27   In reaching a view, the committee will balance any benefits of continuity provided by an extension with the potential opportunity to increase the range of relevant skills, knowledge, attributes and knowledge on the board by making a new appointment through open competition. Reaching a decision to make a new appointment through open competition would not prevent the person vacating the post from applying for the new appointment.

3.28   Subject to the special arrangements after the completion of a board member's 'migrated' period of office ends (see below), an appointment can be extended (for one single period) only if:

   a) the board member has performed satisfactorily, with evidence of regular assessments of performance to evidence this;
   b) that the board member's skills, knowledge, attributes and experience remain relevant to the anticipated future needs of the board.

Special arrangements after the completion of a board member's 'migrated' period of office ends

3.29   When a college is first designated as regional in 2014, existing ordinary board members will be 'migrated' to the regional college board.   They will serve until the expiry of their current term of office or one year, whichever comes first. After this 'migrated' period ends, an ordinary board member appointment is not to be

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[7] http://www.publicappointments.org/publications/publication/222/2013-code-of-practice-for-ministerial-appointments-to-public-bodies-in-scotland
[8] http://www.publicappointments.org/publications/publication/223/guidance-on-the-2013-code-of-practice

extended. The post is instead to be filled through an open recruitment process as outlined in paragraphs 3.24-3.25.

3.30　It would be open to the person vacating the post to apply for the new appointment. To be clear: if they are subsequently re-appointed, it would be open to the board to extend that appointment at the end of the period of the <u>new</u> appointment. The special arrangements only apply to the end of the 'migrated' period of office.

Ministerial approval

3.31　Before a regional college board may appoint an ordinary board member or extend an ordinary board member's period of appointment, the board must obtain the approval of both its chair and Scottish Ministers.

3.32　Scottish Ministers will not normally consider the approval of an ordinary board member unless both the board and the regional college chair have already approved the appointment, and requested Ministerial approval.

3.33　When Scottish Ministers consider whether to approve the appointment or extension of ordinary board members they will take into account the extent to which the regional college board has, in the view of Ministers, paid sufficient regard to this guidance.

3.34　When submitting the name of a person to Scottish Ministers for their approval, the chair of the regional college board should confirm that:

a) the chair and the board are requesting Ministers to approve the appointment or extension;
b) the appointment (or extension of appointment) was made having regard to this guidance (and if not, the reasons why not, see paragraph 3.35 below);
c) <u>in particular for appointments</u>, that an open recruitment process was followed;
d) <u>in particular for extensions</u>, that the existing board member has performed satisfactorily and there are regular assessments of performance to evidence this.

3.35　If, in exceptional circumstances, a regional college board intends to make an appointment without following an open recruitment process or to extend an appointment without evidence of the satisfactory performance of the board member, the board must inform Scottish Ministers at the earliest opportunity, ahead of submitting a name for approval.

3.36　In the event that Ministers do not approve an appointment, they will write to chair of the regional college board giving their reason.

3.37　It would be open to the regional college chair to put forward other persons from the appointment round who the board and the chair consider suitable to be appointed in the event that Ministers did not approve their preferred choice.

3.38　Given that this is a potential outcome, the board should avoid advising such people that that they have not been successful until Ministerial approval has been given.

3.39　In the event that there was no other suitable candidate, the board would begin a new open recruitment process.

Term of board appointments or extensions

3.40　A regional college board will determine the length (of up to 4 years) of a board appointment or extension based on needs of the board, having regard to the desirability of avoiding a substantial number of board appointments potentially ending around about the same time.

Consultation questions

Q1.　We should welcome comments on the establishment of a relevant committee to nominate appointments and extensions, including identifying skills etc. of existing board members.

Q2.　We should welcome comments on the skills, knowledge and attributes and experience of board members (essential and desirable), including on representativeness.

Q3.　We should welcome comments on the open recruitment process, including on arrangements for an independent person.

Q4.　We should welcome comments on extending board appointments, including on special arrangements after the migrated period.

Q5.　We should welcome comments on any other aspect of the guidance in relation to regional college boards.

4.   REGIONAL BOARDS – APPOINTMENT OF 'ORDINARY' BOARD MEMBERS

What is a Regional Board?

4.1   As previously outlined, a "Regional Board" is a is a type of regional strategic body that is listed in Part 1 of schedule 2A to the 2005 Act. Its constitution is set out in schedule 2B to the 2005 Act.

Membership of a Regional Board

4.2   Paragraph 3(1) of schedule 2B to the 2005 Act provides that a Regional Board must consist of no fewer than 15 members. All paragraph references in this section are to that schedule.

4.3   Paragraph 3(2) provides that it must comprise:

- A chair appointed by Scottish Ministers
- The chair of each college assigned to the Regional Board
- Two elected staff members (one teaching and one non-teaching)
- Two nominated or elected student members
- Up to ten ordinary board members appointed by the board.

Appointment of ordinary members of a Regional Board

- Ordinary board members are appointed by the Regional Board, with the approval of its chair and Scottish Ministers. [Paragraph 3(5)]

Terms and conditions of appointment of ordinary board members

- An ordinary board member of a Regional Board holds and vacates office on such terms and conditions as the board may determine[9]. [Paragraph 7(1)(b)]

Length of appointment, extension and re-appointment of ordinary board members

- An ordinary board member is to hold office for a period not exceeding four years. [Paragraph 7(2)(e)]

- A Regional Board may extend the period of appointment of an ordinary board member for a single further period not exceeding four years; such an extension requires to be approved by the chair of the Regional Board and Scottish Ministers. [Paragraph 7(4)]

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[9] The Regional Board also determines the terms and conditions of appointment of staff and student members.

