

Dunblane Hydro @10.00am

AGENDA

		Type	Lead
1	Apologies and Declarations of interest	Discussion	Ross Martin
2	Minutes and Matters Arising of Meeting of 2 December 2021	Approval	Ross Martin
Elements of paper 2 are withheld from publication on the Forth Valley College website under Section 36 Confidentiality of the Freedom of Information (Scotland) Act 2002			
3	Minutes of Committee Meetings		
	Learning & Student Experience Committee – 10 February 2022	Noting	Davie Flynn
4	Principal's Report	Discussion	Ken Thomson
Elements of paper 4 are withheld from publication on the Forth Valley College website under Section 33 Commercial Interests and the Economy of the Freedom of Information (Scotland) Act 2002.			
5	Chairs Update (Verbal)	Discussion	Ross Martin
6	Student Association Report	Discussion	Amber Little
STRATEGIC PLAN IMPLEMENTATION			
7	Outcome Agreement 2021-22	Approval	David Allison
GOVERNANCE			
8	Arm's Length Foundation Application	Approval	Ken Thomson
	a) Learning and Digital Skills Academy - Year 3 and 4		
	b) Time4Me Phase 3		
Elements of paper 8 are withheld from publication on the Forth Valley College website under Section 36 Confidentiality and Section 38 Personal Information of the Freedom of Information (Scotland) Act 2002			
9	Code of Conduct	Approval	Alison Stewart
OPERATIONAL OVERSIGHT			
10	Scenario Planning Presentation	Discussion	Ken Thomson
11	Review of Risk	Discussion	All
12	Any Other Competent Business	Discussion	All

FOR INFORMATION

Audit Scotland Report : Planning for Skills

UNCONTROLLED COPY

Kildean Suite, Stirling Campus @10.00am

Present: Ross Martin (Chair)
Dr Ken Thomson *
Naila Akram
Hazel Burt
Trudi Craggs (Vice Chair)
Paul Devoy
Lorna Dougall *
Davie Flynn (Vice Chair)
Katherine Graham
Jennifer Hogarth
Amber Little, Forth Valley Student Association President (FVSAP)
Liam McCabe
Emma Meredith
Ken Richardson

Apologies: Andrew Caldwell
Claire Green, Forth Valley Student Association Vice President (FVSAVP)
Lindsey Hastie
Alistair McKean

In Attendance: David Allison, Vice Principal, Infrastructure and Communications (VPIC)
Kenny MacInnes, Vice Principal Learning and Student Experience (VPLSE) *
Senga McKerr, Director of Finance (DOF)
Stephen Jarvie, Corporate Governance and Planning Officer and Deputy Board Secretary (CGPO)
Alison Stewart, Vice Principal Finance & Corporate Affairs

*Attended virtually through teams

The Chair welcomed members to the first in person Board of Management meeting since the pandemic restrictions came into place.

B/21/013 Apologies and Declarations of interest

As noted above

B/21/014 Minutes and Matters Arising of Meeting of 30 September 2021

Members approved the minute of the meeting of 30 September 2021.

B/21/015 Minutes of Committee Meetings

LSE Committee – 28 October 2021

The Chair of the Committee outlined the discussions that had been held. He noted the positive position of the College compared to the sector in terms of performance and recruitment and retention.

He informed members that the College's digital skills academy continued to make positive progress and that the latest dashboard for the work of the academy was appended to the minute.

He noted that there were newer members on the Committee and that it had been agreed to hold the next meeting in February 2022 on campus so that demonstrations of key systems which underpin the reports to the Committee could be made.

He highlighted that the presentations could be of interest to the fuller Board and it was agreed that the College would look at the possibility of recording these demonstrations for all members to view.

Members queried how the College compared with the sector in the use of these types of systems. The VPIC informed members that, to the best of his knowledge, no other College has a similar system to our Performance Indicator Prediction Tool.

a) Members noted the content of the update

Draft Finance Committee – 16 November 2021

The Committee Chair outlined the content of the recent meeting, focussing on three substantive items. He reported on the annual procurement report, noting that it was functioning effectively but that an issue around training for new budget holders was identified and measures were being put in place to address this.

He informed members that Student Finance had had an underspend for the 20/21 year and confirmed that this was owing to the impact of Covid. He informed members that normally, at this time of year, the College would apply for an additional in-year allocation for student funding but that this was not needed at this time.

He also confirmed that the Finance Committee, in conjunction with the Audit Committee, had considered and commended the accounts to the Board of Management.

Members discussed community benefit arising from College procurement activity and balancing this with the need to secure value for money whilst also ensuring smaller local companies can easily access procurement frameworks. It was agreed that Naila Akram, given her experience in this area, would work with the Finance Committee Chair and College procurement staff to look at this further.

a) Members noted the content of the update

Audit Committee – 16 November 2021

The Committee Chair discussed the recent meeting, noting the joint element with Finance Committee to look at accounts and the external auditors report and noted that both Committees had commended the finance team for their work on the accounts.

She discussed the internal audit reports that had been presented to the committee, noting that overall the internal audit activity for the year had reported a positive position.

She highlighted to members that the Committee had their annual private discussion with the Internal and External Auditors without staff present. She noted that confidence was expressed in the College's governance arrangements and management team.

She also noted that the actions arising from the recent audit of Health and Safety and confirmed that the actions recommended in the report would be monitored by the Committee.

a) Members noted the content of the report

B/21/016

Principal's Report

(Elements of this section are withheld from publication under Section 33 Commercial Interests and the Economy of the Freedom of Information (Scotland) Act 2002.)

The Principal discussed his activities since the last meeting of the Board of Management.

He discussed the timeline for the SpringBack programme, noting the launch had been put back owing to recent Scottish Government announcements. He assured members that, while the College continued to respond to the latest guidance, activity was being led by the VPLSE to ensure no student is missed out.

He confirmed it was hoped to launch SpringBack following the February 2022 break period and that this would be proceeded by managers' briefings and Principal's briefings for staff.

He outlined recent meetings with Education Scotland staff and also reported on the launch of the Scottish International Environment Centre in the Alloa campus.

He reported to members that Maersk had decided not to go ahead with the renewables training development he had included in his previous report.

Members were pleased to hear that the Falkirk Campus has received an award for best educational building, matching previous awards for the other two campuses.

He reported that the Fuel Change project was continuing to develop, with some excellent projects being suggested by students, and that it had recently been awarded £500,000 in funding from Scottish Government, with the announcement of the funding being made at COP26.

He confirmed that he and the VPLSE continued to meet with the President and Vice President of FVSA on a fortnightly basis.

Members queried how the College was ensuring it met the needs of employers in Forth Valley.

The Principal outlined how the College did so both on a reactive basis, utilising government funding streams to extend our offering to businesses and young people, and proactively through our links with local authorities and other groups to identify and shape training needs across Forth Valley.

He also noted that, for some areas such as care, the largest challenge was keeping up with the demand, similarly on the demand for apprentices which is reliant upon additional funding to succeed.

a) Members noted to content of the report

B/21/017

Chair's Report (Verbal)

The Chair updated members on his activity since the last meeting.

He discussed developments in relation to Colleges Scotland, noting that they had now commenced a review of their services and he outlined the recommendations to date, noting that the direction of travel was to be welcomed

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[REDACTED]

[REDACTED]

[REDACTED]

The Chair discussed developments with both the Scottish Funding Council (SFC) and Skills Development Scotland (SDS), and the continuing need for closer collaboration between them, e.g. in the development of activities resulting from the SFC's Stage 3 Review report.

The Chair informed members of recent discussions between the Management Side and Unions on pay negotiations, updating them on the latest positions in relation to lecturing and support staff.

a) Members noted the content of the update

B/21/018 Student Association Report

The FVSAP provided members with an update on the activities of the Association.

She informed members of work that is ongoing to recruit class reps, with 154 recruited to date and outlined a number of events including a St Andrew's day celebration for our BP Senegal and ESOL students which was also used to promote the white ribbon pledge.

She noted that the Vice President was currently working on a guidebook to assist students with disabilities, which will be made available on the Associations website.

She outlined a recent external consultancy on the operations of the association and some of the recommendations which had been implemented already, including the creation of a dedicated marketing and communications post and setting up an e-commerce shop selling student created designs.

Members welcomed the inclusion of the consultancy report with the paper.

Members queried what the largest challenge facing the Association at the moment was. The FVSAP noted that engagement from students continued to be a challenge.

a) Members noted the content of the report

STRATEGIC PLAN IMPLEMENTATION

B/21/019 Strategic Plan 2025

The Principal presented members with the Strategic Plan 2025, noting that the draft being put for consideration had been informed both by College managers and input from Board Members and that he was seeking approval for the objectives and outcomes in the plan, with the final version intending to be brought to the February 2022 meeting.

He discussed the need to establish a baseline against each objective to ensure effective monitoring and reporting and how this will direct the College Operational plan. The Chair highlighted the issue of alumni and the wider resource of the 'FVC Family', which the Principal noted as being discussed within the document.

a) Members approved the objectives and outcomes of the Strategic Plan 2025

B/21/020 Excambion with Falkirk Council

The DOF presented an update to the Excambion paper presented and approved at the last meeting of the Board of Management, noting this related to a small additional area of land to be included in the excambion.

Members asked if the College had information on what would happen to the mature cherry trees on the affected land. The DOF confirmed that the College was not aware of Falkirk Council's intention in relation to the trees. It was agreed that we would maintain a watching brief on next moves given the potential for reputational damage if the trees are simply chopped down.

Members asked that the College raise this matter with Falkirk Council.

a) Members approved the Excambion with Falkirk Council

B/21/021 Fuel Change

This item was deferred

GOVERNANCE

B/21/022 Annual Report and Financial Statements 2020/2021

The DOF presented the annual report and financial statements (the accounts) for member's consideration and approval. She highlighted that the approval would be subject to a potential wording change in relation to the Chair's remuneration.

The Chair outlined the issue which related to the additional time he had put in this year, in particular in support of the Fuel Change project and the work for Colleges Scotland on regional economic recovery. He confirmed to members that the decision on what to do in this matter had been referred to Scottish Government.

The DOF informed members that the accounts had been considered at the recent joint meeting of Audit and Finance Committees who had commended them for approval.

The DOF outlined the overall position of the College in the accounts.

The Chair of the Finance Committee commended the Finance team for the work involved in reaching this position.

a) Members approved the Annual Report and Financial Statement 2020/21 subject to the amendment following a response from Scottish Government.

b) Members requested a final version of the accounts be circulated when ready

B/21/023 External Auditor Annual Report and Letter of Representation

The DOF presented the external auditors annual report which had been considered at the recent Audit and Finance Committee meetings. She noted that the report addressed going concern and the Chair's remuneration but was otherwise unremarkable.

She also confirmed some changes to the text requested by the Committee had been included by the auditors.

a) Members approved the External Auditor Annual Report and Letter of Representation

B/21/024 Audit Committee Chair's Report to the Board of Management

The Chair of the Audit Committee presented the annual report outlining the activities of the Committee.

a) Members approved the report

B/21/025 Barclays Bank – Amendment to Term Loan Facility Agreement & Hedging Arrangement

1. BACKGROUND

The Chair reported to the meeting that it is proposed that the College enter into an amendment agreement (the "**Amendment Agreement**") with Barclays Bank UK PLC (the "**Bank**") in respect of a facility agreement originally 30 September 2010 as amended from time to time (the "**Facility Agreement**").

2. PURPOSE OF MEETING

2.1 The Chair reported that the Board must consider the Amendment Agreement and in particular it was noted that, pursuant to the terms of the Amendment Agreement, the interest provisions in the Facility Agreement were to be amended following the cessation of LIBOR.

2.2 The Chair reported that an amendment (including termination and rebooking of an existing transaction) to any hedging associated with the Facility Agreement to transition away from LIBOR would also be required (the "**Hedging Amendment**").

2.3 The Chair reminded the Board of their duty to promote the success of the College (both in relation to the Amendment Agreement, any relevant Hedging Amendment and generally).

3. CONSIDERATION OF THE AMENDMENT AGREEMENT

3.1 The Board considered in detail the form of the Amendment Agreement and any Hedging Amendment and the risks to the College in entering into the Amendment Agreement and any Hedging Amendment.

3.2 The Board considered whether it was in the best interests of the College to enter into the Amendment Agreement and any Hedging Amendment and to execute and deliver the Amendment Agreement and any documents in relation to any Hedging Amendment.

3.3 After due and careful consideration, bearing in mind the Board's duty to promote the success of the College, **IT WAS THE UNANIMOUS CONCLUSION** of the meeting that (a) the College should enter into the Amendment Agreement and any Hedging Amendment and perform its obligations and exercise its rights in relation to the Amendment Agreement, any Hedging Amendment and the amended Facility Agreement and (b) to do so would be of benefit to the College.

4. **AUTHORITY TO EXECUTE THE AMENDMENT AGREEMENT**

IT WAS UNANIMOUSLY RESOLVED that:-

4.1 the College has considered whether it needs to obtain independent professional advice (legal, financial or otherwise), prior to resolving to enter into the Amendment Agreement and any Hedging Amendment and (whether on the basis of such advice or otherwise) it has made its own independent decision to enter into the Amendment Agreement and any Hedging Amendment and understands the terms, conditions and risks involved;

4.2 that (if applicable) any security provided by the College or any security or guarantee provided by a third party will continue to secure and/or guarantee the Facility Agreement as amended by the Amendment Agreement and any associated hedging as amended by a Hedging Amendment;

4.3 the College, in good faith and for the purpose of carrying on its business, enter into the Amendment Agreement and any Hedging Amendment and perform its obligations and exercise its rights in relation to the Amendment Agreement, any Hedging Amendment and the Facility Agreement;

4.4 the following officers of the College (each an "**Authorised Signatory**" and together the "**Authorised Signatories**") be authorised to sign on behalf of the College the Amendment Agreement and any Hedging Amendment and, if applicable, return the signed counterpart to the Bank:-

Name	Specimen Signature
Dr Ken Thomson	
.....
Alison Stewart	
.....

4.5 the terms of the Amendment Agreement and any Hedging Amendment be and are hereby approved (subject, in each case, to such amendments as the Authorised Signatories (acting together or alone) may approve and so that the signature of the Authorised Signatory shall be conclusive evidence of the agreement to such amendments or modifications); and

4.6 the Authorised Signatories (acting together or alone) be authorised to agree and sign on behalf of the College all such other documents, agreements, certificates, notices, communications or confirmations, and to do all such other things, as may be required, or as any Authorised Signatory may approve, in connection with the Amendment Agreement and any Hedging Amendment.

a) Approved

B/21/026 Review of Risk

Risks were identified in their covering papers.

B/21/027 AOCB

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Zoom (commencing at 4.30pm)

Present: Davie Flynn (Chair)
Naila Akram
Lorna Dougall
Kat Graham
Claire Green, Forth Valley Student Association Vice President (FVSAVP)
Emma Meredith

Apologies: None

In Attendance: Anna Fenge (co-opted member)
Ken Thomson, Principal
David Allison, Vice Principal Infrastructure and Communications (VPIC)
Kenny MacInnes, Vice Principal Learning and Student Experience (VPLSE)
Stephen Jarvie, Corporate Governance and Planning Officer (CGPO)
Anna Vogt, Head of Inclusion and Student Services (HISS) for item L/21/015
Helen Young, Head of Learning and Quality (HLQ) for item L/21/017
Ken Todd, Learning Technology Coordinator (LTC) for item L/21/018 only
Lyndsay Condie, Director of Operations (DOO)

The Chair welcomed the new members to their first committee meeting.

L/21/012 Declarations of Interest

None.

L/21/013 Minute of Meeting of 28 October 2021

The minute was accepted as an accurate record of the meeting.

L/21/014 Matters Arising

a) L/21/005 Learning and Digital Skills Academy Ambition Update

This is included in the papers on the agenda

b) L/21/007 2020/21 PI performance update and 2021/22 recruitment and early retention update

This is included in the papers on the agenda

L/21/015 Safeguarding Policy

The HISS presented members with an updated Safeguarding policy for the College. She described the history of safeguarding in the College, noting that the underlying

procedures to the policy are robust and open to regular review. She also highlighted the drastic increase both in number and complexity of safeguarding cases.

She outlined the training in place for staff and outlined the links the College has fostered with a range of external bodies to support students who make a safeguarding disclosure.

Members queried how often the policy was reviewed. The HISS confirmed it was every three years for the policy but that the underlying procedures and staff training were updated to reflect identified best practice as needed.

Members queried whether there was a sector standard for Colleges in safeguarding. The HISS noted that there was some high level training modules provided by the College Development Network but other than that each College approached the matter differently.

Members welcomed the document and the fact that the underlying procedural documents are kept under regular review to reflect emerging practice.

Members queried how the policy would be disseminated to staff. The HISS noted that staff undergo mandatory training both at induction and on a regular basis for the duration of their time with the College. She did note that this training focussed less on the policy side of matters and more on how to recognise concerns and refer these to specialist College staff.

a) Members approved the Safeguarding policy

L/21/016 Outcome Agreement 2021-22

The VPIC presented the outcome agreement 2021-22 for member's consideration and approval to submit to the full Board of Management.

He discussed the format of the document and the targets which had been established, including an area of concern regarding one target.

He informed members that the draft document and targets had been reviewed by the Scottish Funding Council (SFC) who fed back positively on both documents.

Members noted the comments on the targets and highlighted the need to manage expectations given the high level of existing performance against some targets which would be hard to improve on.

Members also highlighted that the FVSA's Feedback Friday's were not mentioned in the document and that, as they were a good method for ongoing student feedback, should be mentioned in the Outcome Agreement.

Members also noted that a figure used on page 11 of the document looked to be very high and asked that this be verified.

- a) Members approved the Outcome Agreement 2021-22 to be endorsed to the Board of Management subject to the changes outlined above.

L/21/017

Learning and Digital Skills Academy Ambition Update

The HLQ presented the regular update on progress. She highlighted that this was a critical point in the overall project with key milestones for the hybrid learning launch, the ongoing development of the student and corporate services staff self-assessment tool which will soon be launched and the incorporation of a new accessibility module into the Moodle VLE system.

She provided more detail on hybrid learning, the materials that have been prepared and the intention to launch this when College is back after the February break.

She informed members that additional SFC funding had been secured to allow for two additional mentors to be recruited to support this work.

She also highlighted that the overall Learning and Digital Skills Academy (LDSA) activity has been recognised by both Education Scotland and the General Teaching Council of Scotland.

Members noted that some staff had become involved as early adopters and asked how it was planned to bring all staff on board with Hybrid learning. The HLQ agreed that this was important and noted that it was intended to demonstrate how the early adopters have benefited from the new methodologies and share best practice to bring everyone on board.

Members queried whether the practicalities on issues such as student travel had been considered when looking to blend in person and virtual lessons. The HLQ assured members that the Curriculum Managers who develop the timetables are cognisant of this and were looking at a range of measures such as having a designated virtual day for learning.

The Principal highlighted to members that the LDSA activity was funded by the Arm's Length Foundation (ALF) and noted that a further proposal for additional funding to cover this activity and mental health support would be brought to the Board for consideration at the end of February before submission to the ALF.

- a) Members noted the content of the update
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L/21/018 Moodle Demonstration

The LTC provided members with an overview and demonstration of the College's Virtual Learning Environment, Moodle.

He demonstrated how the interaction is customised for each student and also demonstrated a range of tools lecturers can use to interact via the platform.

He highlighted that Moodle was a globally utilised software package and that it was primarily managed by a small internal team with external expertise contracted in when needed for areas such as significant system updates.

Members noted that the system must generate a significant amount of data that can be used for analytical purposes.

The LTC fully agreed and outlined how analytics can be of use all the way from a single class and lecturer to College wide. He noted that there were a range of comprehensive analytical tools available for Moodle which were currently being evaluated for use.

Members asked if the FVSA VP had any input from the student perspective.

The FVSA VP noted firstly that the Moodle interface was much improved compared to recent years and that training was key and asked how this was being achieved.

The LTC confirmed that work was ongoing to develop up the student hub in Moodle, which includes a range of training and guidance materials. He noted that the hub would be linked into student induction programmes.