- After an appointment has ended, a person is eligible for re-appointment. [Paragraph 7(8)]

4.4   **Annex C** outlines the routes for ordinary members to continue on boards.

Appointment of ordinary members of a Regional Board

4.5   Paragraph 3(5) provides that ordinary board members are appointed by the Regional Board, with the approval of the chair of the regional college board and Scottish Ministers.

Equal opportunities

4.6   Section 26A of the 2005 Act provides, among other things, that when making appointments to its board, a Regional Board must do so in a manner which encourages equal opportunities and in particular the observance of the equal opportunities requirements.

4.7   The terms "equal opportunities" and "equal opportunity requirements" are defined in section L2 of part II of Schedule 5 to the Scotland Act 1988. "Equal opportunities" means the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions. "Equal opportunity requirements" means the requirements of the law for the time being relating to equal opportunities.

Not eligible for appointment

4.8   Paragraph 6 makes provision for persons not eligible for appointment as a board member of a Regional Board. Paragraph 6 is reproduced at **Annex E** for ease of reference.

Guidance

4.9   Paragraph 3(6) provides that in making appointments and in extending the period of appointment a Regional Board must have regard to any guidance issued by Scottish Ministers in relation to the making of such appointments (including any guidance on the desirability of appointing members with particular skills and experience).

4.10   Before issuing guidance to Regional Boards under paragraph 3(6), paragraph 3(7) requires Scottish Ministers to consult a list of bodies.

4.11   Paragraph 3(8) provides that Scottish Ministers may issue different guidance for different purposes. It is for this reason that the Ministers could, for example, issue different guidance to different Regional Boards.

Relevant committee with responsibility for board appointments and extensions

4.12   A Regional Board is to establish a relevant committee to nominate Regional Board member appointments and extensions. The chair of the Regional Board should normally chair this committee.

4.13   The chief officer of the Regional Board must not to be a member of this committee, as there is a conflict of interest. The chief officer could, however, be asked by this committee to provide information to it (if required), whether in person to the committee or in writing.

Assessing the skills and experience required

4.14   Before beginning an appointments process, the relevant committee of the board is to identify the skills, knowledge, attributes and experience of existing board members.

4.15   This should be compared against the future needs of the board to enable it to perform effectively, taking into account the anticipated challenges and opportunities facing the board. In doing so, boards should demonstrate that they have drawn on a variety of regional and national sources of intelligence and information to evidence the gaps that are to be filled through the appointments process.

Skills, knowledge, attributes and experience of board members

4.16   Board members will be expected to adhere to the **Principles of Public Life in Scotland** and act at all times in good faith and in the best interests of the learners (see **Annex F**).

4.17   In appointing a person as an ordinary member of a Regional Board, the board must have regard to the desirability of appointing someone who has proven:

   a) an ability to work successfully at a senior level, maintaining and developing excellent corporate governance
   b) an ability to contribute to the development of a vision and strategic direction for the Regional Board, and to help guide the delivery of planned outcomes in challenging circumstances
   c) an ability to engage and communicate effectively with a wide range of individuals and organisations
   d) senior level experience in building networks that help achieve shared objectives
   e) an understanding of the context in which the Regional Board operates, namely in terms of education and improving public services

f) such other skills, knowledge, attributes or experience as the Regional Board considers relevant.

4.18   The following is also considered desirable:

a) proven experience of, or capacity in, further and/or higher education
b) proven experience of, or capacity in, industry, commerce, finance, the Third Sector, local authority or trade union(s).

Representativeness

4.19   Moreover, boards should aim to have:

a) a membership which, as far as possible, reflects the make-up of the population which they serve
b) a majority of ordinary board members who have proven experience, or knowledge, of the region.

4.20   As required by the 2005 Act, in appointing members, a Regional Board must do so in a manner which encourages equal opportunities and in particular the observance of the equal opportunities requirements.

Chief officer

4.21   The chief officer of a Regional Board[10] may be appointed as an 'ordinary' board member of the Regional Board by the Regional Board, with the approval of its chair and Scottish Ministers, underline without the Board following an open recruitment process. The appointment would, like any other 'ordinary' board member, be for a period up to 4 years.

4.22   If the board were to appoint the chief officer to the Regional Board, the board must ensure the terms and conditions of the board appointment require the chief officer to vacate office as a board member if they cease to be chief officer of the Regional Board before their period of appointment to the board ends.

4.23   At the end of a period of appointment, the Regional Board should review whether the chief officer ought to be appointed again to the Regional Board. If the Regional Board want to re-appoint the chief officer, this would require the approval of its chair and Scottish Ministers.

Number of board members receiving remuneration

4.24   A Regional Board cannot remunerate individuals for their role as a member of the board (other than its chair). However, as it is possible that members of its staff

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[10] The chief officer of a Regional Board is its head of staff (an employee of the Regional Board).

or of an assigned college may seek to become 'ordinary' board members as private citizens like any other person, the board must ensure that less than half of its members receive remuneration from the board (either directly or from its assigned colleges). Members receiving remuneration include the chair (as a remunerated board appointment); any salaried members of college staff on the board, and any sabbatical student members (whether remunerated directly by an assigned college or by the college's students' association); and the chief officer (if appointed to the board).

Open recruitment process

4.25   The board must conduct a fair, open and merit-based recruitment process, which includes:

1) for any particular appointment or appointments round, the relevant committee should identify an independent person to be part of the process throughout (including development of person specification, assessment criteria and methods as well as involved at the sift and interview) to ensure openness in the appointment round and to instil confidence in it. They must have otherwise no connection with the Regional Board or any of its assigned colleges (e.g. they must not be a board member, a member of any other committee, or an employee, of the Regional Board or any of its assigned colleges)[11]. However, they must be:

    i.   knowledgeable about the Regional Board
    ii.   understand the skills, knowledge, experience and attributes required of the person(s) to be appointed
    iii. have demonstrated sound judgment and decision-making.

2) Positions advertised with clear information on the role description, person specification, and assessment criteria and methods. This includes advertising on the Public Appointments website[12].

3) Timely information provided to both successful and unsuccessful candidates with an offer of feedback after application sift and interview stages.

4) Names of candidates that have the support of the chair submitted to the relevant committee.

5) An appointment made public once Ministerial approval has been given and

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[11] The same person can be appointed for more than appointment round. However, care should be taken to avoid excessive reliance on the same person or persons, so as to call into doubt their credibility as an independent person.
[12] http://www.appointed-for-scotland.org/

the person has accepted the position in writing.

4.26   The **Code of Practice for Ministerial Appointments to Public Bodies in Scotland**[13] and accompanying guidance[14] are helpful reference tools in making appointments. While they are intended for regulated Ministerial public appointments, the principles of and approach set out by the code are relevant to and should underpin college sector board recruitment and appointment.

Extending board member appointments

4.27   Where an appointment has not already been extended, the relevant committee is to consider whether the needs of the board will be most effectively met by extending an appointment or by making a new appointment.

4.28   In reaching a view, the committee will balance any benefits of continuity provided by an extension with the potential opportunity to increase the range of relevant skills, knowledge, attributes and knowledge on the board by making a new appointment through open competition. Reaching a decision to make a new appointment through open competition would not prevent the person vacating the post from applying for the new appointment.

4.29   An appointment can be extended (for one single period) only if:

   a) the board member has performed satisfactorily, with evidence of regular assessments of performance to evidence this;
   b) that the board member's skills, knowledge, attributes and experience remain relevant to the anticipated future needs of the board.

Ministerial approval

4.30   Before a Regional Board may appoint an ordinary board member or extend an ordinary board member's period of appointment, the board must obtain the approval of both its chair and Scottish Ministers.

4.31   Scottish Ministers will not normally consider the approval of an ordinary board member unless both the board and the Regional Board chair have already approved the appointment, and requested Ministerial approval.

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[13] http://www.publicappointments.org/publications/publication/222/2013-code-of-practice-for-ministerial-appointments-to-public-bodies-in-scotland
[14] http://www.publicappointments.org/publications/publication/223/guidance-on-the-2013-code-of-practice

4.32   When Scottish Ministers consider whether to approve the appointment or extension of ordinary board members they will take into account the extent to which the Regional Board has, in the view of Ministers, paid sufficient regard to this guidance.

4.33   When submitting the name of a person to Scottish Ministers for their approval, the chair of the Regional Board should confirm that:

   a) the chair and the board are requesting Ministers to approve the appointment or extension;
   b) the appointment (or extension of appointment) was made having regard to this guidance (and if not, the reasons why not, see paragraph 4.34 below);
   c) in particular for appointments, that an open recruitment process was followed;
   d) in particular for extensions, that the existing board member has performed satisfactorily and there are regular assessments of performance to evidence this.

4.34   If, in exceptional circumstances, a Regional Board intends to make an appointment without following an open recruitment process or to extend an appointment without evidence of the satisfactory performance of the board member, the board must inform Scottish Ministers at the earliest opportunity, ahead of submitting a name for approval.

4.35   In the event that Ministers do not approve an appointment, they will write to chair of the Regional Board giving their reason.

4.36   It would be open to the Regional Board chair to put forward other persons from the appointment round who the board and the chair consider suitable to be appointed in the event that Ministers did not approve their preferred choice.

4.37   Given that this is a potential outcome, the board should avoid advising such people that that they have not been successful until Ministerial approval has been given.

4.38   In the event that there was no other suitable candidate, the board would begin a new open recruitment process.

Term of board appointments or extensions

4.39   A Regional Board will determine the length (of up to 4 years) of a board appointment or extension based on needs of the board, having regard to the desirability of avoiding a substantial number of board appointments potentially ending around about the same time.

Consultation questions

Q6.   We should welcome comments on the establishment of a relevant committee to nominate appointments and extensions, including identifying skills etc. of existing board members.

Q7.   We should welcome comments on the skills, knowledge and attributes and experience of board members (essential and desirable), including on representativeness.

Q8.   We should welcome comments on the open recruitment process, including on arrangements for an independent person.

Q9.   We should welcome comments on extending board appointments.

Q10.   We should welcome comments on any other aspect of the guidance in relation to Regional Boards.

5.   ASSIGNED INCORPORATED COLLEGE BOARDS – APPOINTMENT OF CHAIR AND 'ORDINARY' BOARD MEMBERS

What is an assigned incorporated college board?

5.1   As previously outlined, 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.

What is a regional strategic body?

5.2   As previously outlined, a "regional strategic body" is a body listed in schedule 2A to the 2005 Act.

Membership of an assigned incorporated college board

5.3   Paragraph 3A(1) of schedule 2 to the 1992 Act provides that an assigned incorporated college board must comprise between 13 and 18 members. All paragraph references in this section are to that schedule.

5.4   Paragraph 3A(2) provides that it must comprise:

- A chair appointed by the regional strategic body
- The principal of the college
- Two elected staff members (one teaching and one non-teaching)
- Two nominated student members
- Ordinary board members appointed by the regional strategic body.