He also discussed staff development to get the best out of the platform.

Members noted the importance of the platform and queried what the security was like.

The VPIC informed members that the login using Office365 credentials and two factor authentication placed it on a par with other College systems.

a) Members noted the content of the demonstration

L/21/019 Student Journey – Project Update

The DOO provided members with an update on progress with the Student Journey project, noting that owing to the scale of the project it was intended to develop a dashboard for reporting high level progress to Committee members.

She outlined the three main stages in the project, providing detail in relation to stage 1 On Boarding which is currently underway.

She also informed members that there was willingness across the College to be involved in this project and that those participating were keen to remember that there was an individual student at the core of all this.

Members welcomed the focus on alumni who are usually less focussed on in the College sector and noted the benefits that can arise from getting alumni involved. The DPO agreed with this and noted that a range of platforms for alumni involvement were being looked at to support this.

Members agreed that a dashboard would be welcomed and should be developed along with a view on how often this should be brought to Committee.

a) Members noted the content of the report

L/21/020

PI Prediction Tracking Process Update/PIPT Demonstration

The Chair introduced this item, noting that he and one other member had had a demonstration of the systems in the past but that it was considered of value to let newer members see the systems so they can have an appreciation the underpinning data for reports they will receive and the data used by the College to drive curriculum development decisions.

The VPLSE demonstrated the system, outlining how the College works throughout the year towards its Outcome Agreement targets, through regular reviews of key metrics and, crucially, early intervention for students who may be at risk of withdrawing or not achieving at the end of their course.

He also highlighted that the College was conscious of additional support and mental health needs and, for this reason, the HISS participated in all review meetings to identify areas or individuals who would benefit from additional support.

He informed members that Education Scotland had been undertaking a progress review visit that week. He highlighted that early verbal feedback had been positive with a range of comments on how engaged the College is, the response to Covid and accessibility of staff to students.

Members welcomed the overview and especially the early intervention work with student.

The VPLSE noted that the General Teaching Council of Scotland had also provided similar positive feedback in a recent revalidation visit.

Members queried whether identified best practice is shared. The VPLSE confirmed this was the case.

a) Members noted the content of the report

L/21/021 Student Activity Report

The VPIC provided his regular update on student activity. He highlighted that, while overall enrolments looked ok, full time enrolments were down for the first time in a few years and he outlined possible reasons for this.

He confirmed that progress against the College credits target was healthy and that evening enrolments had increased by 26%.

Enrolments look ok although FT are down which is the first time in a few years, focussing on and links to student journey

a) Members noted the content of the report

L/21/022 Future Agenda Items

The VPIC outlined the future agenda items contained in the paper.

a) Members noted the content of the report and asked that the Student Journey dashboard be included

L/21/023 Review of Risk

No additional risks were identified

L/21/024 Any Other Competent Business

The Principal noted the impact of the recent Scottish Budget announcements which equated to a £2.4m cut for the College. He noted that a range of scenarios would be brought to the February Board of Management meeting for discussion.

1. Purpose

To present to the Board of Management the thirty fourth Principal's report on key and strategic activity undertaken since the Board meeting in early December 2021.

2. Recommendation

The Board should note and comment on the activity undertaken by the Principal since early December 2021.

3. Key Highlights

- 3.1 The Scottish Government budget was announced in December for 22/23 and has now cleared the debating stage. The outcome for the sector is not good with a £51.9m cut from 21/22. Colleges Scotland identified that "The Draft Budget would mean colleges losing £23.9 million because of inflation, with an additional £28 million removed because of the loss of Covid-19 consequential funding for much needed support for deferred students, Foundation Apprenticeships, mental health and wellbeing initiatives, and vital digital equipment for students."

Karen Watt, CEO of the SFC met with Principals on the 25th January and we had an open and honest engagement where she stated it was still early in the process and further discussion was ongoing. However, she stated the financial settlement was going to be really challenging and whilst Scottish Government will say it is flat cash, it is recognised that in real terms this is a cut. Indeed she indicated with a future multiyear settlement that it would be flat cash for a number of years to come.

SMT have been working on scenarios since pre-Christmas when the assumption for the Financial Forecast Report (FFR) was published but this is the worst case scenario. For Forth Valley College this will be £2.4 million cut. Alison Stewart will provide further detail on the impact to Forth Valley College during the Board residential and I will present a number of scenarios at the Board meeting on the 25th February where SMT have identified options that will make the £2.4million savings.

On 2nd February SMT met with both unions to explain the position and to note the launch of a Voluntary Severance Package. On 11th February I made a video for all staff where I explained the position and launched our Voluntary Severance package. At the same time, our internal eFocus went out to all staff with further details which would have been seen by Board members.

On 14th February, SMT met with Karen Watt, CEO SFC, Chris Brown, Interim Financial Director and Tiffany Ritchie, Director of Finance, to showcase how Forth Valley College intended to respond to the budget cuts and to understand the potential for any mitigations that may be available. This was a good meeting with potential for Foundation Apprentices and then latterly, for Flexible Workforce Development and the Young Person Guarantee, however we continue with our scenarios.

SFC Board meet on the 11th March, at Forth Valley College, with indicative announcements around the 23rd March.

- 3.2 Our focus over the years has been on the value of our college to the local, regional and national economy and its critical role in the education system for all our communities, as a key institution for student pathways to further, higher education and work and as a strategic lead for our economic recovery. This will be our engagement strategy going forward.

The best way to showcase Forth Valley College has always been to meet people on site, an awareness and understanding session, a tour and then a question and answer session. By the time of the Board I will have met with most of our Parliamentarians and importantly, met on site with the new team involved in the Advanced Learning and Science Directorate, the sponsor Government department for SFC. In particular we had a very good meeting with Stephen Patherina, the Director of Advanced Learning and Science and his team. He is now setting up a meeting with Mr Jamie Hepburn, Minister for Higher Education and Further Education, Youth Employment and Training and Mr Ivan McKee, Minister for Business, Trade, Tourism and Enterprise, on the Falkirk campus to show case the interdependencies of Forth Valley College across the Directorate for Learning, Industry, Economy and Skills. Our interventions are likely to be too late for next financial year because the Government Reform teams are only just in place but I do believe we could have momentum going into future years as long as the critical regional economy and skills role continues to be highlighted and evidenced.

This engagement strategy seems to be working. Following Stephen Partherina's visit he sent me a copy of the email noted below:

"Ministers, I am writing to you on the back of a fantastic visit to Forth Valley college on Monday this week. I visited their Falkirk Campus and met with Ken Thomson their Principal as well as colleagues leading on provision planning and industry engagement, liaison with local schools across the region, student welfare and support and the head of their Student Association.

As well as really useful conversation I had a great tour of the campus (which is STEM focused) which gave a real sense for the applied nature of a lot of the teaching there, including the apprenticeship students being on the platforms and in the fabrication suites in their corporate overalls. Their work on combined degrees with a number of universities provides a really interesting model in HE provision and the blending of applied learning that their college is so well set up to deliver. They have hugely productive relationships with local employers, in particular and as you would expect in their location INEOS whom they work with on specifying the kit that they need to have in the college so that graduates are really leaving "work ready".

Ken is extremely engaging and committed to making the right connections across the system and responding to economy and employer demand. He is also pragmatic around the budget settlement and was able to talk through the steps that they are taking to cut their cloth appropriately. They are exploring efficiencies, looking at the impact of their courses and where they might be able to cut some of those which are less impactful, which is challenging in the

context of an institution that sees 93% of graduates moving on to positive destinations within 6 months.

All in all a real exemplar and striking in terms of the extent of alignment of the approach at the college and the forthcoming NSET.

On the back of my visit I would be keen to set up a joint visit for Mr Hepburn and Mr McKee, possibly as part of planned stakeholder engagement following the publication of the NSET, to see this for themselves. In addition, I think Ken would make an excellent member of the NSET Delivery Board. He would bring a real practical understanding of how to get the best out of the college system and to make those connections in to schools and the rest of the tertiary system that will be so critical to successful delivery of NSET actions. If you are content I would be grateful if your private offices could explore suitable dates.

- 3.3 The strategic objectives and outcomes for the Strategic Plan 2025 were approved by the Board at the December 2021 meeting. At the residential, Board members will get the chance to see the draft published version before we launch the Plan in March. Again, thanks to all Board members for their contribution and insight. March 7th is also our date for the launch of hybrid working and hybrid learning through our SpringBack project which we have discussed as a Board over the last year. The launch will be preceded by a Managers Conference to ensure we have consistency in our approach with all line reports and to reinforce that as a pilot we all learn from the experience.
- 3.4 Delighted we had an excellent Education Scotland Review from 7th February to 10th. Our progress is satisfactory – which is as high an accolade that you can get. Focus on curriculum, learning and assessment; services to support learning and learner Engagement. The Education Scotland lead officer will report to the Board in April or June once the final document has been published. Congratulations to Kenny MacInnes, VP Learning and Student Experience and Helen Young, Head of Learning and Quality, for a fabulous outcome.
- In addition we also had a successful revalidation of our General Teaching Council Scotland (GTCS) registration for a further five years with no recommendations for improvement.
- 3.5 The two postponed graduations went ahead in early February at the Stirling Castle and Falkirk Town Hall with nearly two hundred graduands being graduated. Under the circumstances they were great events and thanks to our two key note speakers, Nicola Killean, CEO Sistema Scotland and Michelle Thomson MSP. A special thanks to the Marketing and Events team under Lyndsay Condie's leadership, who put many hours of planning into the events which were also live streamed to social media.
- 3.6 In December 2021 I received a special award from IoD Scotland for Services to Education and Skills at the virtual IoD awards. IoD Scotland have since requested a discussion to relocate their annual conference from Gleneagles to the Falkirk Campus.
- 3.7 Finally, I was humbled to recently receive a letter from Professor Sir Gerry McCormac, Principal and Vice Chancellor of the University of Stirling, confirming my appointment as Honorary Professor which has been made in recognition of your contribution to the academic
-

work of the Faculty of Social Sciences. This appointment is from 1 January 2022 to 31 December 2025.

4 Networking and Presentations

4.1 Jen Tempany, Director for Strategic Partnerships and Economic Recovery and I were invited to the historic Heads of Terms signing for the Falkirk and Grangemouth Investment Zone Growth Deal. This £90m investment was signed by the Leader of Falkirk Council, Kate Forbes MSP and Cabinet Minister for Finance and Iain Stewart MP, Parliamentary Under Secretary of State for Scotland. The Growth Deal includes a £4.5m project on Transition Skills Training which will be led by the College. With Jen Tempany now seconded to FuelChange for two years, this project will be led by myself with support from Pauline Jackson, Head of Fund Raising and Development, and leads in both project management and curriculum. We have already started with discussions with ScotChem, a strategic collaboration between 7 Scottish universities and the Industrial Biotechnology Innovation Centre to use the Falkirk campus as a local base.

4.2 I was a guest speaker at the President Roundtable Seminar Series on "Equitable, Reliable High Stakes Assessment – A possible dream" to showcase vocational education and assessment as the whole process of assessment comes under scrutiny following the Ken Muir Report on SQA and Education Scotland and the Sibbald Report on assessment; the latter highlighting the value of a vocational and academic qualification pathway. Vocational education is still perceived as the conduit for tradespeople in higher education. We have work to do.

5. Key Meetings

5.1 Ross Martin and I continue to meet weekly and continue to discuss Colleges Scotland, national Employers Association, FuelChange, strategic planning and the regional Economy opportunities for the sector and FVC. In addition, Kenny MacInnes, VP Learning and Student Experience and I continue to have monthly meetings with the Student Association and over the last three months, Amber Little, Student President and Claire Green, Vice President, have met with myself on a fortnightly basis to share intelligence gathering impacting on both students and staff. We have this in our diaries until Christmas.

5.2 Since September I have hosted meeting, both virtually and in person with Jamie Hepburn, MSP, Michael Matheson MSP and Michelle Thomson MSP. Kenny MacInnes and I also met with Gill Ritchie, Strategic Director at Education Scotland, who gave us an interesting insight into the positive future for Foundation Apprenticeships.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

6. Colleges Scotland (CS)

6.1 Colleges Scotland CPG is now meeting bi monthly and still receives updates from Linda Pooley, Deputy Director, Colleges, SFC and Young Workforce on Scottish Government's ongoing response to Covid-19 and discuss policy matters affecting the sector. In the last two months, I have attended one meeting of the Funding and Finance Group.

[REDACTED]

7. Community Planning Partnership

7.1 There has been two meetings of the Falkirk Community Partnership and one from the Stirling CPP. Kenny MacInnes, VP for Learning and Student Experience continues to lead on the Stirling CPP in Stirling given his new responsibility for the Stirling Campus. We continue to play a lead role in community planning and continue to lead on key projects relating to the college's purpose.

8. Financial Implications

None

9. Equalities

Assessment in Place? – Yes No

If No, please explain why – This paper is an overview report only, there are no changes to College policy or practice involved.

10. Risk

Please indicate on the matrix below the risk score. Risk is scored against Impact and Likelihood as Very Low through to Very High.

	Likelihood	Impact
Very High		
High		
Medium		
Low		
Very Low	X	X

Please describe any risks associated with this paper and associated mitigating actions –

None

Risk Owner – Ken Thomson

Action Owner – Ken Thomson

12. Other Implications –

Communications – Yes No

Health and Safety – Yes No

Paper Author – Ken Thomson

SMT Owner – Ken Thomson

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1. Purpose

To provide members with an update on the recent activities of the Forth Valley Student Association (FVSA)

2. Recommendation

That members note the content of the report.

3. Key Considerations

Since the last Board of Management on the 2nd Of December FVSA have conducted several activities.

(Bi)Weekly meetings with SMT

The FVSA Student President and Vice President had weekly/bi-weekly meetings with the Principal/Vice Principal around COVID matters so that we're kept up to date with the moves the college are making and can adapt if needed. They also allow us to represent the student voice at one of the highest levels.

Christmas Cards

FVSA sent out Christmas e-cards to all Care experienced and estranged students so that they felt less alone during the festive season, we know from working with StandAlone and Who Cares? Scotland that Christmas is one of the times of year that is most hard for those groups of students, we sent our best wishes and a link to the online version of the Little Book of Positivity.

Staff update

FVSA have welcomed Lindsay Graham, previous FVSA Vice President into the role of Admin for 6 months whilst Lynne Tomlinson has been moved to Communications and Marketing Co-Ordinator for 6 months – so far, they seem to be doing brilliantly in their roles and given that everything goes well, we will be going to the Arm's Length Fund to ask for a little bit more money to extend their posts to full time!

Student Community Food Pantry

FVSA have set up a Food Pantry in all three of their offices to reduce food poverty among FVC (Forth Valley College) students as part of our motion 'Don't let our students starve'. The food pantry will rely on food donations from FVC students and staff that students can use when they need to - no questions asked.

Meeting with the Advanced Learning and Science Directorate

The FVSA President, along with Dr Ken Thomson, Anna Vogt and Helen Young met with two members of the Advanced Learning and Science Directorate to showcase the very best Scottish Colleges can offer. They took everything on board and seemed to see real value in Ministers seeing what the college and FVSA can do.

Estranged Students in Your College - who are they, how do you find them and how do you support them? CDN Event 03/02/22

The FVSA Student President and the Student Engagement Co-Ordinator were invited along to the above event by Liam McCabe – ex NUS (National Union of Students) Scotland Officer and current Policy Officer (Scotland) for StandAlone, who are a charity that focuses on estranged people and supporting them with anything they need help with, to give a 15 minute speech and presentation on how estranged students need not just SA (Student Association) support, but support from the entire sector.

Take 5 in Feb!

FVSA sadly had to postpone their annual refreshers event until May, but on the original dates we had booked, we've put in place some online events such as a student comic competition, another "smartphone quiz" that went down incredibly at Fresher's, the annual Step Count Challenge, a Minecraft "best builds" competition, Free cinema viewings and the official launch of both our e-shop and our sustainability pledge.

FVSA E-Shop

We officially launched our [E-Shop](#) during Take 5 in Feb! We currently have FVSA branded snoods and lanyards up on the E-Shop for free with collection from each campus, we'll soon be expanding to FVSA branded water bottles and t-shirts/hoodies with a student designed logo on them! It's a step in the right direction for us to become fully autonomous.

Sustainability Pledge

Over the years, FVSA have been carrying out work around environmentalism and sustainability, through various events and practices within the department, our students asked us to put Sustainability work as a priority in its development as a body that represents students in the Forth Valley area. A motion ([There is no Plan B – We need sustainability!](#)) was submitted at Student Council back in November to request we create a pledge that would outline our commitment in implementing the [United Nations' Sustainable Development Goals](#). With our Environmental officer in place, drafting and launching the FVSA Sustainability Pledge was more important to us than ever. The pledge outlines the commitments that we make to our students, communities and planet to ensure we improve the impact we make on our society.

Clubs and Societies

Our clubs and societies have been back up and running, with our most successful being “Forth Valley Gaming” that Claire is convenor of, one of our Executive Officers Steve Kemlo has started up a badminton club that use the Stirling Uni courts and is looking to revamp the Green Club. Ultimately all our Clubs & societies are there to bring students together especially at a time they can feel isolated

Lending Library

The FVSA Vice President and the Student Engagement Co-ordinator have been planning out a lending library for self-help/motivational books, we are planning to discuss this further with the Mental Health Partnership Agreement working group during our next meeting, and we’re also looking into joining up with the LRC on this project.

By-Election

We held our annual by elections in February – sadly no candidates came forward so the two remaining positions that need filled (Welfare Officer & Inclusion and Diversity Officer) will be filled in the next academic year along with the other 4 roles (Wellbeing, Inclusion and Diversity, Education and Environmental officers)

Education Scotland Visits to Forth Valley

The Student Association took part in a range of interviews with HMI, ranging from our staff and Sabbaticals to our volunteer officers and class representatives, overall, the visits went brilliantly, and Education Scotland noted that “The College and Student Association are working well together”

4. Financial Implications

Please detail the financial implications of this item – there are no financial implications

5. Equalities

Assessment in Place? – No

If No, please explain why – Not applicable

6. Risk

Please indicate on the matrix below the risk score. Risk is scored against Impact and Likelihood as Very Low through to Very High.

	Likelihood	Impact
Very High		
High		
Medium		
Low		
Very Low	x	x

Please describe any risks associated with this paper and associated mitigating actions – None

7. Other Implications –

Please indicate whether there are implications for the areas below.

Communications – Yes
Health and Safety –No

Please provide a summary of these implications – FVSA extensively promote events, clubs and opportunities to be involved in the work of the association.

Paper Author –Amber Little & Claire Green

Owner – Kenny MacInnes

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1. Purpose

For members to consider and approve the Outcome Agreement report for Session 2020-21.

2. Recommendation

That members discuss the content of the report, and approve the Outcome Agreement 2021-22.

3. Background

SFC have requested that a shorter and more focused Outcome Agreement report be submitted by all colleges for Session 2021-22. The framework provided as a guide for the document is similar to the guidance provided for Session 2020-21.

4. Key Considerations

Through their Outcome Agreement guidance for AY 2021-22, SFC is continuing to ask colleges to submit a more focused Outcome Agreement report. The guidance provided an Outcome and Impact Framework, which is included as Appendix 3, which has been used to frame the attached Outcome Agreement.

The draft report was submitted to SFC by the 30th November deadline, with positive feedback from SFC provided in January, with no changes requested by SFC. SFC have asked for a final sign-off by College Boards by 31st January 2022, however are aware that Board calendars may not be aligned to this date, and will therefore be flexible. This delayed OA timing is a result of the late issuing of Outcome Agreement guidance by SFC.

The new framework is a refinement of last year's framework, which was significantly different from previous versions, and shows a direction of travel, with some of the "clutter" removed from our Outcome Agreement, particularly where information is available elsewhere. There have been contributions from a range of College staff to this document.

In relation to target setting, the Outcome Agreement guidance asks Colleges to set one year targets for Session 2021-22, taking cognisance that we are still dealing with the impact of the Covid-19 pandemic. These targets are set out in Appendix 1, along with performance data provided by SFC for Sessions 2014-15 through to 2019-20, to which I've added performance data for Session 2020-21. Please note that for Session 2021-22 the number of Outcome Agreement targets that Colleges are being asked to set have been reduced.

The guidance also asks that a self-evaluation document for Session 2020-21 is added as an appendix to our Outcome Agreement for Session 2021-22, which is included as Appendix 2, which has previously been approved by the Learning & Student Experience Committee.

The attached Outcome Agreement was considered and approved for Board endorsement by the Learning & Student Experience Committee on 10 February 2022 subject to two amendments which have been incorporated into the attached document.

5. Financial Implications

Please detail the financial implications of this item – There may be a threat of financial clawback if significant Outcome Agreement targets aren't met.

6. Equalities

Assessment in Place? – Yes No

If No, please explain why – An impact assessment will be undertaken of this Outcome Agreement prior to Board sign off.

Please summarise any positive/negative impacts (noting mitigating actions) –

7. Risk

Please indicate on the matrix below the risk score. Risk is scored against Impact and Likelihood as Very Low through to Very High.

	Likelihood	Impact
Very High		
High		
Medium	X	X
Low		
Very Low		

Please describe any risks associated with this paper and associated mitigating actions – Within our Outcome Agreement the impact of Covid-19 is referenced, and it's recognised by SFC that Session 2021-22 is an emergency year as Colleges react to the ongoing impact to students and staff from the pandemic.

Risk Owner – LMT

Action Owner – LMT

8. Other Implications –

Please indicate whether there are implications for the areas below.

Communications – Yes No

Health and Safety – Yes No

Please provide a summary of these implications – The document will be made available on the College website.

Paper Author – David Allison

SMT Owner – David Allison

Executive Summary

Forth Valley College is confident that it will deliver on our vision of Making Learning Work, and it is essential that we are able to demonstrate our contribution to the achievement of Scottish Government priorities, our responsiveness to key national policy drivers, our three local authority single outcome agreements, and more broadly, our contribution to communities and economies at local, regional, and national levels.

Forth Valley College has a proven track record of meeting the needs of its local communities and businesses, and is among the top performing colleges in Scotland. In Sessions 2019-20 and 2020-21, where the whole country has navigated its way through a pandemic our students have maintained high levels of success, with our full time HE success rate one percentage point higher than our pre-pandemic rate, and our full time FE remaining at the same level as our pre-pandemic rate, with our part time success rates being maintained at high levels. Through this outcome agreement we aim to consolidate College performance through maintaining or improving on our performance from 2020-21, as we support our staff and students through the pandemic, and support the economic recovery from Covid-19. In particular, we are aiming to further increase achievement from Full Time FE and Full Time HE from our 2020-21 levels.

To help enable the College maintain and increase attainment, work commenced in Session 2018-19 to enhance tracking and monitoring of student progress during the academic year, with the focus on our targeted full time students. Two systems were developed and introduced during Academic Session 2018-19, both of which have been significantly enhanced in previous sessions. The first development is a process to capture whether students are, or are not, progressing on their course, with this information collected every time a class meets. The second development has been in-year tracking centrally of predicted attainment of every full time student, with the purpose of providing focus to where additional support may be required to help students succeed.

Session 2019-20 saw the full rollout of our Student Support System (Triple S), which is a system designed to allow the capturing of all support being provided to a student in one place, and to allow staff to access this information in an easy and timeous manner. The Key aims of this system are to streamline the existing support infrastructure available to students, and to make this vital information more accessible to all relevant staff. This information will be available real-time, to quickly signpost to staff that a student has support needs, and provide quick and easy access to this information, to help ensure that our students are effectively supported.

A performance-tracking dashboard has been developed and quarterly progress meetings are scheduled with teaching departments where the dashboard is used to track student and course progress. As this process has matured we have moved from discussions around individual students to identifying trends, common issues and tracking actions identified at meetings.

We will also continue to embed engaging, collaborative, creative and blended approaches to learning, and will be developing a College-wide approach to ensure that all teaching staff are working within the expectations of the new Professional Standards for Lecturers and our Creative Learning and Technologies Strategy, along with embedding a learning and teaching mentoring programme with opportunities which support staff to reflect on and develop their practice. In Session 2020-21 the College launched Project NxGEN FVC which purpose is to enhance learning and the student experience at the College with bold aims of being a leading Education 4.0 organisation; having a Digital First culture; being financially resilient; being sector leading on e-assessment and validation design against all programmes; and designing and transforming our curriculum using evidence-based analytics.

We will continue with our commitment to working with partners to enable effective and efficient learning journeys, we are planning on increasing the uptake, attendance and achievement of students on school/college partnership courses.

Our new £78m Falkirk Campus, supported by Scottish Funding Council, provides the headquarters for the College and offers a state-of-the-art learning environment for our students. As a result of Covid-19 we unfortunately had to close all of our campuses, and only had the full use of this fantastic facility for a short period following its January 2020 opening, however working within government restrictions we have gradually re-opened all of our campuses, prioritising courses which contain a high practical element, and courses where online engagement has proved challenging.

In Session 2020-21 the College launched its Springback programme, which is our programme for the next stage in the college's recovery from Covid-19. We have seen similar programmes being promoted across business and government under the guises of Recover, Rebound, Reinvent and Reimagine. This is the College's opportunity to put in place robust and well communicated plans and actions through positive consultation to prepare for a phased return to work, a phased return to learning and teaching, to build on the strengths from lockdown, to learn from what has not worked and to help build morale, excite staff and students and support positive health and wellbeing. This project will continue to run during Session 2021-22 and will underpin future teaching and working at the College.

During the first lockdown the College accelerated a funding bid to the Forth Valley College Foundation to fund a Digital Ambition project to coordinate professional and skilled delivery of learning and teaching to our students, staff and stakeholders in a new digital era. This has enabled the College to launch our Learning and Digital Skills Academy which is now the central team to bring together the College's Creative Learning and Technologies Strategy, the sector's Digital Ambition and other key recommendations for the sector to ensure the College is at the forefront of excellent, contemporary learning and teaching practice, underpinned by an inclusive, resilient and sustainable curriculum portfolio, fit for the future.

In Session 2021-22 Forth Valley College will deliver to its core Credits target of 88,094 Credits, for funding of £23,253,192. The College will also deliver 2,493 Credits of ESF activity for funding of £717,654. Through this delivery the College will prioritise the delivery of Credits to support re-training and re-skilling and to support economic recovery, maximising full time places where demand is high, and continue to prioritise school engagement with senior phase school pupils.

Outcomes for Students

Fair access and transitions

Meeting the Opportunities for All guarantee

Forth Valley College is working very closely with local partners to review, in particular, access level provision to ensure our curriculum meets the needs of Forth Valley's young learners. An example of this is College staff are working closely with staff in local schools to develop a detailed understanding of individual learner aspiration for Christmas Leavers, and placing learners on College courses. We have set a target of maintaining the proportion of Credits delivered to learners aged 16-19. The level and type of provision aimed at school leavers varies across our three campuses, and aligns with local need. This is achieved through regular dialogue with schools, Local Authorities, SDS and analysis of available information such as the School Leaver Destination Return/Participation Measure.

The College has also developed a portal which provides Council and School staff, along with SDS Careers staff, access to real-time College application information for School pupils with the aim of providing enhanced support for school pupils in their application, and also to enable better tracking of young learners to help ensure they secure a positive transition from School. In Session 2019-20 our schools portal was extended to also include attendance and performance information of students on school-college partnership courses, with further developments being discussed with our partners.

Developing the Young Workforce

The College continues to sustain very strong strategic partnerships with its three key local authority education services. The College provides pupils in all 18 Forth Valley secondary schools (8 in Falkirk Council; 7 in the Stirling Council area; and 3 in the Clackmannanshire Council area) with the opportunity to follow vocational pathways and achieve vocational qualifications at SCQF level 5 and above as an integral part of their senior phase curriculum.

The College has jointly developed its plans for Developing the Young Workforce with local authority partners and school Head Teachers and, where appropriate, with Skills Development Scotland (SDS) and employers. All three of the local authority education services, as well as the College, have put in place dedicated staff at an appropriately senior level to facilitate the planning and implementation. Across all three local authorities, we have agreed that the College will prioritise sustainable partnership activity that is open to senior phase pupils from all Forth Valley secondary schools (rather than school-specific).

The College continues to work closely with all of its partners to develop and deliver vocational pathways appropriate to the widest range of senior phase school pupils possible.

For young people entering S4, who are unclear about their choice of vocational area or future pathway and are deemed to be at risk of low achievement and a potential negative destination, we continue to offer the jointly delivered School College Opportunities to Succeed (SCOTS) programme for Falkirk and Stirling schools. Care experienced young people are particularly encouraged to participate in SCOTS, and over the last three years a higher than average number of students with Care experience have enrolled on these courses, compared to other courses.

The programme is unique, in that all the secondary schools work in close partnership with the College to co-deliver the programme. As well as attending the College tasters, pupils are supported by their schools to undertake an employability award based around their experiences on the College programme. Successful pupils are guaranteed a place on a vocationally specific partnership course (Skills for Work or National Progression Award) the following year and then into an appropriate full-time college course when they leave school.

This programme also specifically sets out to challenge gender stereotypical vocational choices, as all of the young people on the programme must agree to undertake the full range of vocational experiences, some of which are traditionally male oriented (such as Engineering) and some female (such as Care).

Clackmannanshire schools cannot generate the economies of scale to support the full SCOTS curriculum, however the needs of Clackmannanshire pupils in this cohort are served by bespoke partnership courses which deliver vocational tasters, essential skills and, where possible, work experience.

In addition to the above, we have well-established "alternative curriculum" courses on each campus for senior phase pupils who are more disengaged and/or have significant barriers to learning, disabilities or additional support needs. These programmes provide vocational taster activities alongside personal development learning to support positive transitions beyond school. We know that this provision is successful in re-engaging young people and raising their aspirations and has a positive impact on future progression.

None of the above courses fits the Outcome Agreement definition of a "senior phase vocational pathway"; however, they are important elements of the college's DYW implementation plan, as they support young people to remain in learning and to progress to college when they leave school.

In terms of senior phase vocational pathways, the College continues to offer a broad range of vocational qualifications at SCQF levels 5 and 6, primarily Skills for Work and National Progression Awards and, where possible to grow this provision. The subject areas in which these are offered align with the College's full-time curriculum and successful completion provides a young person with a "progression advantage" onto an appropriate full-time course.

In Session 2021-22 we have students enrolled across eleven frameworks: Accountancy; Business Skills; Civil Engineering; Construction; Creative and Digital Media; Engineering; Hospitality; Scientific Technologies; Social Services and Healthcare; Social Services Children and Young People; Software Development.

In summary, overall we expect to sustain the volume and proportion of Credits delivered to senior phase age pupils studying vocational qualifications delivered by the College and the volume and proportion of Credits delivered to learners at S3 and above as part of 'school-college' provision.

The College also continues to prioritise the sharing of knowledge and resources and building capacity with school staff to provide relevant and up to date information, advice and guidance on vocational pathways and routes into employment. We continue to implement a planned programme of CLPL for teachers and pupil support staff with visits to College campuses and schools. We are also working with our school partners to provide a range of opportunities for younger pupils to experience the College environment and learn about career options and routes. These activities will have a strong focus on tackling stereotypical vocational choices in relation to gender. We will, where appropriate, target activities at specific gender groups and

will make effective use of role models (staff, students, apprentices and other ambassadors) to promote STEM subjects to girls and subjects such as care to boys.

Finally, the College remains as an active partner in the Forth Valley Developing the Young Workforce Regional Group and is the host employer for the Programme Team (a Programme Manager and three Programme Coordinators). The team actively work with schools and employers to promote the College's senior phase vocational pathways and to develop and enhance employer engagement with education.

Articulation

Our partnership links with Universities continue to evolve, developing from traditional articulation models to integrated learner journeys, where students can seamlessly progress through Higher National college activity on to the next level within Stirling, Heriot-Watt and Strathclyde universities.

In partnership with the University of Stirling, we continue to deliver four very strong partnership degree programmes in Applied Biological Sciences; Heritage and Tourism; Digital Media and Software Development with Cyber Security. Unlike traditional articulation arrangements, these are wholly integrated tertiary programmes, jointly designed, developed and delivered by the University, College and industrial partners. Students are enrolled both as students of the College and also the University from the beginning and, while they undertake their HND in College, they benefit from a wide range of enhancement activities, including workplace visits, guest lectures, visits to the University for joint lectures, seminars and practical activities. In terms of wider student life, most of the students on these programmes stay in the University Halls of Residence and participate fully in student life. Data from the University of Stirling shows that participation from students from MD40 is higher on our integrated programmes compared to other under-graduate provision, evidencing that the integrated degree programmes are widening access.

We also continue to work in partnership with Heriot Watt University on the MEng Chemical Engineering and with the University of Strathclyde's Engineering Academy on their BEng Chemical Engineering.

In addition to these Associate Student articulation arrangements, we also have around 122 formal articulation agreements, with guaranteed places, in a wide range of subject areas with University partners across Scotland. We are working to grow this further by progressively enhancing our work with existing HN students to raise aspirations and support articulation transition, although the year-on-year numbers are difficult to predict accurately, as they depend very much on HN students' individual interests and circumstances.

The College will continue to work with University partners to maintain existing articulation agreements and to increase the number of identified articulation routes available to learners, and will seek to maximise the benefit of articulation agreements by timely and targeted communication of all relevant articulation opportunities to learners.

Early communication of articulation opportunities will continue to be accompanied by appropriate advice and guidance to students and support through the UCAS application process.

Learners will also continue to be encouraged to engage with Universities (at subject and programme level) during their HN studies, through the facilitation of visits to University campuses, participation in University hosted lectures and industry events, and bespoke activity aimed at preparing articulating students for the transition to HE.

Credits Target

The College will deliver on its target of 88,094 Credits. This comprises 83,336 core Credits, 1,617 Credits for deferred students as a result of Covid-19, and 3,141 Credits for Foundation Apprenticeships. Through this delivery the College will prioritise the delivery of Credits to support re-training and re-skilling and to support economic recovery, maximising full time places where demand is high, and continue to prioritise school engagement with senior phase school pupils. The College is committed to delivering 2,493 Credits as part of the SFC led 'Developing Scotland's Workforce' European Social Fund strategic intervention, focusing on higher level skills to meet regional and national skills needs in the growth sectors of Early Years and Childcare, Hospitality and STEM.

High quality, learning, teaching and support

Student Progress Tracking and Student Support System

Through our last Evaluation Report and Enhancement Plan (EREP) we identified an action to enhance tracking and monitoring of student progress during the academic year, focusing on full time students. As such, two processes were developed and introduced during Academic Session 2018-19. The first development is that alongside recording student attendance, staff are also asked to comment on whether a student is progressing satisfactorily or not on their course, providing a brief description if a student is progressing satisfactorily. Real time reports are available to curriculum managers, with alert prompts sent where a student has been highlighted as not progressing satisfactorily.

The second development has been in-year tracking centrally of predicted performance of every full time student. These predictions have been undertaken three times during the session, and will be compared with year end outcomes. This has allowed real time reporting on our full time PIs at Department, Course and Student level, with the purpose of providing focus to where additional support may be required to help students succeed.

Another key action from our EREP was to develop and introduce a streamlined student support system. Our Student Support System (Triple S) was piloted in Session 2018-19 and Session 2019-20 saw the system rolled out across all areas. Triple S is a system designed to allow the capturing of all support being provided to a student in one place, and to allow staff to access this information in an easy and timeous manner.

The Key aims of this system are to streamline the existing support infrastructure available to students, and to make this vital information more accessible to all relevant staff. The College has processes in place to capture various support needs of our students, however because of the disparate nature of the services provided, and also because these processes are predominantly paper based, students could be asked to disclose information multiple times, as they access different functions of the support service. With the introduction of Triple S, information disclosed from students will be captured once within the central system. As Triple S captures this information centrally, it offers the opportunity to present this information back in a very accessible way to staff, which will help ensure that all staff who are in contact with a student are aware of any support needs and ongoing concerns and issues. This information will be available real-time, with icons developed and integrated with other systems, such as Enquirer for attendance and results recording, to quickly signpost to staff that a student has support needs, and provide quick and easy access to this information, to help ensure that our students are effectively supported.

As part of the College's PI Prediction Tracking tool there is an emphasis on identifying and monitoring students who are from the 10% most deprived postcode areas, are Care Experienced, or who have interacted with the College's Student Support System.

The success of Triple S has been built upon in subsequent sessions, with navigation improved and functionality added, and it is now a key College system, with full adoption across all areas. Through staff engagement combined with the use of these tools, we are aiming to maintain our very high attainment rates for part time students, and continue to increase our full time FE and HE attainment rates through Session 2021-22.

Project NxGEN FVC

In Session 2020-21 the College launched Project NxGEN FVC to enhance learning and the student experience at the College with bold aims of being a leading Education 4.0 organisation; having a Digital First culture; being financially resilient; being sector leading on e-assessment and validation design against all programmes; and designing and transforming our curriculum using evidence-based analytics.

The project has 5 key strands: To ensure an integrated whole system approach, where the learner journey is mapped out, duplication removed, and a digital first culture adopted; Transformational curriculum, with a full curriculum review aligned to Education 4.0; Inclusion and Student Support, with more targeted ASN and pastoral support aimed at improving retention and attainments; Continuous Curriculum Improvement, where college designed Course Review and PI Tracker tools help managers ensure a healthy and financially resilient curriculum, and the Learning and Digital Skills Academy.

Learning and Digital Skills Academy

During the first lockdown the College accelerated a funding bid to the Forth Valley College Foundation to fund a Digital Ambition project to coordinate professional and skilled delivery of learning and teaching to our students, staff and stakeholders in a new digital era. This enabled the College to launch our Learning and Digital Skills Academy as the central team to bring together the College's Creative Learning and Technologies Strategy, the sector's Digital Ambition and other key recommendations for the sector to ensure the College is at the forefront of excellent, contemporary learning and teaching practice, underpinned by an inclusive, resilient and sustainable curriculum portfolio, fit for the future.

The Learning and Digital Skills Academy through the FVC Enable project is driving forward digital skills development for all College staff, enhancing digital pedagogy, and enabling an increase in online and blended learning across all modes of delivery, including commercial programmes. Through the project the Learning and Digital Skills Academy will take forward and develop the effective use of analytics that will provide intelligence to maximise student engagement and improve attainment and retention. The Learning and Digital Skills Academy is a pillar of Project NxGEN FVC, and has identified 10 ambition statements that will deliver our digital vision by 2025.

Mental Health

The College is committed to ensuring we provide the best support we can to staff and students around Mental Health and wellbeing and have taken time to develop our approach to ensure we get it right. We have recently published our new Mental Health Plan, which is designed around embedding consistent and sustainable approaches to supporting the mental health of

our student. This plan links in with our work around supporting staff mental health and wellbeing to make sure that those supporting our students feel supported as well.

The College is continuing to collaborate with FVSA through the Student Mental Health Agreement to ensure that we are developing our services to respond to the needs of our students. In any work or activities that we and FVSA wish to do around student mental health and wellbeing, we are considering how we develop an evidence base, showing the impact on students of any initiative or activity, i.e., what difference it has made. We are also keen to always consider student feedback, as to whether the College has any gaps in service, real or perceived.

Our counselling and crisis services have been enhanced over the past year to ensure that we respond to the immediate needs of our students. We have enhanced our safeguarding processes to make reporting and responding to safeguarding disclosures more efficient and effective through the use of Triple S. Many of the referrals coming to are safeguarding team are related to mental health, especially around suicidal ideation and self-harm. Our counselling service has grown to include 1.5 FTE employed counsellors and a procured counselling service. This combination has allowed us to manage our waiting list more robustly as well as deliver a more flexible service to our students.

Session 2021-22, saw the trial of a new Mental Health Support team at the College. This team will deliver time-limited, goal-orientated support to students with a view to improving the outcomes of those struggling with their mental health. This service is funded by additional funding from the Scottish Funding Council and allows us the opportunity to enhance and evaluate the mental health support we are offering our students as well as enhance our partnership working with our NHS, Local Authority and third sector partners.