5.5   An assigned incorporated college board must therefore have between 7 and 12 ordinary members.

5.6   Other key matters outlined in Schedule 2 to the 1992 Act include:

Terms and conditions of appointment of ordinary board members

- The chair and ordinary board member of an assigned incorporated college board holds and vacates office on such terms and conditions as the regional strategic body may determine[15]. [Paragraph 5(1)]

Length of appointment, extension and re-appointment of ordinary board members

- An ordinary board member is to hold office for a period not exceeding four years. [Paragraph 5(2)(c)]

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[15] The regional strategic body also determines the terms and conditions of appointment of staff and student members.

- A regional strategic body may extend the period of appointment of the chair or an ordinary board member for a single further period not exceeding four years [Paragraph 5(2C)]

- After an appointment has ended, a person is eligible for re-appointment. [Paragraph 5(1)]

5.7   **Annex C** outlines the routes for the chair and ordinary members to continue on boards.

Equal opportunities

5.8   Section 26A of the 2005 Act provides that, among other things, when a regional strategic body makes appointments to an incorporated college board, it must do so in a manner which encourages equal opportunities and in particular the observance of the equal opportunities requirements.[16]

5.9   The terms "equal opportunities" and "equal opportunity requirements" are defined in section L2 of part II of Schedule 5 to the Scotland Act 1988. "Equal opportunities" means the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions. "Equal opportunity requirements" means the requirements of the law for the time being relating to equal opportunities.

Not eligible for appointment

5.10   Paragraph 5A makes provision for persons not eligible for appointment as a board member of an incorporated college. Paragraph 5A is reproduced at **Annex D** for ease of reference.

Guidance

5.11   Paragraph 3C(1) provides that in making appointments and in extending the period of appointment a regional strategic body must have regard to any guidance issued by Scottish Ministers in relation to the making of such appointments (including any guidance on the desirability of appointing members with particular skills and experience).

5.12   Before issuing guidance to regional strategic bodies under paragraph 3C(1), paragraph 3C(2) requires Scottish Ministers to consult a list of bodies.

5.13   Paragraph 3C(3) provides that Scottish Ministers may issue different guidance for different purposes.

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[16] This is because in making appointments to an assigned incorporated college board a regional strategic body is exercising one of its "other functions".

Relevant committee with responsibility for board appointments and extensions

5.14   A regional strategic body is to establish a relevant committee to nominate college board member appointments and extensions. The chair of the regional strategic body[17] should normally chair this committee.

5.15   The chief officer (or equivalent) of the regional strategic body must not to be a member of this committee, as there is a conflict of interest. They could, however, be asked by this committee to provide information to it (if required), whether in person to the committee or in writing.

Assessing the skills and experience required

5.16   Before beginning an appointments process, the relevant committee is to identify the skills, knowledge, attributes and experience of existing college board members.

5.17   This should be compared against the future needs of the college board to enable it to perform effectively, taking into account the anticipated challenges and opportunities facing the college. In doing so, regional strategic bodies should demonstrate that they have drawn on a variety of regional and national sources of intelligence and information to evidence the gaps that are to be filled through the appointments process. This should include consultation with the chair of the assigned incorporated college to help identify the needs of the college board.

Skills, knowledge, attributes and experience of chair

5.18   The college chair should be expected to adhere to the **Principles of Public Life in Scotland** and act at all times in good faith and in the best interests of the learners (see **Annex F**) and should have proven:

   a) an ability to work successfully at a senior level, maintaining and developing excellent corporate governance
   b) a successful track record of leading and driving change
   c) an ability to guide the delivery of planned outcomes in challenging circumstances
   d) an ability to engage effectively and successfully influence a wide range of stakeholders
   e) senior level experience in building strategic partnerships that can be applied in developing shared objectives and building networks across the region and college sector.

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[17] In the case of a regional strategic body that is not a Regional Board this would be the chair of any relevant committee that may have relevant regional strategic functions delegated to it.

f) an ability to work collaboratively and creatively to support a collective effort to deliver the regional outcome agreement.

g) an understanding of the context in which the college operates, namely in terms of education and improving public services

h) such other skills, knowledge, attributes or experience as the regional strategic body considers relevant in relation to the exercise of the college board's functions.

5.19 The following is also considered desirable:

a) proven experience of, or capacity in, further and/or higher education

b) proven experience of, or capacity in, industry, commerce, finance, the Third Sector, local authority or trade union(s)

c) proven experience, or knowledge, of the locality of the college.

Skills, knowledge, attributes and experience of board members

5.20 College board members should be expected to adhere to the **Principles of Public Life in Scotland** and act at all times in good faith and in the best interests of the learners (see **Annex F**) and should have proven:

a) an ability to work successfully at a senior level, maintaining and developing excellent corporate governance

b) an ability to contribute to the development of a vision and strategic direction for the college, and to help guide the delivery of planned outcomes in challenging circumstances

c) an ability to engage and communicate effectively with a wide range of individuals and organisations

d) senior level experience in building networks that help achieve shared objectives

e) an understanding of the context in which the college operates, namely in terms of education and improving public services

f) such other skills, knowledge, attributes or experience as the regional strategic body considers relevant in relation to the exercise of the college board's functions.

5.21 The following is also considered desirable, proven:

a) experience of, or capacity in, further and/or higher education

b) experience of, or capacity in, industry, commerce, finance, the Third Sector, local authority or trade union(s).

Representativeness

5.22   Moreover, a regional strategic body should aim for a college board to have:

    a) a membership which, as far as possible, reflects the make-up of the population which they serve.
    b) a majority of ordinary board members who have proven experience, or knowledge, of the locality of the college.

5.23   As required by the 2005 Act, in exercising its functions to appoint the chair and ordinary members of an assigned incorporated college board, the regional strategic body must do so in a manner which encourages equal opportunities and in particular the observance of the equal opportunities requirements.

Principal of assigned incorporated college board

5.24   A regional strategic body is not to appoint the principal of an assigned incorporated college as the chair of the college board.

Number of board members receiving remuneration

5.25   Neither an assigned incorporated board nor a regional strategic body can remunerate individuals for their role as member of an assigned incorporated college board. However, as it is possible that members of an assigned college may seek to become 'ordinary' board members as private citizens like any other person, the regional strategic body must ensure that less than half of members of a college board receive remuneration from the board. Members receiving remuneration include any salaried members of staff on the board, including the principal; and any sabbatical student members (whether remunerated directly by the college or by the college's students' association).

Open recruitment process

5.26   The regional strategic body must conduct a fair, open and merit-based recruitment process, which includes:

    1) the chair of the relevant assigned college should usually play a full part in the process for appointment of ordinary board members to that college.

    2) for any particular appointment or appointments round, the relevant committee should identify an independent person to be part of the process throughout (including development of person specification, assessment criteria and methods as well as involved at the sift and interview) to ensure openness in the appointment round and to instil confidence in it. . They must have

otherwise no connection with the regional strategic body or college (e.g. they must not be a board member, a member of any other committee or an employee, of the regional strategic body or college)[18]. However, they must be:

i. knowledgeable about the college
ii. understand the skills, knowledge, experience and attributes required of the person(s) to be appointed
iii. have demonstrated sound judgment and decision-making.

3) Positions advertised with clear information on the role description, person specification, and assessment criteria and methods. This includes advertising on the Public Appointments website[19].

4) Timely information provided to both successful and unsuccessful candidates with an offer of feedback after application sift and interview stages.

5) Names of candidates submitted to the relevant committee.

5.27 The **Code of Practice for Ministerial Appointments to Public Bodies in Scotland**[20] and accompanying guidance[21] are helpful reference tools in making appointments. While they are intended for regulated Ministerial public appointments, the principles of and approach set out by the code are relevant to and should underpin college sector board recruitment and appointment.

Extending board member appointments

5.28 Where an appointment has not already been extended, the relevant committee is to consider whether the needs of the college board will be most effectively met by extending an appointment or by making a new appointment.

5.29 In reaching a view, the committee will balance any benefits of continuity provided by an extension with the potential opportunity to increase the range of relevant skills, knowledge, attributes and knowledge on the college board by making a new appointment through open competition. This should, in the case of extension of ordinary board members, include consultation with the chair of the assigned

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[18] The same person can be appointed for more than appointment round. However, care should be taken to avoid excessive reliance on the same person or persons, so as to call into doubt their credibility as an independent person.
[19] http://www.appointed-for-scotland.org/
[20] http://www.publicappointments.org/publications/publication/222/2013-code-of-practice-for-ministerial-appointments-to-public-bodies-in-scotland
[21] http://www.publicappointments.org/publications/publication/223/guidance-on-the-2013-code-of-practice

incorporated college to help identify the needs of the college board. Reaching a decision to make a new appointment through open competition would not prevent the person vacating the post from applying for the new appointment.

5.30　Subject to the special arrangements after the completion of a board member's 'migrated' period of office ends (see below), an appointment can be extended (for one single period) only if:

   a) the board member has performed satisfactorily, with evidence of regular assessments of performance to evidence this;
   b) that the board member's skills, knowledge, attributes and experience remain relevant to the anticipated future needs of the board.

<u>Special arrangements after the completion of a board member's 'migrated' period of office ends</u>

5.31　When an incorporated college is first assigned to a regional strategic body in 2014, existing board members will be 'migrated' to the college board.　They will serve until the expiry of their current term of office or one year, whichever comes first.　This is the "migrated period".

5.32　However, in the interests of board stability, given that regional strategic bodies:

   a) will assume new responsibilities for incorporated college board appointments
   b) be making appointments to a number of colleges;
   c) may in the interests of economy, efficiency and effectiveness, want to advertise for members to college boards at the same time;
   d) may want to appoint a chair of a college ahead of other college board appointments;

the following special arrangements apply for extending the appointment of the chair and ordinary board members at the end of their migrated period[22].

5.33　At the end of their migrated period, a regional strategic body <u>may</u>, following the process described in paragraphs 5.28-5.30, extend the appointment of the chair or an ordinary board member, so that the total transitional period (the migrated period when added to any extended period) is no more than two years.

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[22] Legislation does not enable staff and student member appointments to be extended.　So at the end of their appointment, normal processes apply: student members are nominated by the students' association and staff members are elected.

5.34   To illustrate by example:

- an appointment has six months remaining at the point when the college is assigned -
    o the appointment ends after those six months
    o the appointment may then be extended for a period of up to 18 months, so that it ends no more than two years from the date the college was assigned.

- an appointment has 18 months remaining at the point when the college is assigned
    o the appointment ends after 12 months;
    o the appointment may then be extended for a period of up to 12 months, so that it ends no more than two years from the date the college was assigned.

- an appointment has 3 years remaining at the point when the college is assigned
    o the appointment ends after 12 months;
    o the appointment may then be extended for a period of up to 12 months, so that it ends no more than two years from the date the college was assigned.

5.35   When an appointment ends, whether with an extension as set out above or not, the post is to be filled following the open recruitment process described in paragraphs 5.26-5.27.

5.36   It would be open to the person vacating the post to apply for the new appointment. To be clear: if they are subsequently re-appointed, it would be open to the regional strategic body to extend that appointment at the end of the period of the new appointment as described elsewhere in this guidance. These special arrangements to extend only apply to appointments at the end of their migrated period.