Throughout COVID, our counsellors and Support and Guidance Advisors have adapted their services to a blended delivery model. All counselling sessions are currently delivered online but we can also meet students in person if required. We have seen an increase in engagement from students using this model. Our Support and Guidance Advisors have continued to deliver an enhanced support offering to our care experienced and vulnerable students to these students are supported and appropriate interventions are made. We have also developed and purchased various workshops, including 'Sleep Hygiene', 'Exam Anxiety' and 'Cyber Wellbeing' to be delivered to groups of students who are struggling with their mental health. These have been well subscribed and we continue to deliver these on an ongoing basis.

The pandemic has seen a rise in the demand for mental health support however, it has also allowed us to develop our provision to support students in a way that works for them.

Partnership, participation and student experience

The College is fully committed to engaging students in developing and improving all aspects of our provision and services and in shaping and enhancing their own learning. Our Creative Learning and Learning Technologies Strategy clearly sets out our commitment to increase learner ownership of, and control over, their own learning. We have well-developed and effective processes for recruiting and training class representatives, including the opportunity for returning students to train as "senior class representatives" and take an enhanced role in leading focus groups and training their peers. We engage our students in reflection on and planning for enhancements to learning through our comprehensive Listening to Learners Focus Groups. Our class representatives engage with members of the Senior Management Team through Student Council meetings. We have a strong and active Students' Association, led by sabbatical officers and supported by a Student Liaison Officer and dedicated

administrative support. All of this ensures that the student voice is clearly represented in our processes for self-evaluation, which in turn inform our programme, department and college planning and target-setting processes, including the development of our Outcome Agreement. The Forth Valley Student Association also partake in “Feedback Friday’s” where a range of topics are discussed online, with voting, with feedback provided to the College’s Senior Management Team.

Learning with impact

Curriculum Review

Every session, as part of its internal evaluation arrangements, the College undertakes a full Curriculum Review to assess how effectively we are meeting the education needs of our region. As part of this review, Departments use Labour Market Intelligence aligned to college information to identify changes in the curriculum they plan to would like to offer, backed up with evidence to justify these changes or requests.

Within Construction the MA numbers have increased to meet workforce demand of skilled trades across carpentry and joinery, plumbing and heating and bricklaying. The team are developing a portfolio of Heat Pump and Solar Panel commercial courses that can be delivered within the new Renewables Training room at Falkirk campus. In July, Historic Environment Scotland moved to their new Skills Training Centre in Stirling City Centre. The college continue to work in partnership with HES to deliver the Stone Masonry MA portfolio.

Within Health and Social Care, the team are working closely with local health and social care partnerships and NHS Forth Valley to support their workforce development. Student placements and online skills boost courses have been used to prepare entry level front line workers for direct entry to employment in the local area.

There continues to be high demand for Early Education and Childcare courses across Forth Valley. The department work closely with local authorities to meet the workforce demand and the portfolio has diversified to include full-time, evening and SVQ options. This year the team are planning to introduce the PDA Education Support Assistant to support the increase in classroom support requirements.

Within Administration there are courses available from level 4 through to level 8 with clear progression routes through the levels. Progression to university from level 7 and level 8 HN courses with articulation agreements in place with 2 universities. A Fast track HNC Admin & IT is being offered starting in January. This course will be delivered fully on-line, with the exception of the graded unit exam. The rationale behind this was to attract applicants throughout Forth Valley area and beyond, with progression being direct entry into year 2 of HND Admin & IT.

Within Business there are courses available from level 4 through to level 8 with clear progression routes through the levels, with progression to university from level 7 and level 8 HN courses with articulation agreements in place with several universities. There is a New Start Business course being offered in January, with progressions on to NQ Admin & IT, NQ Business or NQ Finance. Our professional management qualifications continue to be popular, generating significant interest from local FWDF employers. We have noted that, in particular with CIPD, that we have increasing numbers of learners who return to us to continue on to successive levels of the programme. We also enjoy repeat business from local employers, who have realised the added value that these qualifications bring to their staff, and organisations.

Within Accounting by changing one unit, we have been able to offer students an NC in Accounting, rather than the previously offered NQ Finance. We continue to offer three streams of year 1 of HND Accounting across our Alloa and Falkirk campuses, with a second year stream also offered on each campus, ensuring progression opportunities for our learners. Forth Valley College was the only college in Scotland to have students successfully complete the full qualification in academic year 2019-20. Last year, we partnered with Johnstone Carmichael, Scotland's largest firm of independent chartered accountants, to offer our students a virtual work experience placement.

Within our Community courses we are continuing with the delivery of New Start – Care & Community (January start Course) and the NC & HNC Working with Communities (full time programmes), and we are currently offering a PDA in Youth Work to be delivered in the evening starting in January, which has been developed to be an additional feeder course for the HN programme and it is also viewed by the local Community Learning Development (CLD) teams that their youth workers will benefit from this qualification.

Go Forth Programme run for members of the recovery community has been expanded in 2021 to include a pilot in Stirling, with small numbers in the first cohort but looking to increase numbers for the 2nd cohort in January. This has been expanded on the basis that following COVID and lockdowns, there is anticipated to be an increase in the number of people in recovery looking for access to education/employability skills provision.

Within our Access courses the main change to delivery has been the introduction of a second Alternative Curriculum Course at Falkirk, solely for students from the Interrupted Learners Group. This group of students mainly suffer from mental health/anxiety issues and coming onto the main stream programme would be a challenge, therefore we are piloting a 2nd cohort just for this group.

Tourism is currently the 3rd largest key sector in Forth Valley (10,900 jobs) with a forecast average annual GVA growth of 1.4% between from 2019 – 2029. Due to low applicants likely in part due to school pupils being out of school during lockdown, the NPA Travel and Tourism did not run in session 2021/22. This will be offered again for session 2022/23. Further changes were implemented to the NC Travel and Tourism for 2021-22 to further promote progression to higher level study and employment. Practical Tourism Visit and Work Placement units have been reintroduced to both HND Travel and Tourism and BA Heritage and Tourism in session 2021/22 as a result of relaxation of Covid restrictions. Some other minor changes made to these courses to promote more effective use of combined assessment. NC Travel and Tourism will not be offered on Stirling campus for 2022/23 and will be replaced by combined NQ Tourism and Events.

In 2017 there were 15,420 registered Creative enterprises in Scotland, 88% of these had less than 5 employees and 59% of the 15,420 registered enterprises were sole traders. As this labour market intelligence tells there is a high percentage of employment within the Creative Industries which is self-employment and small businesses. As such, the department is working with Bridge 2 Business and has arranged for them to deliver bespoke sessions to both BA Art & Design groups over a period of about 8 weeks, albeit remotely via Teams.

Within Art & Design, due to poor recruitment for our Alloa NC Art and Design we decided to reduce to one NC at our Falkirk campus and introduce a BA Art and Design Year 1. More school pupils are staying on at school and taking advantages of the increased choice of offerings available to them there, so it makes sense to offer the degree from year 1. This will filter into our pre-existing HND offerings so by utilising some clever project briefs and streaming towards the end of year 1 we will have 2 HNDs and 1 degree course filtering into 2

year 2 groups, boosting the numbers in the year 2 groups and also boosting the numbers available to progress onto 3rd year of the degree course.

For Session 2021-22 Salon Services launched NC Level 6 Make-up Artistry (2 cohorts) as a replacement for SVQ Beauty Therapy Level 3. This NC is to provide articulation to HND Make up Artistry and the rationale for this was that the fashion make-up customer service and retail business is flourishing. HABIA (the Government approved standards setting body for Beauty, Hair, Nails and Spa) indicate the trend for growth is due to the influence of fashion, the desire to look younger and the increase in real disposable income. According to Mintel (Mintel.com — market analysis and reports), the worldwide skincare, beauty and cosmetics industry is predicted to be worth over \$675 billion by 2020. Furthermore, premium make-up was reported to be the fastest growing sector (The Premium Market Report, 2013), and according to statista.com, two-fifths of British women are viewing online beauty/make-up tutorials, which results in approximately 700 hits per month. Fifty-one per cent of the beauty content on YouTube are make-up videos. Total sales of prestige make-up products grew by 9% between March 2016 and February 2017 (statista.com). Research undertaken by the organisation Superdrug, who polled 3,000 women, indicated that the average woman spends over £400 per annum on cosmetics and spends approximately 20 minutes per day applying them. From the poll, 70% said they would never leave the house without applying some form of make-up and 68% said they feel more confident, fashionable and/or youthful when wearing make-up. With this in mind we intend to offer HNC Fashion Make-up in August 2022.

As a result of Covid-19 the College decided to move away from SVQ Level 3 hairdressing and move to VRQ Level 3 hairdressing as an alternative as assessments could be adapted and video evidence is acceptable. This qualification will also allow more flexibility in terms of also being delivered part time in the evening providing a more inclusive stream to allow a wider demographic of applicants. So accommodating people in employment looking for an alternative career or where childcare needs during the day prevent access to full time programmes. Based on this information we intend to move away from all SVQs in hairdressing next session.

Within Computing due to poor progression from HNC Cyber Security from session 2020-21, HND Cyber Security is not running this session and has been replaced with an extra offering of HNC Cyber Security which will hopefully result in a viable HND Cyber Security group next session. Schools' offerings have increased with the introduction of NPA Cyber Security being offered to Falkirk schools and discussion is taking place to engage with Alloa schools to offer NPA provision for S6 pupils. Preparation has started for the introduction of New Gen HN which will replace HND Computing: Technical Support and the content of the BSC Computing with Cyber Security.

The College's Graphic Design and Photography provision has been reshaped to ensure seamless progression from SCQF Level 4 through to SCQF Level 9. This includes working with Local Authority partners to provide access to college courses for Senior Phase pupils as well as continuing to provide opportunities for academic progression beyond our HND level study. The final piece in this ladder was put in place for Session 2020-21 with the introduction of NC Creative Industries: Graphic Design SCQF Level 6. This exciting and new qualification, recently developed by SQA and Industry partners, allows learners working across the Creative Industries to work together across a range of disciplines. The format of this particular qualification where learners study a common core and then have access to a range of specialist optional units is a Qualification design principle is being considered for advanced SCQF provision.

Within Hospitality the College, to support continuing professional development for individuals in professional kitchens and to help address ongoing skill shortages for highly skilled chefs and pastry chefs, have launched NC Bakery. Our main considerations for this decision was that the craft bakery industry reported a skills shortage, combined with a rise in the artisan baker and flour confectioner. There is huge demand at the moment within hospitality for skilled staff and hospitality will continue to respond to those needs within FVC. We are promoting school students to enter this industry by increasing our portfolio in this area. We have increased from doing 1 school, to doing 8 in this academic year. We also have an increase planned for 2022-23. Butchery and food manufacturing is also under review for 2022-23 in a bid to be added to our portfolio. There is industry demand for these areas across the board.

Modern Apprenticeship

Forth Valley College is one of the largest College providers of Modern Apprenticeship (MA) training and contributes significantly to the achievement of Scottish Government and SDS priorities. Our MA provision directly supports key sectors of the Scottish Economy with significant activity in Engineering, Construction, Science, Management, Business Administration Hospitality and Salon Services, and IT. Our record for successful delivery of MAs has also attracted places through key sector bodies such as SECTT, SNIPEF, BEST and CITB. We continue to achieve higher than average attainment rates for learners undertaking MA provision as well as higher than average achievement rates.

Our “Employer Portal” was developed with the input of employers and is accessed by businesses over the last few years with great success. It allows employers to see their progress and attendance of their MA or employee whilst at the College in real time.

As a consequence of engagement with new organisations through the Flexible Workforce Development Fund we have taken on additional Modern Apprentices with organisations who have never taken on MAs before.

Employer Engagement

Employer engagement is right at the heart of Forth Valley College’s business model and our mission of “Making Learning Work” means making learning work for employers, as well as for students. One of our six strategic themes is “Enhancing our position as the business and community partner of choice” and we deliver on this through a whole-College approach to meeting employers’ current and future skills needs. Every department has a responsibility to develop effective and mutually beneficial relationships with employers, ranging from partnership working to create opportunities to enhance employability skills for full-time students, through to the development of bespoke training courses and facilities for employers. We work with companies from the smallest, local, social enterprise through to multi-national corporations and pride ourselves in meeting their diverse range of needs and challenges. Forth Valley College has very strong links with industry across our courses in all teaching Departments, with employers having significant input into course designs, and in many cases, courses developed specifically for employers.

Public Health Emergency

The College has followed all guidance provided by Scottish Government in relation to Covid-19 and has been very pro-active in supporting all students and staff during the pandemic, and in preparing our campuses for safe opening when restrictions were lifted.

In preparation for Session 2020-21 a Return to Campus Operations group was formed to ensure readiness for the new session taking cognisance of ever-changing Covid-19

guidelines. Within all of our campuses all teaching areas were reconfigured to accommodate increased physical distancing. All staff workroom and communal areas were also reconfigured to accommodate increased physical distancing, along with ensuring that all areas had sufficient sanitation and cleaning products available and in areas such as reception, protective screens were installed. Technology was added to all classrooms to enable the delivery of online or blended learning. The College prioritised capital spend to purchase an additional 418 laptops for student use, and were grateful of additional funding from SFC to purchase a further 252 laptops again for student use. The College built and introduced a process to initially prioritise students most in need of support, and to now we have distributed close to 1,000 laptops to students to enable them to engage in their learning. The College was also successful in two bids to Connecting Scotland and is in the process of distributing 70 Chromebooks to care-experienced students.

As we started Session 2021-22, courses were prioritised for either fully on-campus delivery, following a blend of on-campus and on-line delivery, and fully on-line learning. Course were prioritised for on-campus delivery where there is a high volume of practical delivery, or where experience has taught us that a course had engagement challenges in embracing on-line learning. In Session 2021-22 laptop loans have been prioritised for course being delivered fully on-line or courses with blended delivery.

Equalities and inclusion

The College successfully complies with all Equality Act requirements and the Scottish Specific Duties, and continues to meet the three aims of the Equality Duty through our mainstreaming approach to equality. We published our Mainstreaming Report and our Equality Outcome progress together with our annual employment data and equal pay statement. Progress reports are available on our website at <https://www.forthvalley.ac.uk/about-us/equality-diversity/>.

Equality remains a key element of staff development with general awareness raising sessions delivered to complement on-line training. Specific resources for equality are also made available for staff. Staff from our Learning Support service have delivered tailored staff development on reasonable adjustments and specific needs and barriers of students with particular additional support needs such as Autistic Spectrum Disorders and Mental Health as well as sessions on developing accessible materials and creating an inclusive learning environment.

We have worked jointly with the Student Association to raise awareness on events throughout the year to highlight specific issues such as violence against women, LGBT History Month, Black History Month and Show Racism the Red Card. We have also have a sustained campaign around period poverty and ensured that students have access to free sanitary products.

Staff and student data are collated and analysed for any negative impacts in terms of profile, retention, progression and attainment. Specific action has taken place for areas of under-representation, for example women in STEM, and action is taken through the self-evaluation process where there are any differences in attainment for people with protected characteristics. Our Equality Mainstreaming was published in April 2021, along with our Equality Outcomes for the next four years.

Equality is integrated into learning and teaching approaches through the Creative Learning & Learner Technology Strategy and associated Learning Activity Planning Tool. Partnership

remains a key focus, with the Equalities, Inclusion and Learning Services team having representation on local groups consisting of public sector and third sector partners such as the Clacks and Stirling GBV Partnership, Forth Valley LGBT Development Group, the MAHRS (Stop Hate Campaign) group and Scottish Equality Forum. We also work in partnership with Falkirk's Equality and Diversity Police Officer.

The College holds a key charter mark award for equality. We were the first college in Scotland to receive the BRITE Chartermark for inclusion, demonstrating our commitment to inclusive practice across college. This award examines and recognises everything from our Respect campaign, equality awareness raising, staff and learner development, learning support service, inclusive learning and teaching approaches through to physical aids and adjustments in terms of accessibility of services, buildings and technology.

The College has developed an [Access and Inclusion Strategy](#), which includes the College's Gender Action Plan and BSL Action Plan.

Meeting additional support needs

The College Equalities and Inclusion Team provide a needs-led Learning Support service for learners with additional support needs. Support is tailored to individual circumstances with the learner at the centre of the process to ensure their needs are met effectively. High quality needs assessments are completed with learners and the College is an accredited needs assessment centre for Student Awards Agency for Scotland Disabled Student Allowance applications. All prospective, new and current learners are informed of support available and how to access it – learners are able to disclose support needs at any time during their time at College. In Session 2020-21 we provided learning support to over 800 students with a wide range of additional support needs from acquired brain injury, short term memory loss, dyslexia or Asperger syndrome to mental health difficulties, completing a range of programmes at all levels. Further detail is provided within the College's Access and Inclusion Strategy.

The department of Business & Communities provides a wide range of courses, under the banner of 'supported programmes', for disadvantaged young people in the senior phase of school who have a diverse range of support needs. This spans from supporting those with learning disabilities and/or those with social, emotional and behavioural needs.

We provide, on all three campuses, extended school link classes for young people with learning disabilities to support them in their transition from school into college or the workplace. These young people have learning support needs ranging from profound and complex needs to those with mild to moderate learning difficulties. We work closely with schools and support agencies, such as social work, to help these young people to progress.

In addition, the department provides a wide range of courses specifically targeted towards young people in the senior phase of school who have social, emotional and/or behavioural support needs. These young people are amongst the hardest to reach in our community who may have disengaged with school and/ or the wider society or currently be in a specialist school support unit. Working with a diverse range of agencies and partners, including schools, we participate in school leaver destination meetings and, where possible, individual review meetings to support the young person, their carers/families and wider agencies support the young person's progression into college or the workplace.

Safeguarding

The College has recently updated its Safeguarding policy to ensure the Safeguarding of all Children, Young People and Adults who are involved in any way with the College. The policy

also gives staff a clear structure within which they can operate safely. We have also upgraded our safeguarding referral system, which now sits within Triple S. This new system is easier for staff to navigate and allows us to record and analyse our responses to improve our service for the future.

The College fulfils its duty of care by:

- raising the awareness of all staff of the need to Protect Children, Young People and Adults, and to emphasise the responsibility of all staff in reporting possible cases of abuse or harm to the Safeguarding Team;
- providing appropriate procedural steps in order to monitor the Colleges involvement in Child and Adult Support and Safeguarding Referrals;
- contributing appropriately to assessments of need and support packages for those Children, Young people and Adults affected by abuse or harm;
- emphasising the need for, and facilitating good levels of, communication between all members of staff and other agencies.
- providing mandatory compliance training for all existing and new staff, delivered by the Safeguarding Team.
- Continuous professional development of all of the safeguarding team

Corporate Parenting

Forth Valley College is represented on several external groups where transitions and care experienced young people are discussed and where policy and procedures are agreed and implemented. These include: Falkirk Corporate Parenting Steering Group, Local Employability Partnerships, school transitions meetings, Clackmannanshire Positive Destinations group, Clackmannanshire Corporate Parenting group, Stirling Community Enterprise, Stirling Voluntary Enterprise, and memberships in Who Cares? Scotland, Children in Scotland, CELCIS (Centre for Excellence for Looked after Children in Scotland), CEECEF (Care Experienced, Estranged and Carers East Forum), CLASS (College Liaison Association with Scottish Schools), West of Scotland Care Leaver Forum, University of Stirling Corporate Parenting forum and more.

The College developed its [Corporate Parenting Plan](#), which includes a revised and detailed Corporate Parenting Action Plan, including actions to help care experienced students' transition successfully to College and to support care experienced students to successfully complete their course. This plan is in the process of being updated, with a view to focusing on embedding current good practice and support. Over the past year, our support to care experienced learners has been developed and now all of these learners have a named contact within the college who makes contact with them as soon as they disclose their care experience status. This allows us to gauge the type of support these learners may need during their time at college and implement it swiftly. This system also provides these learners with a trusted person within the College who they can go to if they need help or guidance.