Term of board appointments or extensions

5.37   A regional strategic body will determine the length (of up to 4 years) of a board appointment or extension based on needs of the board, having regard to the desirability of avoiding a substantial number of board appointments potentially ending around about the same time.

Administration of appointments process by assigned incorporated college

5.38   In the interests of economy, efficiency and effectiveness, the regional strategic body may wish to delegate to an assigned incorporated college board (with its agreement) the management of all or part of the process for the appointment or extension of a chair or ordinary member.

5.39   In administrating any part of the process, the college is to have regard to this guidance as if it were a regional strategic body and to any supplementary guidance which the regional strategic body may wish to give the college.

5.40   It is important to note that the regional strategic body cannot transfer to the college its function of making the appointment. Legislation requires the appointment to be made by the regional strategic body.

5.41   Before making an appointment a regional strategic body is to satisfy itself that the college has had sufficient regard to this guidance and any supplementary guidance it has given the college.

5.42   It will be for the regional strategic body to determine whether it wants the college to present it with a choice of preferred candidates or whether it would be acceptable for the college to recommend an individual person.

5.43   The regional strategic body is not required to accept the recommendation of a college.

Consultation questions

Q11. We should welcome comments on the establishment of a relevant committee to nominate appointments and extensions, including identifying skills etc. of existing board members.

Q12. We should welcome comments on the skills, knowledge and attributes and experience of the college chair (essential and desirable).

Q13. We should welcome comments on the skills, knowledge and attributes and experience of ordinary board members (essential and desirable), including on representativeness.

Q14. We should welcome comments on the open recruitment process, including on arrangements for an independent person.

Q15. We should welcome comments on extending board appointments, including on special arrangements after the migrated period.

Q16.   We should welcome comments on any other aspect of the guidance in relation to assigned incorporated college boards.

6. EQUALITY IMPACT

Consultation questions

Q17.   We should welcome comments on whether the matters covered in the guidance 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.

Q18.   What actions (beyond the issue of this guidance) should the Scottish Government take to support college sector boards achieve diversity?

ANNEX A

THE SCOTTISH GOVERNMENT CONSULTATION PROCESS

1.   Consultation is an essential and important aspect of the Scottish Government's working methods. Given the wide-ranging areas of work of the Scottish Government, there are many varied types of consultation. However, in general, Scottish Government consultation exercises aim to provide opportunities for all those who wish to express their opinions on a proposed area of work to do so in ways which will inform and enhance that work.

2.   The Scottish Government encourages consultation that is thorough, effective and appropriate to the issue under consideration and the nature of the target audience. Consultation exercises take account of a wide range of factors, and no two exercises are likely to be the same. Typically Scottish Government consultations involve a written paper inviting answers to specific questions or more general views about the material presented. Written papers are distributed to organisations and individuals with an interest in the issue, and they are also placed on the Scottish Government web site enabling a wider audience to access the paper and submit their responses.

3.   Consultation exercises may also involve seeking views in a number of different ways, such as through public meetings, focus groups or questionnaire exercises. Copies of all the written responses received to a consultation exercise (except those where the individual or organisation requested confidentiality) are placed in the Scottish Government library at Saughton House, Edinburgh (K Spur, Saughton House, Broomhouse Drive, Edinburgh EH11 3XD, telephone 0131 244 4565).

4.   All Scottish Government consultation papers and related publications (e.g., analysis of response reports) can be accessed at: Scottish Government consultations http://www.scotland.gov.uk/consultations. The views and suggestions detailed in consultation responses are analysed and used as part of the decision making process, along with a range of other available information and evidence. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review;
- inform the development of a particular policy;
- help decisions to be made between alternative policy proposals; and
- be used to finalise legislation before it is implemented.

5.   Final decisions on the issues under consideration will also take account of a range of other factors, including other available information and research evidence.

6.   While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

ANNEX B

CONSULTEES

All FE colleges eligible for Scottish Funding Council funding– principals and chairs
Argyll College – principal and chair
All local authorities – chief executives
University of the Highlands and Islands
All University of the Highlands and Islands academic partners
All college regional leads
All students' associations of FE colleges eligible for SFC funding and Argyll College students' association

Association of Scottish Chambers of Commerce
Capability Scotland
Community Learning and Development Standards Council for Scotland
Close the Gap
Colleges Scotland
Commissioner for Ethical Standards in Public Life in Scotland
Confederation of British Industry Scotland
Convention of Scottish Local Authorities
Education and Culture Committee
Educational Institute of Scotland
Engender
Equality and Human Rights Commission
Equality Challenge Unit
Equality Network
Federation of Small Businesses
GMB
Independent Living
Highlands and Islands Enterprise
Inclusion Scotland
Institute of Directors
Linking Education and Disability Scotland
National Union of Students Scotland
Office of the Scottish Charity Regulator
Scottish Council for Development and Industry
Scottish Council for Voluntary Organisations
Scottish Disability Equality Forum
Scottish Enterprise
Scottish Funding Council
Scottish Trades Union Congress
Scottish Qualifications Authority
Scottish Women's Convention

Scottish Youth Parliament
Sector Skills Alliance Scotland
Skills Development Scotland
Society of Local Authority Chief Executives and Senior Managers
UNISON
Unite the Union
Universities Scotland
Volunteer Development Scotland
Young Enterprise Scotland

ANNEX C

**ROUTES FOR ORDINARY MEMBERS TO CONTINUE ON BOARDS**[23]

Route 1

Appointment > Extension > Appointment route

    a) An appointment is made after open recruitment.
    b) Board[24] decides to extend appointment. The chair and Ministers have to approve if to a regional college or Regional Board. This would not involve open recruitment.
    c) The extended appointment comes to an end (at a determined point of no more than four years). This creates a board vacancy – further extension is not allowed.
    d) The process therefore begins again at a) - an appointment is made after open recruitment. The same individual could apply for this position.