In addition to the support available at the College, we are also running a mentoring project funded by The Robertson Trust. The Time4Me project, led by the Mentor Co-ordinator, trains College staff to act as a mentor to young people who are care experienced, young carers or from the 10% most deprived areas. Learners referred to the project are matched with an appropriate mentor who works with them for an hour per week. Through this project, we have seen an increase in learner's confidence, resilience and coping skills. Learners on this project are also more likely to stay on course than students from the same backgrounds not accessing mentoring. The next phase of the project is to look how this service can be scaled up to support a larger number of learners.

To demonstrate our on-going commitment the College has set targets to increase the number of Credits delivered to Care Experienced students at the College, through both increasing disclosures from students and also increasing our overall number as Care Experienced students become more aware of the support available from the College.

The College is also committed to ensuring that opportunities for learning are provided to all prospective students regardless of postcode, and are targeting delivering 11% of our Credits to students from the 10% most deprived postcodes, which is a higher percentage than the Forth Valley region. Both care experienced and students from SIMD10 postcodes have been identified as being more likely to face challenges with their learning, and as such are tracked through curriculum review meetings to help assure that any necessary support is in place.

Meeting Diverse Needs

Forth Valley College strives to improve learners' life chances ensuring that learners with a disability have the opportunity to access educational provision that, where appropriate, best matches their abilities and allows them to reach their full potential and where suitable, progress on to either mainstream provision, training or employment. The majority of the Access and Progression department's programmes build on learners' personal and social development, employability skills, health and wellbeing. College staff work with Local Authorities and other agencies to identify care leavers, disengaged young people, and learners not in a positive destination in order to put in place local interventions. Currently, provision for learners with additional support needs is delivered within our school link curriculum and some of the learners' progress onto our full time Lifestart and Workstart programmes, either on a full or part time basis, or onto our Opportunities for Young People course.

Our Workplace Co-ordinator supports learners to secure suitable work placement opportunities within our Preparation for Employment programmes, these can either be in Construction, Customer Service or Business, with placements supplemented with Employability Units delivered within college.

Adults with additional support needs access our evening provision which is practical in nature (drama, music, art). The programme of study is accredited with SQA units at Access 1 level.

Not all learners with extended additional needs undertake learning which has formal recognition of achievement, so are not all included within the target set for this group. The College is meeting the needs of this learner group by working closer with our partners to ensure smooth transition from school to college, with staff attending transition meetings and hosting events to try to make students and their families feel more supported in moving on to college from school. We invite parents/carers into the College with the young person and conduct tours prior to their interview to help build a relationship with the young person and their families. This involves Alternative Curriculum courses across all campuses, although delivery differs across the different council areas, with an additional cohort added in 2021 specifically for Interrupted Learners. In August 2020 we also commenced a pilot programme in Stirling called "Progression Advantage Stirling", this is aimed at S3 pupils who have either already offended or are on the verge of offending and bringing them into college one day per week try and improve engagement and deliver units very different to the school curriculum.

We additionally run the following 2 partnership programmes for learners with Additional Support Needs:

This Centre Forward programme is delivered in partnership with Falkirk Football Community Foundation. The programme is designed for young people who have additional learning support needs and who wish to become more active whilst learning and developing their

confidence. Combined with certificated SQA units, learners have a unique opportunity to take part in a range of on the pitch activities – encouraging practical learning and improving health/wellbeing at the same time. They also benefit from real-life work placement opportunities.

DFN Project SEARCH is a one year internship programme, supporting young people with additional needs to gain skills and experience aimed at helping them move into sustainable employment. Locally it is delivered in partnership with Falkirk Council, NHS Forth Valley, Forth Valley College, Serco, Skills Development Scotland and Department of Work & Pensions.

The programme enables 12 young people per year to receive support to undertake work placements across a range of job areas, usually based within Forth Valley Royal Hospital/Serco, Larbert, with more placements taking place this year within the college setting due to Covid restrictions in the hospital. On-site, interns will be assisted throughout by a college lecturer and a job coach, as well as hospital staff and supervisors.

We also deliver accredited ESOL classes across all three campuses, which enables learners to gain SQA qualifications from Level 2 to Level 6. We work closely with the Community Planning Partnerships in each Local Authority, to encourage learner progression, link delivery to local need and look to create capacity where required. We assess the level and needs of all learners interested in joining ESOL college classes and where appropriate we signpost them to other providers in the Local Authority to support specific needs.

The College strives to ensure all learners have access to College courses, evidenced by our target of maintaining the proportion of activity delivered to learners from the 10% most deprived postcodes at 11%, which represents a higher percentage than the 7% of the whole Forth Valley population who reside within the 10% most deprived postcodes. Our success rates for students from both the 10% most deprived postcodes, and also from the 20% most deprived postcodes were also the highest in the college sector for Session 2019-20. The College also has above sector average success for Care Experienced students as well as students aged under 18 and aged 18-20.

The College has systematically developed Performance Indicator reports to enable all teaching teams to analyse enrolment, retention and success by all protected characteristics, and there is a requirement to report and provide analysis of any under-representation from protected characteristic groups through team self-evaluation report

Race

We have a target of maintaining enrolments from students from a black or ethnic minority at 3%, which represents a higher percentage than the 2% of residents within Forth Valley who are from a black or ethnic minority. There is more detailed monitoring of our enrolment, retention and success PIs for Black and Minority Ethnicity (BME) students through our Access & Inclusion strategy.

The College is committed to a sectoral approach to anti-racism, and is committed to a sectoral declaration. We have undertaken numerous awareness campaigns such as the 'Tackling Racism on Campus' project, supported by Advanced HE. Key staff, including the Leadership Management Team members and Board members have attended 'Introduction to race Equality' training to help support the embedding an anti-racism agenda across the organisation.

Gender

The College is committed to delivering on its [Gender Action Plan](#), which is published on our website. At subject level there is under-representation of females within STEM subjects, which has been highlighted as a target, however this isn't a quick or easy fix. The College has a number of initiatives with one example being our STEM club which is aimed at primary aged pupils, and has attracted more females than males. The purpose of these courses is to spark an enthusiasm of young (predominantly female) learners in STEM subjects. We have also launched Primary Engineers where College Engineering staff are visiting primary school pupils to engage them in Engineering at an early age. For every school visit female engineering staff have been involved to highlight that Engineering is a career path for both sexes.

Our School-College Opportunities to Succeed courses are designed to provide a taster of subjects for school pupils entering their senior phase, and these courses have been deliberately designed to allow both females and males to experience subject areas they may not have experienced before eg females experiencing Construction & Engineering, and males experiencing Hairdressing & Care. In its first year of running, two males progressed on to Childcare courses from this course.

Forth Valley College's project mission is to ensure that our specialist science and engineering provision and enhanced school/college activity in STEM subjects is actively promoted to women and girls who are currently under-represented in these subject areas. We aim to build on our STEM Assured status and strong partnership links to tackle stereotypical vocational choices in relation to gender. One of the activities which will be undertaken is evidence gathering through a survey of our school link cohort to gather knowledge of the key influencers on subject choice and the rationale of subject choice, to better understand how the College can influence future learners. We are also focusing effort through our Developing Young Workforce Action Plan to adjust our course literature and marketing materials to actively encourage females to engage with STEM subjects. Our offering within this area includes HNC subjects in Electrical Engineering and Computing Science, our SCOTS programme, and the new Foundation Apprenticeship in Engineering. Alongside the marketing material we also have a planned programme of engagement with schools, including pupil and parent information events, CPD for teachers and pupil support staff and visits to the College campuses.

In consultation with members of the Trans community the College has developed a [Trans Guide](#), which is intended to support students who identify as Trans and non-binary.

Gender Based Violence

The College is currently developing a plan around Gender Based Violence (GBV) and is committed to the aims outlined in Equally Safe. We work closely with Forth Valley Student Association (FVSA) to ensure a joined up approach, as we know that both staff and students can be affected by gender based violence.

The College is currently working in partnership with Forth Valley Rape Crisis and we now host a support officer based on our Falkirk campus one day per week. As well as hosting a support worker, this partnership also aims to deliver sexual violence prevention workshops to students via the Learning Development Workers timetabled slot with non-advanced groups. In terms of 'early intervention', we have delivered Bystander training for FVSA and some class reps as well as training in tier one GBV awareness; trauma informed approaches and how to respond to disclosures trainings to key College support staff (Learning Development Facilitators,

Learning Resource Assistants, Learning Development Workers, Learner Advisors, Mental Health Ambassadors).

Carers

The College will strive to encourage disclosure from both students and staff of non-education needs such as having carer responsibilities through awareness raising campaigns on the support and potential funding available for carers. The College has been accredited as becoming an Engaged Carer Positive Employer in Scotland to 'exemplary status'. A Carers Charter has been created that highlights how the College values the vital work done by carers and is committed to working with them to help them continue with their education. The charter was the brainchild of the Forth Valley Student Association, and is supported by the College's Student Services Team, carers Trust Scotland and Stirling Carers Centre.

Outcomes for Economic Recovery and Social Renewal

Responsive institutions with Work-ready students

An example of where the College has reacted to the changing environment that employers are operating in, and has adapted to ensure we have a pipe-stream of work-ready students is within Modern Apprenticeship recruitment. The College has seen significant challenges in relation to employer willingness to recruit Modern Apprentices in the current climate. An innovative solution from the College has been to recruit students to pre-apprenticeship programmes which follow the same curriculum route as our MA programmes, which will allow students to switch to the MA programme seamlessly when employer confidence grows.

The East Central Scotland Colleges Collaboration is a venture formed by Edinburgh College, Fife College, Forth Valley College and West Lothian College, with the purpose to jointly collaborate on a curriculum proposition that would meet the needs of the local and wider region during the economic recovery of the Covid-19 pandemic. The Colleges worked together using bespoke and accelerated Regional impact Assessment Data from SDS and evaluated this labour market intelligence data against 8 identified priority sectors. Through a series of workshops the consortium collectively generated 8 distinct curriculum product offerings that were aligned to the priority groups and sectors and possible funding streams. Scottish Government sanctioned that Skills Boost and HNC Accelerator would be taken forward to be funded, with rollout across the whole sector. Each of the colleges defined what curriculum they will lead on, and joint marketing was undertaken, along with an agreement for cross referral should there be any unmet demand. This provision is aligned to the Young Persons Guarantee and Transitions Training Fund.

Flexible Workforce Development Fund

The Flexible Workforce Development Fund (FWDF) supports employers to address skill gaps, improve workplace productivity and adapt operations around the impact of the Covid pandemic. Delivery of FWDF activity continued through lockdown with courses developed to be delivered online, or operating with smaller cohorts once Government guidance allowed, with employers continuing to be enthusiastic about the fund.

Innovation

The College is involved in Fuel Change, which is a national Apprentice Challenge lead by the sector with sponsorship from SFC and SDS. Its vision is to create a carbon-neutral Scotland for the next generation, engineered by the next generation, and its purpose is focusing on practical innovation for low carbon business solutions and creating high value jobs for the future. The challenge has been run as a series of sprints with teams of engineering apprentices in teams of between 4 and 8 being part of the Fuel Change Challenge. 38 teams, and 230 apprentices from 18 employers started sprint 1, with 24 teams progressing to the final sprint.

The College is a partner in a consortia who have submitted to UKRI an application to the Strength in Places Fund. Our consortia of industry, academia, public support bodies and local government, concentrated in Scotland's Central Belt, is poised to grasp this trillion-pound bio economy opportunity. We will fast track innovation, remove barriers facing business, and transform Grangemouth into a bio manufacturing centre of excellence. This ambitious project will deliver an Engineering Biology Centre, a Skills and Training Hub and a Business Support Unit. Together forming the Bio economy Accelerator to generate an ecosystem for launching innovative start-ups and fast track growth of existing businesses. Through this bid the College will establish a Skills and Training Hub to provide training in industry relevant skills to transition the talent needed for economic growth.

The College is set to be heavily involved in projects being developed through the City Deal Funding plans which were revealed in May 2018. The significant investment forms part of a £90.2 million UK City Region Deal for Stirling and Clackmannanshire, announced by the UK and Scottish Governments. The University of Stirling will receive £17 million for a new Institute of Aquaculture and Global Aquatic Food Security facility, as well as £22 million for an International Environment Centre developed in partnership with Forth Valley College and Clackmannanshire Council.

The International Environment Centre will draw together academic and technical expertise from across Scotland, the UK and the world. It will connect environmental research with business opportunities, skills and training and will take full advantage of the natural environment and heritage of the region. It will become a STEM hub for Forth Valley. The plans are intended to deliver economic growth that is more socially inclusive, providing new opportunities and aspirations for young adults, the development of skills, and the creation of a sustainable and distinctive source of employment for Scotland. The International Environment Centre will be sited to the west of Alloa on a derelict industrial site on the banks of the River Forth. Initially the International Environment Centre will locate within the College's Alloa Campus, in an area which will be shared with 5G Forth Valley as they establish a 5G hub to showcase the capability and latency of 5G to local companies.

Responsive and Collaborative

Springback programme

In Session 2021-22 the College launched its Springback programme, which is the College's programme for the next stage in the college's recovery from Covid-19. We have seen similar programmes being promoted across business and government under the guises of Recover, Rebound, Reinvent and Reimagine. This is the College's opportunity to put in place robust and well communicated plans and actions through positive consultation to prepare for a phased return to work, a phased return to learning and teaching, to build on the strengths

learned from remote working and learning as a result of the pandemic, to learn from what has not worked and to help build morale, excite staff and students and support positive health and well-being.

The overall vision for the Springback programme is to reimagine a collegiate Forth Valley College and Making Learning Work, learning from all our experiences and bringing added value and benefit to all our staff, students and stakeholders through a refocus on the college values for respect, innovation, trust and excellence; through our College Purpose for right learning, right time, right place and our vision for Making Learning Work. Underpinning everything will be promoting opportunity and health and well-being for all. The programme team will work on each of the six College objectives and how they have been influenced by recent experience, and how we can maximise opportunity. The key projects have materialised as enhancing the Student Journey, Hybrid Learning, Hybrid Working, Maximising the use of MS Teams and Re-introducing Staff and Students to Campus.

Collaboration

East Central Scotland College Collaboration

The East Central Scotland Colleges Collaboration is a venture formed by Edinburgh College, Fife College, Forth Valley College and West Lothian College, with the purpose to jointly collaborate on a curriculum proposition that would meet the needs of the local and wider region as our economy recovers from the impact of Covid-19. The Colleges worked together using bespoke and accelerated Regional impact Assessment Data from SDS and evaluated this labour market intelligence data against 8 identified priority sectors. Through a series of workshops the consortium collectively generated 8 distinct curriculum product offerings that were aligned to the priority groups and sectors and possible funding streams. These products were presented to the chief executives, and subsequently evaluated by Scottish Government with a view to taking forward with a range of measures to implementation. Scottish Government sanctioned that Skills Boost and HNC Accelerator would be taken forward to be funded, with rollout across the whole sector. Each of the colleges have defined what curriculum they would lead on, and embarked on joint marketing, along with an agreement for cross referral should there be any unmet demand. This provision is aligned to the Young Persons Guarantee and National Transition Training Fund.

South East Regional College

The College also has a unique partnership around creative learning with South East Regional College (SERC) in Belfast. As an example this collaboration won the CDN Innovation Award in 2018 showcasing the value of joint-working, and the value to our students of working on projects in partnership with students from another College, and from another part of the United Kingdom. Both colleges have embarked on shared staff development conferences over the last few years, including a fully virtual joint digital conference for all staff. The Boards of Management of both colleges have also had joint board meetings.

University of Stirling

In partnership with the University of Stirling, we continue to deliver four very strong partnership degree programmes in Applied Biological Sciences; Heritage and Tourism; Digital Media and Software Development with Cyber Security. Unlike traditional articulation arrangements, these are wholly integrated tertiary programmes, jointly designed, developed and delivered by the

University, College and industrial partners, and are monitored through a Programme Board co-chaired by Senior Managers from both organisations. Both organisations meet regularly at a senior level and are exploring further opportunities for collaborative working.

University College Hospital partnership

Forth Valley College is working with NHS Forth Valley and the University of Stirling to establish the UK's first University College Hospital partnership. This regional partnership will work together to achieve targeted outcomes that will improve the health of local communities. The partnership aims to establish learning and skills pathways that support progression to higher education and employment and will also develop career pathways and progression opportunities for people working in health and social care across the region. The planned launch date of the partnership is April 2022.

Climate Emergency

Forth Valley College recognises that the changing climate will have far reaching effects on Scotland's economy, people and environment. Consequently, the commitment to carbon reduction remains a key strategic objective for the College and we continue to progress a "whole college approach" through adoption of the Environmental Association of Universities and Colleges (EAUC) Learning in Future Environments (LiFE) initiative. The LiFE initiative adopts a self-assessment tool for 4 key themes- each with their own objectives;

- Leadership and Governance
- Estates and Operations
- Partnership and Engagement
- Learning and Teaching

Our vision is to continue to lead by example in all our activities and to ensure that learners are aware of the impact their actions will have, on the environment. This commitment is supported by the College Green Sustainability Statement that is approved annually by the Board of Management and Senior Management Team.

The College, through its partnership with the EAUC and re-signing of the Universities and Colleges Climate Commitment for Scotland (UCCCfS) has developed a Carbon Management Plan, with a commitment to lower carbon year on year. Moving into our new Falkirk campus means that we aim to reset our baseline once we have sufficient data, however our new campus will have a lower carbon footprint than our old campus. However The CMP forms only part of the overall College Sustainability agenda. The College Sustainability Committee consists of various College support and teaching departments along with the Student Association. The Committee set key performance indicators and continue to monitor progress. These key performance indicators include printing, travel, energy and utilities, health and wellbeing, sustainable procurement, waste, Fairtrade, embedding sustainability into the curriculum along with citizenship and employability.

The College has introduced and embedded a range of measures to reduce energy usage. Overall heating temperatures have been reduced controlled by the Building Management System, and at Falkirk users cannot override radiator settings. At both Alloa and Stirling we have upgraded our rain water harvester systems, which is allowing greater use of grey water.

We have reduced our emissions by increasing our green fleet of electric vehicles to three cars and two vans, we have reduced travel by smarter timetabling with staff not timetabled in more

than one campus per day, and have been promoting active and sustainable travel, including having five ebikes which are available to staff and students for short term loan, and we secured funding to purchase 30 recycled bikes which are being made available to staff and students.

One positive impact of the pandemic has been the uptake in the use of collaboration platforms such as MS Teams, which we aim to continue to promote the use of once we return to campus to reduce travel between campuses, or to enable more home-working, with a view of cutting carbon emissions.

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Appendix 1 - College Outcome Agreement Impact Framework: Supporting Data

Measure	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
A Credits Delivered (Core)	87,584	84,041	84,047	84,931	84,202	84,657	84,369	88,094 *
Credits Delivered (ESF)	0	2,231	2,249	2,045	1,898	1,860	1,800	2,493
Credits Delivered (Core + ESF)	87,584	86,272	86,296	86,976	86,100	86,517	86,169	90,587
Young Persons Guarantee/Transition Training Fund							1,060	1,031
B Volume of Credits Delivered to 10% most deprived postcode areas	9,068	9,808	9,052	9,381	9,146	9,163	9,250	9,602
Proportion of Credits delivered to 10% most deprived postcode areas	10.4%	11.4%	10.5%	10.8%	10.6%	10.6%	10.6%	10.6%
C Volume of credits delivered to care-experienced learners	1,578	1,616	1,903	2,196	3,558	4,183	4,073	4,258
Proportion of credits delivered to care-experienced learners	1.8%	1.9%	2.2%	2.5%	4.1%	4.8%	4.7%	4.7%
D Number of senior phase age pupils studying vocational qualifications delivered by colleges	157	218	322	354	495	764	837	803
E1 Proportion of enrolled students successfully obtaining a recognised qualification (Full time FE)	70.4%	69.4%	73.5%	71.4%	69.2%	70.1%	69.3%	71.0%
Number of enrolled students successfully obtaining a recognised qualification (Full time FE)	1,470	1,405	1,521	1,364	1,379	1,323	1,200	1,243
Total number of FTFE students	2,088	2,025	2,070	1,911	1,994	1,886	1,738	1,750
E2 Proportion of enrolled students successfully obtaining a recognised qualification (Part time FE)	91.4%	90.9%	93.1%	91.6%	89.6%	89.3%	89.2%	90.0%
Number of enrolled students successfully obtaining a recognised qualification (Part time FE)	4,829	4,808	6,268	4,588	4,706	3,400	3,537	4,050
Total number of PTFE students	5,286	5,289	6,734	5,008	5,254	3,806	3,966	4,500
E3 Proportion of enrolled students successfully obtaining a recognised qualification (Full time HE)	78.5%	74.7%	70.3%	70.9%	70.0%	70.6%	71.1%	72.0%
Number of enrolled students successfully obtaining a recognised qualification (Full time HE)	1,015	1,040	930	932	942	918	927	941
Total number of FTHE students	1,293	1,392	1,322	1,315	1,345	1,301	1,303	1,307
E4 Proportion of enrolled students successfully obtaining a recognised qualification (Part time HE)	88.9%	87.6%	86.8%	86.6%	84.6%	91.9%	91.2%	91.0%
Number of enrolled students successfully obtaining a recognised qualification (Part time HE)	772	752	943	1,109	823	756	1,253	1,092
Total number of PTHE students	868	858	1,087	1,280	973	823	1,374	1,200
F Number of students achieving an HNC/D qualification articulating to degree level courses	0	168	202	205	187	202	N/A	200
Number of students achieving an HNC/D qualification articulating to degree level courses with advanced standing	0	69	111	101	95	93	N/A	100
Proportion of students achieving an HNC/D qualification articulating to degree level courses with advanced standing	-	41.1%	55.0%	49.3%	50.8%	46.0%	N/A	50.0%
G Total number of full-time FE college qualifiers (in confirmed destinations)	1,167	1,012	1,040	980	1,019	866	N/A	940
Number of full-time FE college qualifiers in work, training or further study 3-6 months after qualifying	1,089	958	967	917	969	807	N/A	884
Proportion of full-time FE college qualifiers in work, training or further study 3-6 months after qualifying	93.3%	94.7%	93.0%	93.6%	95.1%	93.2%	N/A	94.0%
Total number of full-time HE college qualifiers (in confirmed destinations)	519	524	332	435	509	442	N/A	500
Number of full-time HE college qualifiers in work, training or further study 3-6 months after qualifying	490	496	302	413	490	414	N/A	475
Proportion of full-time HE college qualifiers in work, training or further study 3-6 months after qualifying	94.4%	94.7%	91.0%	94.9%	96.3%	93.7%	N/A	95.0%
H Percentage of students overall satisfied with their college experience (SSES survey)	-	94.9%	95.1%	N/A	93.5%	N/A	86.9%	90.0%

Please note that figures for 2019-20 and 2020-21 are impacted by the COVID-19 pandemic and may not be directly comparable to other years

* Please note that core Credits for Session 2020-21 comprises of a total of 83,336 core Credits, 1,617 Credits for deferred students and 3,141 Credits for Foundation Apprenticeships.

Executive Summary

In Session 2020-21 Forth Valley College achieved its Credits target, delivering a total of 87,229 Credits against a total target of 87,087 Credits. Within this, the College delivered to both its Core target of 84,201 Credits, and ESF Credits target of 1,686. In response to Covid-19 the College also agreed to a target of 1,200 Credits to be delivered through the Young Person Guarantee and National Transition Training Fund, which were focused on the delivery of short training courses to provide students with work ready skills. Attracting students through these focused funds proved challenging, and the College fell just short of its target, delivering 1,060 Credits. A key target for the College in Session 2020-21 was to maintain full time achievement both at FE and HE levels, which before Session 2019-20 had been on a downward trend. Positive progress has been made in this area, with achievement rates for full time FE meeting our target of 69% and full time HE exceeding our target by one percentage point, rising to 71%.

College Performance

Achieving our overall Credits target year on year is a key element in achieving funding sustainability for the College, and remains our key priority of the College's operational focus. In Session 2020-21 we have continued to achieve this goal despite the challenges caused by the Covid-19 pandemic. Through adapting our delivery models, prioritising practical based activities to be on campus when allowed within Covid-19 guidance, and through innovation, the College has achieved this key goal, delivering to our overall Credits target. Along with meeting our overall Credits target, the College performed well against other targets. The proportion of Credits delivered to learners in the most deprived 10% postcode areas was 11% of our overall Credits, matching our delivery from 2019-20 and meeting our Outcome Agreement target, with the uptake of students from SIMD10 postcodes higher than proportionate for the region.

The proportion of Credits delivered to females exceeded our target, with a one percentage increase on target, with 48% of all Credits delivered to females in Session 2020-21. This is a positive development but doesn't fully showcase the work being implemented through the College's Gender Action Plan where all areas which have historically had a gender imbalance are identifying and introducing interventions aimed at reducing these imbalances.

The College also delivered to target on ethnicity, with 2020-21 matching the previous session's credit delivery of 3%. On disability we are down by four percentage points on our target, which was based on 2018-19 activity, which was the highest percentage the College has delivered to in a Session. This is continuing a trend from Session 2019-20, with a further drop in the number of students disclosing a disability. This change isn't aligned to any one area of College activity and will be monitored through Session 2021-22. The College's age profile has remained consistent to the previous session, and is close to target. The only area of note is the reduction on Credits delivered to the Under 16 age-band, with this reduction being attributed to STEM Primary School Engagement which took place in Session 2018-19, but because of Covid-19 hasn't been delivered since March 2020. The proportion of Credits

delivered to Care Experienced learners has increased to 5%, which is above our target, and is the highest proportion we have delivered in a Session.

The number of senior phase age pupils studying vocational qualifications at the College has increased significantly to 837 in Session 2020-21, which is above target. This was mainly due to increases in Foundation Apprenticeship opportunities created through excellent partnership working across all three of our Council Areas. As a result the proportion of Credits aligned to senior phase age pupils studying vocational qualifications has increased above target to 2.2% in Session 2020-21. And also as a consequence the overall proportion of Credits delivered to learners at S3 and above as part of 'school-college' provision has exceeded target by one percentage point, rising to 9%.

The proportion of Credits delivered at HE level to learners from SHEP schools is slightly below target at 18%. The proportion of Credits delivered to learners on STEM courses has increased to 39% in Session 2020-21 which is above target and highlights the importance of STEM to both the region, and nationally. This has been supported by the College's drive to engage in STEM activity across our curriculum. The College is sector leading in its delivery in Engineering and has developed a Primary STEM programme delivered to P6/P7 school pupils to support STEM engagement as part of the Scottish STEM strategy, which we will re-engage with once Covid-19 restrictions allow. This Primary STEM engagement is also a vehicle by which the College is seeking to address gender balance in STEM careers.

The number of new starts on to Modern Apprenticeships has increased in Session 2020-21, which reflects the success of our Modern Apprenticeship offering, and our engagement with local and national employers. The proportion of full time learners with substantial work placement experience in Session 2020-21 is down on target, which is a direct impact of Covid-19, and we will aim to increase this delivery beyond the pandemic.

The proportion of full-time FE qualifiers from Session 2019-20 who had a positive destination was 93%, which exceeded target, while the HE rate was 94%, which was just below target. From our Student Satisfaction survey 85% of students stated that overall they were satisfied with their college experience in Session 2020-21. This is below our pre-Covid target of 94%, and was from a lower than normal response rate of just over 30%.

Attainment

As previously mentioned, one of the key targets that the College had for Session 2020-21 was to maintain the improvement in full time PIs that we saw in Session 2019-20, where previously there had been a downward trend. The College continued with the application of an in-year PI Prediction-tracking process that splits the academic year into Curriculum/PI review and delivery periods in order to understand, track and turnaround the downturn in Full Time PI performance across the College. To improve the tracking and review process each round of PI Prediction-tracking and Curriculum Review meetings have been assigned a low attainment at-risk value which has been aligned with the predicted performance of courses as we move through the academic year, to reflect withdrawals and student progress. These at-risk values are reduced in sequence to meet the Session 2020-21 Outcome Agreement targets for full time FE and HE attainment. Courses below the set value are deemed at risk and discussed at the review meetings. The impact of this has been a one percentage increase in full time HE attainment rates, and maintaining full time FE attainment rates against our Outcome Agreement targets.

Part time FE achievement has been maintained at a very high rate of 89%, with part time HE achievement also remaining very high at 91%. One reason for this high rate is there are a relatively high number of part time HE students as a proportion of the total number of part time HE students, who as a result of Covid-19 are recorded as having an outcome of deferred for Session 2020-21, and this potentially skewing our part time HE achievement rate. The bulk of HE part time deferred students are within Construction and Engineering.

As part of the College's PI Prediction Tracking tool there is an emphasis on identifying and monitoring students who are from the 10% most deprived postcode areas, are Care Experienced, or who have interacted with the College's Student Support System. The College's Student Support System (Triple S) was planned, built, piloted and through Session 2019-20 was rolled out across all areas. Triple S is a system designed to allow the capturing of all support being provided to a student in one place, and allows staff to access this information in an easy and timeous manner.

The key aims of this system are to streamline the existing support infrastructure available to students, and to make this vital information more accessible to all relevant staff. The College had processes in place to capture various support needs of our students, however because of the disparate nature of the services provided, and also because these processes were predominantly paper based, students could be asked to disclose information multiple times, as they access different functions of the support service. With the introduction of Triple S, information disclosed from students is captured once within the central system. As Triple S captures this information centrally, it offers the opportunity to present this information back in a very accessible way to staff, which helps ensure that all staff who are in contact with a student are aware of any support needs and ongoing concerns and issues. This information is available real-time, with icons developed and integrated with other systems, such as Enquirer for attendance and results recording, to quickly signpost to staff that a student has support needs, and provide quick and easy access to this information, to help ensure that our students are effectively supported.

The College believes that the use of both of these systems is starting to be evidenced through our achievement PIs. Overall, the proportion of students from the most deprived 10% postcodes successfully completing has increased on target. Our part time HE achievement rate is to target, however we have seen increases on target to full time HE, full time FE and part time FE achievement rates. We have also seen an increase in the achievement rates for full time Care Experienced students across both FE and HE in Session 2020-21 compared to target. We have also exceeded target in the proportion of full time FE students aged 16-19 successfully achieving a recognised qualification in 2020-21.

Increases have also been witnessed for senior phase age pupils successfully completing a vocational qualification. Full time FE for this age group, which tend to be particularly challenging cohorts, have seen an increase, and part time FE and part time HE have also increased.

Appendix 1 is included to show progress against all Outcome Agreement targets for Session 2021-22.

Impact of Covid-19 on Session 2020-21

Covid-19 continued to have a significant impact on the College during Session 2020-21. At the start of the Session all activity which could be delivered online continued to be delivered

online. Priority for on-campus delivery was given to students completing from Session 2019-20, and those students who were in the final year of study, and needed access to practical activities to complete their study. As the tier system was introduced the College responded to allow more students to be in campus in line with guidance, again prioritising students who required access to practical activities to complete or continue their study. As we entered the second full lock-down after Christmas all delivery again reverted on-line, before we recommenced with very limited campus delivery as we re-entered the tier system, which was increased as restrictions were eased. To support online deliver the College continued to provide IT equipment to students with just under 1,000 students support through Session 2020-21, partially funded through additional support from SFC to address digital poverty, and through successful bids to Connecting Scotland to fund Chromebooks for Care Experienced students.

The College's Covid-19 Assessment process was developed by the College's Learning & Quality Team working with Teaching Departments in Session 2019-20, which included the development of an overarching decision tree to enable a holistic approach to evidence gathering and decision making, utilising the use of evidence already gathered, ongoing assessment, new approaches to assessment, along with professional judgement. An Internal Quality Assurance Panel was created to support, monitor and verify a consistent approach across curriculum areas. This approach continued to be used in Session 2020-21 where appropriate.

Although the majority of learners continued with online learning there are a number of areas of curriculum where there are significant levels of practical skills required to complete qualifications, some of which are dictated by industry bodies. As lockdown restrictions were eased, students returned to face to face learning for practical subjects in smaller groups, with the College supporting as many learners as possible to complete their studies, however there are still cohorts of learners continuing their learning from last session.

As a result of Covid-19 our student-facing services have also had to significantly adapt to ensure our students were supported through the session. Processes from recruitment through to counselling support have been re-designed or adapted at pace. From this there have been positives with some long standing processes challenged, and replaced with more innovative solutions, which will be continued as we return to normal operating.

An area which was impacted significantly by Covid-19 was commercial training. Again, where possible, learning moved online but this wasn't possible for our main areas of delivery which have a high practical element. These courses were re-introduced as lockdown restrictions were eased, but are operating with increased physical distancing, and therefore smaller cohort sizes, meaning reduced income. Another challenging area has been work placements for students as most workplaces closed through lockdown.

The East Central Scotland Colleges Collaboration was a new venture formed by Edinburgh College, Fife College, Forth Valley College and West Lothian College, with the purpose to jointly collaborate on a curriculum proposition that would meet the needs of the local and wider region during the economic recovery of the Covid-19 pandemic. The Colleges worked together using bespoke and accelerated Regional impact Assessment Data from SDS and evaluated this labour market intelligence data against eight identified priority sectors. Through a series of workshops the consortium collectively generated eight distinct curriculum product offerings that were aligned to the priority groups and sectors and possible funding streams. These products were presented to the chief executives, and subsequently evaluated by

Scottish Government with a view to taking forward with a range of measures to implementation. Scottish Government sanctioned that Skills Boost and HNC Accelerator would be taken forward to be funded, with rollout across the whole sector. Each of the colleges have defined what curriculum they will lead on, and joint marketing was undertaken, along with an agreement for cross referral should there be any unmet demand. This provision is aligned to the Young Persons Guarantee and Transitions Training Fund.

Impact of Covid-19 on Session 2021-22

As the College prepared for Session 2021-22 it launched its Springback programme to ensure readiness for the new session taking cognisance of ever-changing Covid-19 guidelines, and also setting out a plan for how the College will operate post-Covid. As we started Session 2020-21, students were either learning fully on-line, following a blend of on-line and face-to-face learning, or fully face-to-face learning for predominantly practical taught subjects, school groups and vulnerable groups, which were prioritised for on-campus delivery. The number of students on campus at any one time was capped at a maximum of 50% across all of our campuses, up to the October break, and this figure will be reviewed regularly as we progress through the session. The College continues to support students to engage in learning remotely, and is again supporting close to 1,000 laptops, which have been distributed to students.

Our recruitment figures are encouraging, with full time enrolment numbers only slightly down on Session 2020-21, and part time enrolment numbers showing an increase in Session 2020-21, and as such our overall enrolment numbers are up on last session at this point. Early retention figures have also been encouraging with rates being consistent with the previous session, which were an increase on Session 2019-20.

Appendix 1 – Performance against targets

No	Measure	Target	Actual	Comment
		2020-21	2020-21	
1a)	The volume of Credits delivered Credits Delivered: Core ESF YPG/NTTF Total Credits	84,201 1,686 1,200 87,087	84,369 1,800 1,060 87,229	
1b)	Proportion of Credits delivered to learners in the most deprived 10% postcode areas	11%	11%	
1c)	Proportion of Credits delivered to learners from different protected characteristic groups and Care Experience Gender - Proportion of Credits delivered to males Proportion of Credits delivered to females Proportion of Credits delivered to Other learners Ethnicity - Proportion of Credits delivered to students where ethnicity is Black or an Ethnic Minority Disability - Proportion of Credits delivered to students who are disabled Age - Proportion of Credits delivered to learners aged under 16 Proportion of Credits delivered to learners aged 16-19 Proportion of Credits delivered to learners aged 20-24 Proportion of Credits delivered to learners aged 25 and over Care Experience - Proportion of Credits delivered to Care Experienced Learners	53% 47% 0% 3% 17% 7% 43% 22% 28% 4%	51% 48% 0% 3% 13% 4% 44% 23% 29% 5%	
2a)	Number of senior phase age pupils studying vocational qualification delivered by the College	495	837	
2b)	Proportion of Credits delivered to senior phase age pupils studying vocational qualifications delivered by colleges	1.8%	2.2%	
2c)	Proportion of Credits delivered to learners at S3 and above as part of 'school-college' provision	8%	9%	
2d)	Proportion of Credits delivered at HE level to learners from SHEP schools	19%	18%	

No	Measure	Target	Actual	Comment
		2020-21	2020-21	
3)	Volume and proportion of Credits delivered to learners enrolled on STEM courses Proportion of Credits delivered to learners enrolled on STEM courses	36%	39%	
4a)	Proportion of enrolled students successfully achieving a recognised qualification: The percentage of FT FE enrolled students achieving a recognised qualification The percentage of PT FE enrolled students achieving a recognised qualification The percentage of FT HE enrolled students achieving a recognised qualification The percentage of PT HE enrolled students achieving a recognised qualification	69% 90% 70% 85%	69% 89% 71% 91%	
4b)	Proportion of enrolled MD10 students successfully achieving a recognised qualification: The percentage of MD10 FT FE enrolled students achieving a recognised qualification The percentage of MD10 PT FE enrolled students achieving a recognised qualification The percentage of MD10 FT HE enrolled students achieving a recognised qualification The percentage of MD10 PT HE enrolled students achieving a recognised qualification	64% 88% 63% 89%	65% 93% 70% 89%	
4c)	Proportion of senior phase age pupils successfully completing a vocational qualification delivered by the College The percentage of senior phase FT FE enrolled students achieving a recognised qualification The percentage of senior phase PT FE enrolled students achieving a recognised qualification The percentage of senior phase FT HE enrolled students achieving a recognised qualification The percentage of senior phase PT HE enrolled students achieving a recognised qualification	35% 43% - 77%	37% 45% - 84%	
4d)	Proportion of full-time enrolled Care Experienced students successfully achieving a recognised qualification The percentage of CE FT FE enrolled students achieving a recognised qualification The percentage of CE FT HE enrolled students achieving a recognised qualification	58% 40%	61% 69%	
4e)	Proportion of full-time FE enrolled students aged 16-19 successfully achieving a recognised qualification	65%	66%	
5)	Number of starts for direct contracted apprenticeships (including industry bodies such as CITB and SECTT)	412	443	
6)	Proportion of full time learners with substantial 'work placement' as part of their programme of study	34%	25%	

No	Measure	Target	Actual	Comment
		2020-21	2020-21	
7)	<p>Proportion of successful students who have achieved HNC or HND qualifications articulating to degree level courses with advanced standing</p> <p>Proportion of successful learners who have achieved HNC or HND Qualification articulating to degree level courses with advanced standing</p> <p>Proportion of successful learners who have achieved HNC or HND Qualification articulating to degree level courses with advanced standing</p>	n/a	n/a	
8)	<p>The proportion of full-time college qualifiers in work, training and/or further study 3-6 months after qualifying</p> <p>Response rate</p> <p>The proportion of full-time FE college qualifiers in work, training and/or further study 3-6 months after qualifying</p> <p>The proportion of full-time HE college qualifiers in work, training and/or further study 3-6 months after qualifying</p>	93%	92%	Rates are for Session 2019-20
		79%	93%	
		96%	94%	
9)	The percentage of students overall, satisfied with their college experience (SSES survey)	94%	85%	
10)	Gross carbon footprint			New baseline will be established after first year of new Falkirk Campus, with future targets based on this new baseline

Appendix 3 - Outcome and Impact Framework AY 2021-22

Outcomes for Students		
Outcome	Expectations	Measures and indicators of success
<p>Fair access and transitions</p> <p>Education is accessible to students from all backgrounds and students at all levels are supported through successful pathways.</p>	<ul style="list-style-type: none"> • People from deprived areas have fair access and are supported to succeed. • People with experience of care have fair access and are supported to succeed. • Prior learning is considered and students are offered the best pathway for them. • Transitions and pathways for students are supported and signposted. • Institutions work with schools, SFC funded programmes and local communities to support successful pathways and effective transitions for students. 	<p>Core national measures for universities:</p> <ul style="list-style-type: none"> • Total number of Scottish Domiciled Undergraduate Entrants (SDUEs). • Scottish domiciled FT first degree entrants from SIMD20 (i.e. the COWA measure). • No. of SDUEs with care experience. • Articulation – advanced standing from college level to degree level study. <p>Core national measures for colleges:</p> <ul style="list-style-type: none"> • Credits delivered. • Proportion of credits delivered to SIMD10. • Proportion of credits delivered to care-experienced students. • DYW- No. of senior phase age pupils on vocational qualifications delivered by colleges. • Articulation – advanced standing from college level to degree level study.