Route 2

Appointment > Appointment route

    a) An appointment is made after open recruitment.
    b) That appointment is not extended.
    c) If the board member wants to be appointed again, the process would be 'reset'.
    d) In other words the process begins again at a) - an appointment is made after open recruitment. The same individual could apply for this position.

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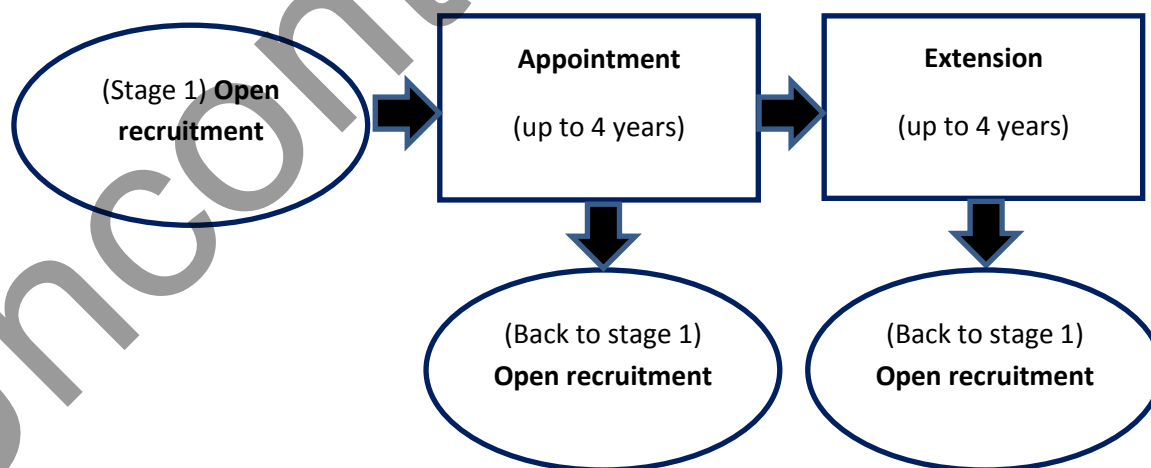
[23] Applies also to the chair of an assigned incorporated college.
[24] Or regional strategic body in the case of an assigned incorporated college.

ANNEX D

DISQUALIFICATION FROM MEMBERSHIP OF INCORPORATED COLLEGE BOARDS

PARAGRAPH 5A OF SCHEDULE 2 TO THE 1992 ACT (AS INSERTED BY PARAGRAPH 2(7)(C) OF SCHEDULE TO THE 2013 ACT)

5A(1)A person is not eligible for appointment as a member of the board if the person— .

(a)has within 5 years of the date on which the appointment would take effect, been sentenced (following conviction for an offence in the United Kingdom, the Channel Islands, the Isle of Man or the Irish Republic) to imprisonment for a period of not less than 3 months, whether suspended or not, without the option of a fine; .

(b)is an undischarged bankrupt; or .

(c)has been removed from office under section 24 of this Act (in relation to any college) or section 23Q of the Further and Higher Education (Scotland) Act 2005 (in relation to any regional board). .

(2)For the purposes of sub-paragraph (1)(b), "undischarged bankrupt" means a person— .

(a)whose estate has been sequestrated and who has not been discharged (or against whom a bankruptcy order has been made and is still in force); .

(b)who has granted a trust deed for, or made a composition or arrangement with, creditors (and has not been discharged in respect of it); .

(c)who is the subject of a bankruptcy restrictions order, or an interim bankruptcy restrictions order, made under the Bankruptcy (Scotland) Act 1985 or the Insolvency Act 1986; .

(d)who is the subject of a bankruptcy restrictions undertaking entered into under either of those Acts; .

(e)who has been adjudged bankrupt (and has not been discharged); or .

(f)who is subject to any other kind of order, arrangement or undertaking analogous to those described in paragraphs (a) to (d), anywhere in the world.

ANNEX E

DISQUALIFICATION FROM MEMBERSHIP OF REGIONAL BOARDS

PARAGRAPH 6 OF SCHEDULE 2B TO THE 2005 ACT (AS INSERTED BY SECTION 11(2) OF THE 2013 ACT)

6(1)A person is not eligible for appointment as a member of the board if the person—
.

(a)has within 5 years of the date on which the appointment would take effect, been sentenced (following conviction for an offence in the United Kingdom, the Channel Islands, the Isle of Man or the Irish Republic) to imprisonment for a period of not less than 3 months, whether suspended or not, without the option of a fine; .

(b)is an undischarged bankrupt; or .

(c)has been removed from office under section 24 of the 1992 Act (in relation to any college) or section 23Q of this Act (in relation to any regional board). .

(2)For the purposes of sub-paragraph (1)(b), "undischarged bankrupt" means a person— .

(a)whose estate has been sequestrated and who has not been discharged (or against whom a bankruptcy order has been made and is still in force); .

(b)who has granted a trust deed for, or made a composition or arrangement with, creditors (and has not been discharged in respect of it); .

(c)who is the subject of a bankruptcy restrictions order, or an interim bankruptcy restrictions order, made under the Bankruptcy (Scotland) Act 1985 or the Insolvency Act 1986; .

(d)who is the subject of a bankruptcy restrictions undertaking entered into under either of those Acts; .

(e)who has been adjudged bankrupt (and has not been discharged); or .

(f)who is subject to any other kind of order, arrangement or undertaking analogous to those described in paragraphs (a) to (d), anywhere in the world. .

(3)This paragraph does not apply in relation to persons appointed in pursuance of paragraph 3(2)(b)[25].

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[25] Note: paragraph 3(2)(b) is about the chair of an assigned college.

PRINCIPLES OF PUBLIC LIFE IN SCOTLAND

Public Service
To have a duty to act in the interests of the public body of which you are a member and in accordance with the core tasks of that body.

Selflessness
To have a duty to take decisions solely in terms of public interest. You must not act in order to gain financial or other material benefit for yourself, family or friends.

Integrity
To not place yourself under any financial, or other, obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.

Objectivity
To must make decisions solely on merit when carrying out public business.

Accountability and Stewardship
To be accountable for your decisions and actions to the public. You have a duty to consider issues on their merits, taking account of the views of others and must ensure that the public body uses its resources prudently and in accordance with the law.

Openness
To be as open as possible about your decisions and actions, giving reasons for your decisions and restricting information only when the wider public interest clearly demands.

Honesty
You have a duty to act honestly. You must declare any private interests relating to your public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership
To promote and support these principles by leadership and example, to maintain and strengthen the public's trust and confidence in the integrity of the public body and its members in conducting public business.

Respect
To respect fellow members of your public body and employees of the body and the role they play, treating them with courtesy at all times.

w w w . s c o t l a n d . g o v . u k

Programme of HR (Inc Nomination) Committee Business

	17 June 2014	Indicative Nov-14	Mar-15
Apologies for Absence	✓	✓	✓
Declarations of Interest	✓	✓	✓
FOR APPROVAL			
Minutes of Previous Meeting	✓	✓	✓
FOR DISCUSSION			
Matters Arising	✓	✓	✓
Staff Development	✓	✓	✓
Health and Safety Update	✓	✓	✓
SFC Staff Performance Indicators	✓		
Pay Negotiations		✓	✓
Staffing Establishment Update	✓	✓	✓
Programme of Committee Business	✓	✓	✓
Risk Register/Review of Risk	✓	✓	✓
AOCB	✓	✓	✓

HR Committee

Subject:	Value of wSUMs	**Agenda Item: For Info**
Date:	18 March 2014	

1. Purpose of Report

To provide the HR Committee on the value of wSUMs to the College.

2. Recommendation

That the HR Committee note the content of the attached presentation.

3. Background

The attached presentation provides information on:

- The value of wSUMs to the College
- What constitutes a wSUM
- SUMs eligibility
- How the College plans to ensure it delivers its wSUMs target
- How SUMs are reported/monitored
- Regional Outcome Agreement

4. Key Considerations

The attached presentation forms part of the new Board member induction process. Following a request from the HR Committee, this presentation is attached to provide information on the value of wSUMs to the College.

5. Risk Analysis – Low

The paper is for information only.

Author:	David Allison	**SMT:**	David Allison
Date:	12 March 2014	**Date:**	12 March 2014

GOVERNMENT FUNDING

Overview

- Approximately 70% of overall college income comes from Government Funding
- Session 2013/14 - £19.7m
- Session 2013-14 – 118,503 wSUMs target
- Initial allocation – 105,492 wSUMs
- Employability Fund – 7,552 wSUMs
- Skills Fund – 3,436 wSUMs
- Additional Growth – 2,023 wSUMs
- Value of a wSUM for FVC - £166.81
- Sector average value of a wSUM - £172

What is a wSUM?

- SUM – Student Unit of Measurement
- Equates to 40 hours of learning
- wSUM – Weighted SUM
- 18 Dominant Programme Weightings ranging from 0.74 to 1.8
- Extended Learning Support – additional weighting of 1.5
- wSUMs are assigned against every eligible student enrolment
- Tariff sums applied (if appropriate) eg 20 SUMs for a full time FE student, 15 SUMs for a full time HE student
- Then summation of credits of units
- Then summation of hours/40

SUMs eligibility

- Course must be vocational
- Course cannot be full cost recovery ie fully commercial
- Course must be delivered by College Staff
- Learner must be domiciled in Scotland (or armed forces abroad)
- Learner must attend 25% of course (based on start and end dates)
- If no attendance required – evidence of progression
- HEI articulation courses are excluded

Curriculum Planning

- Curriculum Planning is a planning tool that is used to ensure the College meets its wSUMs target
- Informs of the number of delivery hours required and is therefore the basis for staffing budget setting
- Planning meetings between Heads of Department with Director of Finance, Associate Principal HR, Head of Curriculum & Quality and Director of Information Services
- Starting point for course creation/timetabling/register creation
- Target setting for recruitment
- Allows the College to monitor actual vs planned in terms of enrolments/wSUMs/Staffing Hours

Reporting on wSUMs

- In-year FES returns to SFC in December, March & June
- Internal SUMs audit early October
- Year-end FES return to SFC by 31st October
- FES return consists of 4 elements – Courses, Student Enrolments on courses, Student Enrolments on units, Student Funding
- Internally monitored through reports to SMT
- Internal governance through reports to Strategic Development Committee

Outcome Agreement

- Government funding is now set and monitored through Regional Outcome Agreements
- Previously funding was distributed by SFC based mainly on historical activity patterns
- Outcome Agreements introduced in Session 2012/13
- Intention is for greater accountability
- Allows for regional negotiation of targets, although set against national priorities
- Requires Board of Management approval
- 2014/15 Outcome Agreement has a more defined set of targets to allow collation of sector data and benchmarking