Outcomes for Students		
Outcome	Expectations	
<p>High quality, learning, teaching and support</p> <p>Students at all levels experience a high-quality, safe and supportive learning experience that enables them to succeed in their studies and they find it easy to participate and engage in their educational experience.</p>	<ul style="list-style-type: none"> • The student experience of learning, teaching and support is protected in the ongoing public health context. • There is rigour and quality in learning and teaching processes. • Arrangements for quality assurance and enhancement support standards expected by students. • Enhancement and improvement of learning, teaching and support is informed by data and evidence – including the outcomes of quality assurance. • Well-developed strategies and approaches for digital and blended learning are in place. • Staff have the skills and support to deliver a high quality learning, teaching and support experience for students. • Students have good experiences of transitions into and through tertiary level learning. 	<ul style="list-style-type: none"> • Students are supported in their mental health and wellbeing. <p>Measures and indicators of success</p> <p>Core national measures and indicators for universities:</p> <ul style="list-style-type: none"> • Retention. • Articulation. • Number of Scottish domiciled qualifiers at undergraduate level. • Overall student satisfaction (NSS). <hr/> <ul style="list-style-type: none"> • Outcomes of QAAS engagement and review work commissioned by SFC. • Institutional ILR annual reports. <p>Core national measures and indicators for colleges:</p> <ul style="list-style-type: none"> • Success FE (FT & PT), HE (FT & PT). • Student Satisfaction and Engagement Survey. • Retention (FT &PT HE and FE). • Progression. • Outcomes of Education Scotland engagement and review work commissioned by SFC.

Outcomes for Students		
Outcome	Expectations	Measures and indicators of success
<p>Partnership, participation and student experience</p> <p>Students find it easy to participate, have their voice heard and valued, and influence their educational and student experience.</p>	<ul style="list-style-type: none"> • Students have their voice heard and valued, and are able to influence their educational experience. • Effective partnership arrangements exist between institutional leadership teams and student bodies. • Student partnership is valued across the institution and plays a key role in enhancing the student experience. 	<ul style="list-style-type: none"> • Outline approaches to enhance student engagement and experience including partnership agreements with Students' Associations. • Arrangements exist for training Student officers.
<p>Learning with impact</p> <p>Students at all levels are equipped to flourish in employment, further study and to lead fulfilling lives.</p>	<ul style="list-style-type: none"> • Students are supported to successfully complete their courses in the ongoing public health context. • Students are supported to progress to positive next destinations. • Institutions implement appropriate support arrangements for graduating cohorts who will experience a challenging labour market in coming months/years. • Institutions ensure their curriculum and pedagogical offer remains fit for purpose and is responsive to changed need and demand • There is a good understanding of the needs of business and industry; and Scotland's economic recovery needs. 	<p>Core national measure for Universities:</p> <ul style="list-style-type: none"> • Graduate Outcomes (Scottish Domiciled qualifiers in positive destinations and FT Scottish-domiciled qualifiers employed at 'professional' level). <p>Core national measure for colleges:</p> <ul style="list-style-type: none"> • College Leaver Destinations.

Outcomes for Students		
Outcome	Expectations	Measures and indicators of success
<p>Public health emergency</p> <p>Institutions are responsive, have assurance mechanisms in place to comply with guidance, communicate well with students, staff and communities, and remedy situations as they arise.</p>	<ul style="list-style-type: none"> • Institutions take steps to ensure the health and well-being and best interests of their students and staff during the emergency period. 	<ul style="list-style-type: none"> • Clear plans exist as to how learning and teaching will be managed through the emergency period and these are regularly reviewed taking account of SG Guidance. • There is appropriate and successful use of blended and online learning.
<p>Equalities and inclusion</p> <p>Every student has their individual needs recognised in terms of protected characteristics; and everyone is treated fairly and with respect.</p>	<ul style="list-style-type: none"> • All students are supported to achieve their full potential. 	<ul style="list-style-type: none"> • Colleges and universities comply with relevant legislation and commit to prioritising action to tackle inequalities. • Equality Impact Assessments are published. • Action is taken to improve management information (protected characteristic data) with regard to equalities priorities (e.g. harassment, mental health). • Universities and Colleges to understand how protected characteristics impact on core measures.

Outcomes for Research		
Outcome	Expectations	Measures and indicators of success
<p>Research excellence</p>	<ul style="list-style-type: none"> • Institutions produce excellent research outputs. • The research impact reaches beyond academia. • The research environment supports excellence and impact. 	<ul style="list-style-type: none"> • Case studies showing use of SFC research excellence grant funding to achieve/ work towards greater excellence but with additional emphasis on sustainability/ resilience of HEI's research base; and on contribution to broader recovery. These will contribute to impact reporting. • REF2021 results to be published in April 2022.
<p>Research sustainability (incorporates collaboration)</p> <p>Institutions ensure they protect their world-leading research programmes against the impact of COVID-19.</p>	<ul style="list-style-type: none"> • The research environment supports excellence and impact. • Institutions implement the Research Integrity and Researcher Development concordats. • Support for PhD students, who are the pipeline of talent for future research and who have been adversely affected by the instability created by the pandemic. 	<ul style="list-style-type: none"> • SFC will receive regular reporting from each university on the use of their allocation of the one-off £ £20m increase in funding to help secure the training needed to support ongoing and future research work. <ul style="list-style-type: none"> • We will seek evidence of compliance with Researcher Development Concordat through Outcome and Investment Agreement or Research Integrity Concordat through engaged Universities UK.

Outcomes for Economic Recovery and Social Renewal		
Outcome	Expectations	Measures and indicators of success
<p>Responsive institutions</p> <p>Institutions are responsive to employer and industry needs and to current and future skills requirements.</p>	<ul style="list-style-type: none"> • Institutions make use of labour market intelligence and employer / industry engagement to align provision. • Institutions play their part in upskilling and reskilling the existing workforce. • People have the necessary meta skills and attributes to succeed. • There is appropriate provision to help people upskill and reskill. • Institutions help find pathways for people without work to study and move into employment. 	<ul style="list-style-type: none"> • Institutions are actively engaged in regular review and appraisal of provision to ensure this continues to meet, and changes to support, the range of learner, community and employer need. • In support of economic recovery to provide provision that delivers impact and successful outcomes for learners, communities and employers. (i.e. Flexible Workforce Development Fund (colleges), NTTF, YPG and Upskilling Funding (universities)). • SFC receives regular reporting from each institution on the use of additional funding to mitigate the projected rise in unemployment as a result of the COVID-19 pandemic and/or EU Exit, ensuring individuals can access training which will increase their chances of gaining employment.

Outcomes for Economic Recovery and Social Renewal		
Outcome	Expectations	Measures and indicators of success
<p>Confident and highly capable - work-ready - graduates</p> <p>Work-ready graduates are confident and ready to secure success in their career, meeting employer needs and making a positive contribution to our economy and society: Students are equipped to take up employment and succeed when the job market opens up.</p>	<ul style="list-style-type: none"> • There is a pipeline of technically skilled people for key industries where skills gaps identified. • Programmes should equip graduates with the skills, knowledge and capabilities to be successful in their chosen career. • Effective support should be in place to enable students to understand their careers options, to self-assess and to undertake career planning. • Wherever relevant or beneficial, students should have opportunities to engage in work-informed or work-based learning. 	<ul style="list-style-type: none"> • Graduates are able to utilise the skills and qualifications they have gained to access opportunities within the labour market. • College Leaver Destinations survey. • Graduate Outcomes - Universities
<p>Knowledge Exchange and Innovation</p>	<ul style="list-style-type: none"> • Colleges and HEIs are focusing and prioritising their knowledge exchange and innovation activity on Scotland's economic and social recovery. 	<ul style="list-style-type: none"> • Universities submit an updated UIF plan with their Outcome Agreement. Detailed guidance is provided at Annex B. • Completion of the HESA HE-Business and Community Interaction survey and the SFC KE data return will remain conditions of grant for institutions to receive the UIF.

Outcomes for Economic Recovery and Social Renewal		
Outcome	Expectations	Measures and indicators of success
<p>Collaboration</p> <p>There is active collaboration with other SFC funded institutions and across the education and skills system.</p>	<ul style="list-style-type: none"> • Institutions consider and pursue meaningful opportunities for collaboration which fit with their mission and vision and supports the delivery of coherent, sustainable provision and research. • Institutions consider collaboration on estates assets that could: improve local coherence and sustainability of provision; reduce carbon emissions and be a part of place-based approach to economic recovery. 	<ul style="list-style-type: none"> • Specific details of new collaborative arrangements, or plans for collaboration, and what they will achieve in terms of impact for all stakeholders.
<p>Climate emergency</p> <p>Institutions take urgent action to help reduce or halt climate change, avoid irreversible damage, and support environmental sustainability measures.</p>	<ul style="list-style-type: none"> • Colleges and universities demonstrate innovative approaches in their response to the climate emergency. Evidence of transformative leadership and the empowerment of sector communities, building capacity in institutional structures across the sectors, developing a placedbased approach to the climate emergency. • Colleges and universities outline how they are engaging with the Sustainable Development Goals. 	<ul style="list-style-type: none"> • Institutions take urgent action to help reduce or halt climate change, avoid irreversible damage, and support environmental sustainability measures and a pathway to net zero.

1. Purpose

To seek approval from members to submit a funding bid to the Forth Valley College Foundation to extend the additional staff resource within the Learning and Digital Skills Academy for a further two years.

2. Recommendation

That members consider the proposal for Year 3 and 4 of the Learning and Digital Skills Academy and approve a funding submission to the Forth Valley College Foundation

3. Background

In 2020 a bid was made to the Forth Valley Foundation to request a sum of money to provide an underpinning support team to complement our exciting and award-winning Creative Learning and Technologies strategy and our five-year plan for blended teaching and learning. At this time, because of the unprecedented Covid-19 crisis and the emergency move to remote learning and support by all our staff to over 3000 full time students and apprentices, this proposal was accelerated to one of high strategic importance to coordinate professional and skilled delivery of learning and teaching to our staff, students and stakeholders in a new digital era. The bid for funding was accepted and new staff were recruited.

The Enable FVC project investment was the catalyst for the creation of the Learning and Digital Skills Academy (LDSA) in 2020. This brought the new and existing staff together in one consolidated team that combined technical Virtual Learning Environment knowledge, technology-enhanced learning expertise, staff development and strong pedagogical experience to form a well-rounded team ready to support the College through the pandemic and into the new digital era.

The LDSA became the designated central team that brought the FVC Creative Learning and Technologies Strategy into alignment with other strategic guidance for the college sector, published by Colleges Scotland, the Scottish Government, Jisc and CDN. The Digital Skills Ambition 2021-2025 was launched in 2021 to build a solid foundation and develop a framework for digital transformation and empowerment within the College and maintain FVC's position among Scotland's colleges at the forefront of excellence in contemporary learning and teaching practice and digital learning innovation.

4. Key Considerations

4.1 Reflection on Key Outputs from Original FVC Enable Project

The key outputs for the FVC Enable Project were mapped into the overarching Learning and Digital Skills Ambition 2021-2025. These outputs were:

- Implement a digital cultural change
- Enhance digital skills for all staff.
- Ensure all staff use contemporary learning and teaching methods.
- Enable the effective use of new and emerging technology.
- Ensure staff have the skills and confidence to create their own digital resources.
- Design and develop a digital platform to host FVC branded online learning materials.
- Embed digital assessment.
- Enhance the use of assistive technology.
- Ensure learning analytics are developed and used effectively.

Key performance outcomes and impact are categorised according to the Learning and Digital Skills Ambitions and FVC Enable project objectives in Appendix 1.

Measurable outputs from the original bid for funding for end of session 2021-22 and an update on progress are listed in Table 1. Outputs were written at a time when it was unclear how long pandemic would last, and it should be noted that LDSA resources had to be diverted to effectively support emergency online learning. The LDSA have had to change approach in some instances which has led to other outputs being expedited in other parts of the overarching Learning and Digital Skills Ambition.

Table 1: Original FVC Enable Measurable Outputs with Update

Measurable Output	Update (February 2022)
All staff with enhanced digital skills to an identified standard.	Digital skills baseline mapped out for Lecturers and Corporate Service staff. Digital Skills Self-Assessment Tool launching for Lecturers by end of February 2022. Self-Assessment Tool to be launched for Corporate Service staff in Year 3 of Learning and Digital Skills Ambition. Although it is straight forward to develop and launch the self-assessment tool, it must be monitored closely and evaluated in terms of engagement. Technology changes at a fast pace and the baseline will need to remain under constant review as the years go on.
Developed 15 new EnableFVC courses, including online support for commercial delivery of COMPEX and 10% increase in	<ul style="list-style-type: none"> • Development of online delivery of CompEX training as part of the FVC Covid response, including provision of participant resources and staff training in use of Sway, Forms and Wakelet for course administration and formative assessment. The LDSA worked with administrators to develop processes for online course booking and scheduling, using Outlook and Teams. A member of the Commercial Training team attended Office 365 training with the LDSA and has since achieved Microsoft Innovative Educator Expert (MIEE) status. This has resulted in increased efficiencies and team self-sufficiency in developing online content.

<p>online/flexible enrolments</p>	<ul style="list-style-type: none"> • Development of a 100% online Introduction to Social Care, using Rise course authoring tools, Moodle and H5P (SCQF L5) • A PDA Early Years course is currently under development using Rise course authoring tools, Moodle and H5P (SCQF L9) • Design and delivery of OneFile training courses and digital assessment portfolios for the BP West Africa project and Morrisons Construction • Collaboration with West College Scotland and Perth College UHI on the design and development of meta skills commercial courses in Creative Thinking and Innovation, for offer via the Flexible Workforce Development Fund framework • Development of mandatory training courses for Human Resources and Facilities, including Remote Working Risk Assessment, Attendance and Investigations • Design of an induction resource package for students using Microsoft Sway which has been piloted by curriculum departments. The resources contain the base resources a student needs to kickstart their learning journey at FVC, including learner handbook, Learner Charter, tutorials for effective login and use of Teams, Moodle user information and a link to the FVSA Teams digital channel, signposting to the digital.learning inbox and FAQs. <p>The college has been unable to achieve 10% increase on flexible enrolments. We believe that this is due in part to fatigue which set in towards asynchronous online learning in late 2020, an indirect result of the need to upskill quickly at the start of the pandemic. Further development is required in year 3 and 4 to explore opportunities for promotion and expansion.</p>
<p>10 HND Year 2 courses with 30% delivery on-line.</p>	<p>Most courses had to be delivered under emergency conditions over the past two years, where large percentages of HND courses had to be delivered online. The plan for Hybrid Learning that has emerged from our experience during the pandemic has now encompassed this output and we now seek to measure where planned Hybrid Learning is being taken forward within HND courses. It is anticipated that once measurement concludes by the end of academic session 2021-22 that this target will have been reached in many cases.</p> <p>The LDSA will support the sustainability of this nature of delivery to ensure it becomes embedded in curriculum delivery as we move forward. This will prepare curriculum teams for the development of new HN Next Gen courses over the next few years, giving teams the skills and confidence to embrace new ways of delivery.</p>

<p>100% of full-time courses with at least 1 unit of EnableFVC branded content.</p>	<p>As with the update above, most full-time courses had to shift wholesale to emergency online delivery. Our target as we move forward is to ensure at least 33 hours of delivery across any given programme is delivered virtually, or that a full online unit can be delivered as within the programme. A full baseline measurement will be carried out in 2022-23.</p>
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4.2 Impact of Covid-19 on LDSA Activity

The LDSA stepped up as one of the key Corporate Service Teams from the onset of the pandemic, establishing the FVC Digital Community so that staff communication could be maintained and providing a major programme of skills training to all staff on use of digital platforms such as Teams and Moodle to sustain learning delivery throughout the first national lockdown. This work was further consolidated throughout subsequent national restrictions as the LDSA supported new and experienced staff with a more robust approach to online learning and assessment. The LDSA had to realign itself to support the mass upskilling of staff and the move to emergency mode and utilised the LDSA resource and focus in a different way than planned over the past two years. This was the correct thing to do under the circumstances and the LDSA in many ways became a lifeline for staff in these uncertain times. This has meant we have had to re-examine our focus and timeline for LDSA impact and outcomes.

The rapid transition to online learning catalysed by the pandemic thus accelerated the College's digital capacity through the necessity to maintain service, which as a result has strengthened resilience, enabling us to seek new ways of working that will enhance learning, increase flexibility, and prime our college to meet the demands of future learners and stakeholders. Digital has, in effect, become a new way of life for FVC.

Although it may be argued that digital learning of the last two years can be characterised as 'emergency' mode, it is evident that the college digital transformation agenda has nevertheless been ramped up, and we must continue to harness best practice to move forward. As the college commences its transition out of emergency learning provision to a hybrid approach, the LDSA will continue to support staff and teams with the transition to a combined mode of learning delivery, capturing the elements that work best from face to face and online learning.

4.3 Core Activity of the Learning and Digital Skills Academy (Year 1 and 2)

Year 1 (2020-2021)

In addition to the major work carried out in supporting the College through digital upskilling and training throughout the pandemic, in academic year 2020-2021, the Learning and Digital Skills Academy:

- Set out the direction of travel for the College by launching the Learning and Digital Skills Ambition 2021-2025, detailing 10 key ambitions for the College to work towards in our journey to digital empowerment.
- Implemented a major Moodle platform upgrade, completely overhauling accessibility features to make course content accessible to all learners, and adding new features which simplify course design, customisation, and online assessment for student-facing staff.
- Established an LDSA learner portal on SharePoint 365 and a dedicated digital learning helpdesk at digital.learning@forthvalley.ac.uk
- Mentored 125 staff members through the Learning & Teaching Enhancement Programme, providing support to new and experienced staff to enhance pedagogical approaches, used digital technologies to optimum effect in teaching practice, and to achieve professional qualifications including PDA and TQFE.
- Spearheaded the drive towards online learning delivery as a key part of the FVC portfolio, through supporting curriculum and service teams with digital skills development and creation of online units/courses, including CompEX.
- Inducted 300 students and assessors, developed OneFile training courses and digital portfolios for the BP West Africa project and Morrisons Construction.
- Launched 21st Century Learning Design, a comprehensive learning programme for student-facing staff which delivers key knowledge and skills for 21st century-fit teaching practice, aligned by the LDSA to both GTCS Professional Standards and meta skills.
- Delivered the Create, Adapt, Reflect, Engage (CARE) staff development conference in August 2020 with topics including digital pedagogy, online assessment, and learner engagement.

Year 2 (2021-2022)

Throughout year 2 of the EnableFVC project, the LDSA has:

- Achieved recognition for FVC as a Microsoft Showcase School, one of only three FE providers in Scotland to do so. This status sees FVC join an exclusive global community of institutions that are recognised for educational transformation, and innovation in learning and teaching.
 - Developed the Digital Skills Baseline and Self-Assessment Tool for Lecturers and launch is imminent at time of writing this paper.
 - Developed a Hybrid Learning guidance and training package for curriculum departments and launched Hybrid Learning Pilot.
 - Developed accessibility training and resources for student-facing staff and invested in Brickfield Labs accessibility audit tools for the college Moodle VLE platform.
 - Responded to over 2000 support and coaching queries through the digital.learning and FVC Digital Community portals on Office 365.
 - Mentored 75 staff members as part of the Learning & Teaching Enhancement Programme (100 by the end of session).
 - Signposted and supported all eligible student-facing staff towards registration with the General Teaching Council for Scotland (GTCS).
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- Supported curriculum in the design and development of online units and alternative assessment formats.
- Delivered the Facilitating Learning Excellence (FLEx) staff development conference in partnership with Student Services in August 2021 highlighting new Moodle, accessibility, and student support.
- Developed meta skills courses in Creative Thinking and Innovation in partnership with West College Scotland and Perth College UHI.
- Commenced partnership working on the Innovative Digital Education and Skills' (IDEAS) Erasmus+ project, developing digital micro credential courses to raise teaching staff digital skills competence.
- Reached an unprecedented number of seven Microsoft Innovative Educator Experts (MIEE), staff who are recognised for their commitment to developing knowledge and application of Microsoft technologies for innovation in teaching practice. FVC has the highest number of MIEEs of all Scottish colleges, with Bill Crawford, Learning and Digital Skills Mentor, also achieving the prestigious award of MIEE Fellow in 2021.

4.4 Plans for Year 3 and 4 (2022-2024)

After consideration of progress made in year 1 and 2 of the Learning and Digital Skills Ambition and the remaining priorities within the Learning and Digital Skills Ambition, our key measurable outputs for Year 3 and 4 will be to:

- Ensure that the Digital skills baseline and Digital Skills Self-Assessment Tool are fully embedded within College for all staff including Corporate Service Staff and students and 100% of staff are engaging with the tool.
 - The new Accessibility Software introduced in Year 2 is utilised by all staff using the Moodle platform ensuring 100% of learning materials are compliant with accessibility regulations.
 - Ensure that minimum 12 HND Courses comprise at least 30% of sustainable hybrid delivery.
 - Ensure at least 33 hours of delivery across all programmes is delivered in a hybrid format, or that a full online unit can be delivered within the programme. Exceptions will apply with various that have a high degree of practical or where there are large proportions of vulnerable students within a cohort.
 - Ensure that all staff have a baseline knowledge of e-assessment options.
 - Work with the Learning Services Team and Business Development Team to deliver a 10% increase of online / Flexible enrolment
 - Identify 10 short courses across curriculum areas and developed for commercial delivery in conjunction with the new Business Development Team.
 - Embed Hybrid Learning throughout the College and ensure all lecturers have the skills and confidence to deliver learning in a hybrid setting, where appropriate. Where Hybrid Learning is not appropriate, all lecturers will incorporate a baseline of digitally enhanced learning within their delivery.
 - Work with three corporate services teams on process automation to improve service, reduce manual duplication and increase operational efficiency.
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- Develop and deliver a robust professional development plan for lecturers that supports staff with achievement of GTCS standards mapped to Teaching in Colleges Today, PDA, TQFE and 21st Century Learning Design.
- Support HR to drive forward 100% GTCS registration for all eligible student-facing staff to ensure that FVC staff gain professional recognition.
- Analytics plugin Intelliboard embedded with every new FVC Moodle course
 - All staff trained to use enhanced learner tracking and engagement
 - All staff trained to track and identify interventions
 - All staff trained to utilise reporting data for individual learning paths
- Develop Meta skill links in design of all e-portfolio course template and unit mapping

The LDSA will continue to be the driver of digital skills transformation and nurture the digital culture for the college, through:

- Working with Human Resources and other relevant cross-college departments to completely align the individual CPD journey with reflective practice, to support GTCS professional updates and the PRD framework and ensure appropriate recording of CPD opportunities.
- Work with Inclusion and Student Services to supporting students to identify and assess their digital learning needs.
- Supporting new and experienced staff with mentoring to develop their knowledge and confidence in use of digital technology with an aim of engaging all student-facing staff in mentoring and training.
- Embedding the skills required for classrooms of the future with our scheduled training programmes, aligned to Professional Standards and meta skills for the world of work.
- Support curriculum planning and staff engagement with hybrid delivery pods to enhance flexible learning offer and build capacity to deliver online from campus locations.
- Support all student facing staff with the appropriate and effective application and design of e-assessment.
- Support development of automated system of e-assessment submissions, marking, and feedback linked to Enquirer system of final resulting
 - Develop robust, agile e-assessment solutions for delivery, marking and verification processes that meet requirements of awarding bodies.
- Develop robust future upgrade plans for sustained quality enhanced Virtual Learning Environment which ensures a secure platform for online delivery and assessment and remains sector leading for online and hybrid learning.

4.5 Reporting

The Learning and Digital Skills Academy will continue to report on progress made every quarter by bringing a dashboard to LMT. See Appendix 3 for a typical illustration of a reporting dashboard.


5. Financial Implications

Please detail the financial implications of this item

Enable FVC project funding has been essential in allowing the LDSA to draw together staff from varied college departments, including the Learning & Digital Skills Project Lead (1.0 FTE) and two Learning & Digital Skills Mentors (0.5 FTE). Further extension of this staffing complement beyond 2022 would enable the LDSA to focus not only on continued delivery of digital upskilling and hybrid learning, but also to focus upon project outcomes that support the delivery of the full Learning and Digital Skills Ambition.

Appendix 2 outlines the structure of the LDSA that required to be maintained to take forward the Learning and Digital Skills Ambition in Year 3 and 4. The four posts that have been in place for years 1 and 2 have been carefully considered and it has been agreed that the best approach is to keep the same roles in place. These posts are highlighted in the structure within Appendix 2.

Our submission to the Forth Valley College Foundation is to fund the cost of four additional posts for a two-year period as follows as illustrated in Table 2.



The total cost of resource required from June 2022 to July 2024 is £316,525.63, minus an underspend of £43,833 from year 1 and 2 funding. Funding therefore required from FVC Foundation will be **£272,692.63**.

6. Equalities

Assessment in Place? – No

If No, please explain why – An equalities assessment plan will be carried out on all plans and major projects as part of the LDSA work.

Please summarise any positive/negative impacts (noting mitigating actions) – Not applicable

7. Risk

Please indicate on the matrix below the risk score. Risk is scored against Impact and Likelihood as Very Low through to Very High.

	Likelihood	Impact
Very High		
High		
Medium	X	X
Low		
Very Low		

Please describe any risks associated with this paper and associated mitigating actions

The most straightforward way to perceive the impact upon the college of the cessation of the funding for the LDSA in July 2022 would be to look at what would disappear as a result, threatening the college's progress towards achievement of its digital ambitions. The Project Lead and Digital Mentors would return to their substantive roles, leaving only Moodle VLE (Virtual Learning Environment) technologists (3.5FTE) to absorb support queries, with no contingency to focus upon medium to long term objectives outlined by the Enable FVC project and anticipated as part of the college's digital evolution. As we emerge from the challenges of the past two years, it has been argued that FVC is too deeply invested to go back in the direction we came and the momentum created by Covid would be at risk of being lost if we don't maintain the current staff resource.

Risk Owner – Kenny MacInnes

Action Owner – Helen Young

8. Other Implications –

Please indicate whether there are implications for the areas below.

Communications – Yes

Health and Safety – No

Please provide a summary of these implications – If funding bid is successful, the LDSA will need support from Marketing and Communications on an ongoing basis to promote the service and highlight key areas of importance to the wider College.

Paper Author – Helen Young

SMT Owner – Kenny MacInnes

1. Purpose

To present the updated Model Code of Conduct (the Code) for members consideration and approval for submission to Scottish Government.

2. Recommendation

That member approve the adoption of the revised code of conduct as outlined in Appendix 1.

3. Background

The Ethical Standards in Public Life Etc. (Scotland) Act 2000 introduced powers whereby ministers can designate model codes of conduct for members of Boards of Developed Public Bodies, which includes Colleges.

The last revision of the code prior to this was in 2014.

The Standards Commission for Scotland have now updated the code and, following the receipt of Parliamentary approval in December 2021 of the updated code, College's Development Network provided a template document which was used to create Appendix 1.

The Standards Commission for Scotland have also produced guidance for members on the new code which is attached as Appendix 2.

The Scottish Government wrote to Chairs on 5 January 2022 to advise of the new code and the need to submit a copy of our revised code for formal approval by them no later than 10 June 2022.

4. Key Considerations

Normally we would seek to show a revised document with track changes to highlight to members where amendments have been made. However, the changes to the style and content of the revised code made this impractical.

To support member's review of Appendix 1, below is a summary of some of the major additions/changes however members are encouraged to review the full document and guidance.

Section 3 – General Conduct

Respect and Courtesy

- 3.2 Unlawful discrimination added along with requirement to advance equality of opportunity
 - 3.3 - 3.6 Bullying and harassment added
 - 3.7 Clarifies Operational management rests with Executive team
 - 3.8 Prohibition on undermining of employee(s) in public
 - 3.9 Use of position to take unfair advantage or undue influence with College employees
-

- 3.11 New provision regarding collective decision making and supporting the decisions of the Board, even if an individual member did not agree with or vote for the decision

Gifts and Hospitality

- 3.13 – 3.21 the provisions on gifts and hospitality have been tightened and the default is members should not ask for or seek gifts and hospitality and can only accept in very limited circumstances when offered gifts and hospitality

Confidentiality

- 3.22 – 3.25 the provisions have been clarified including the default position that, for information which can reasonably be considered confidential or personal, unless express consent is given by the relevant person/body or is a legal requirement, disclosure outside the Board is not permitted
- 3.24 specifically states that confidential information cannot be used for personal advantage or to discredit the College

Use of Public Body Resources

- This provision has been updated to include employee assistance for non-Board related/College related matters

Dealing with my Public Body and Preferential Treatment

- 3.28 – 3.30 this has been clarified and these provisions have been added to their own specific heading

Section 4 Registration of Interests

- There have been a number of slight amendments throughout this heading
- A new category of interest has been added – Category 9 Close Family Members which aims to identify transactions or business relationships with the College and members close family.

Section 5 – Declaration of Interests

- This section has been significantly revised in an effort to make it easier for members to determine if they have an interest and whether it is declarable

Section 6 – Lobbying and Access

- This section has also undergone significant revision in an effort to become more transparent and separate lobbying from general public engagement or relevant community engagement.
-

5. Financial Implications

No significant financial implications relating to the implementation of the new code.

6. Equalities Assessment in Place? – Not Applicable – this is an externally set code and not open to review/amendment by the College

7. Risk

	Likelihood	Impact
Very High		X
High		
Medium	X	
Low		
Very Low		

Failure to effectively implement and follow the revised code of conduct presents reputational risks both to the College and to individual members and/or the full Board who could be open to sanction. Failure to implement the code could also lead to a reduction in trust and confidence in College governance from students, staff, unions and external stakeholders.

This risk will be mitigated by the implementation and adherence to the code as outlined in Appendix 1 to this paper

Risk Owner – Board of Management **Action Owner** – Alison Stewart

8. Other Implications –

Please indicate whether there are implications for the areas below.

Communications – Yes – If approval is received, Code of Conduct should be published on the College website.

Health and Safety – No

Paper Author – Stephen Jarvie

SMT Owner – Alison Stewart

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CODE OF CONDUCT

for Members of

THE BOARD OF MANAGEMENT of

**FORTH VALLEY COLLEGE OF FURTHER AND HIGHER
EDUCATION**

February 2022

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SECTION 1: INTRODUCTION TO THE CODE OF CONDUCT

- 1.1 This Code has been issued by the Scottish Ministers, with the approval of the Scottish Parliament, as required by the [Ethical Standards in Public Life etc. \(Scotland\) Act 2000 \(the “Act”\)](#).
- 1.2 The purpose of the Code is to set out the conduct expected of those who serve on the boards of public bodies in Scotland.
- 1.3 The Code has been developed in line with the nine key principles of public life in Scotland. The principles are listed in [Section 2](#) and set out how the provisions of the Code should be interpreted and applied in practice.

My Responsibilities

- 1.4 I understand that the public has a high expectation of those who serve on the boards of public bodies and the way in which they should conduct themselves in undertaking their duties. I will always seek to meet those expectations by ensuring that I conduct myself in accordance with the Code.
- 1.5 I will comply with the substantive provisions of this Code, being sections 3 to 6 inclusive, in all situations and at all times where I am acting as a board member of my public body, have referred to myself as a board member or could objectively be considered to be acting as a board member.
- 1.6 I will comply with the substantive provisions of this Code, being sections 3 to 6 inclusive, in all my dealings with the public, employees and fellow board members, whether formal or informal.
- 1.7 I understand that it is my personal responsibility to be familiar with the provisions of this Code and that I must also comply with the law and my public body’s rules, standing orders and regulations. I will also ensure that I am familiar with any guidance or advice notes issued by the Standards Commission for Scotland (“Standards Commission”) and my public body, and endeavour to take part in any training offered on the Code.
- 1.8 I will not, at any time, advocate or encourage any action contrary to this Code.
- 1.9 I understand that no written information, whether in the Code itself or the associated Guidance or Advice Notes issued by the Standards Commission, can provide for all circumstances. If I am uncertain about how the Code applies, I will seek advice from the Standards Officer of my public body, failing whom the Chair or Chief Executive of my public body. I note that I may also choose to seek external legal advice on how to interpret the provisions of the Code.

Enforcement

- 1.10 [Part 2 of the Act](#) sets out the provisions for dealing with alleged breaches of the Code, including the sanctions that can be applied if the Standards Commission finds that there has been a breach of the Code. More information on how complaints are dealt with and the sanctions available can be found at [Annex A](#).

SECTION 2: KEY PRINCIPLES OF THE MODEL CODE OF CONDUCT

- 2.1 The Code has been based on the following key principles of public life. I will behave in accordance with these principles and understand that they should be used for guidance and interpreting the provisions in the Code.
- 2.2 I note that a breach of one or more of the key principles does not in itself amount to a breach of the Code. I note that, for a breach of the Code to be found, there must also be a contravention of one or more of the provisions in sections 3 to 6 inclusive of the Code.

The key principles are:

Duty

I have a duty to uphold the law and act in accordance with the law and the public trust placed in me. I have a duty to act in the interests of the public body of which I am a member and in accordance with the core functions and duties of that body.

Selflessness

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

Integrity

I must not place myself under any financial, or other, obligation to any individual or organisation that might reasonably be thought to influence me in the performance of my duties.

Objectivity

I must make decisions solely on merit and in a way that is consistent with the functions of my public body when carrying out public business including making appointments, awarding contracts or recommending individuals for rewards and benefits.

Accountability and Stewardship

I am accountable to the public for my decisions and actions. I have a duty to consider issues on their merits, taking account of the views of others and I must ensure that my public body uses its resources prudently and in accordance with the law.

Openness

I have a duty to be as open as possible about my decisions and actions, giving reasons for my decisions and restricting information only when the wider public interest clearly demands.

Honesty

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

Leadership

I have a duty to promote and support these principles by leadership and example, and to maintain and strengthen the public's trust and confidence in the integrity of my public body and its members in conducting public business.

Respect

I must respect all other board members and all employees of my public body and the role they play, treating them with courtesy at all times. Similarly, I must respect members of the public when performing my duties as a board member.

SECTION 3: GENERAL CONDUCT

Respect and Courtesy

- 3.1 I will treat everyone with courtesy and respect. This includes in person, in writing, at meetings, when I am online and when I am using social media.
- 3.2 I will not discriminate unlawfully on the basis of race, age, sex, sexual orientation, gender reassignment, disability, religion or belief, marital status or pregnancy/maternity, I will advance equality of opportunity and seek to foster good relations between different people.
- 3.3 I will not engage in any conduct that could amount to bullying or harassment (which includes sexual harassment). I accept that such conduct is completely unacceptable and will be considered to be a breach of this Code.
- 3.4 I accept that disrespect, bullying and harassment can be:
- a) a one-off incident,
 - b) part of a cumulative course of conduct; or
 - c) a pattern of behaviour.
- 3.5 I understand that how, and in what context, I exhibit certain behaviours can be as important as what I communicate, given that disrespect, bullying and harassment can be physical, verbal and non-verbal conduct.
- 3.6 I accept that it is my responsibility to understand what constitutes bullying and

harassment and I will utilise resources, including the Standards Commission's guidance and advice notes, my public body's policies and training material (where appropriate) to ensure that my knowledge and understanding is up to date.

- 3.7 Except where it is written into my role as Board member, and / or at the invitation of the Chief Executive, I will not become involved in operational management of my public body. I acknowledge and understand that operational management is the responsibility of the Chief Executive and Executive Team.
- 3.8 I will not undermine any individual employee or group of employees, or raise concerns about their performance, conduct or capability in public. I will raise any concerns I have on such matters in private with senior management as appropriate.
- 3.9 I will not take, or seek to take, unfair advantage of my position in my dealings with employees of my public body or bring any undue influence to bear on employees to take a certain action. I will not ask or direct employees to do something which I know, or should reasonably know, could compromise them or prevent them from undertaking their duties properly and appropriately.
- 3.10 I will respect and comply with rulings from the Chair during meetings of:
- a) my public body, its committees; and
 - b) any outside organisations that I have been appointed or nominated to by my public body or on which I represent my public body.
- 3.11 I will respect the principle of collective decision-making and corporate responsibility. This means that once the Board has made a decision, I will support that decision, even if I did not agree with it or vote for it.

Remuneration, Allowances and Expenses

- 3.12 I will comply with the rules, and the policies of my public body, on the payment of remuneration, allowances and expenses.

Gifts and Hospitality

- 3.13 I understand that I may be offered gifts (including money raised via crowdfunding or sponsorship), hospitality, material benefits or services ("gift or hospitality") that may be reasonably regarded by a member of the public with knowledge of the relevant facts as placing me under an improper obligation or being capable of influencing my judgement.
- 3.14 I will never **ask for** or **seek** any gift or hospitality.
- 3.15 I will refuse any gift or hospitality, unless it is:
- a) a minor item or token of modest intrinsic value offered on an infrequent basis;
 - b) a gift being offered to my public body;

- c) hospitality which would reasonably be associated with my duties as a board member; or
 - d) hospitality which has been approved in advance by my public body.
- 3.16 I will consider whether there could be a reasonable perception that any gift or hospitality received by a person or body connected to me could or would influence my judgement.
- 3.17 I will not allow the promise of money or other financial advantage to induce me to act improperly in my role as a board member. I accept that the money or advantage (including any gift or hospitality) does not have to be given to me directly. The offer of monies or advantages to others, including community groups, may amount to bribery, if the intention is to induce me to improperly perform a function.
- 3.18 I will never accept any gift or hospitality from any individual or applicant who is awaiting a decision from, or seeking to do business with, my public body.
- 3.19 If I consider that declining an offer of a gift would cause offence, I will accept it and hand it over to my public body at the earliest possible opportunity and ask for it to be registered.
- 3.20 I will promptly advise my public body's Standards Officer if I am offered (but refuse) any gift or hospitality of any significant value and / or if I am offered any gift or hospitality from the same source on a repeated basis, so that my public body can monitor this.
- 3.21 I will familiarise myself with the terms of the [Bribery Act 2010](#), which provides for offences of bribing another person and offences relating to being bribed.

Confidentiality

- 3.22 I will not disclose confidential information or information which should reasonably be regarded as being of a confidential or private nature, without the express consent of a person or body authorised to give such consent, or unless required to do so by law. I note that if I cannot obtain such express consent, I should assume it is not given.
- 3.23 I accept that confidential information can include discussions, documents, and information which is not yet public or never intended to be public, and information deemed confidential by statute.
- 3.24 I will only use confidential information to undertake my duties as a board member. I will not use it in any way for personal advantage or to discredit my public body (even if my personal view is that the information should be publicly available).
- 3.25 I note that these confidentiality requirements do not apply to protected whistleblowing disclosures made to the prescribed persons and bodies as identified

in statute.

Use of Public Body Resources

- 3.26 I will only use my public body's resources, including employee assistance, facilities, stationery and IT equipment, for carrying out duties on behalf of the public body, in accordance with its relevant policies.
- 3.27 I will not use, or in any way enable others to use, my public body's resources:
- a) imprudently (without thinking about the implications or consequences);
 - b) unlawfully;
 - c) for any political activities or matters relating to these; or
 - d) improperly.

Dealing with my Public Body and Preferential Treatment

- 3.28 I will not use, or attempt to use, my position or influence as a board member to:
- a) improperly confer on or secure for myself, or others, an advantage;
 - b) avoid a disadvantage for myself, or create a disadvantage for others or
 - c) improperly seek preferential treatment or access for myself or others.
- 3.29 I will avoid any action which could lead members of the public to believe that preferential treatment or access is being sought.
- 3.30 I will advise employees of any connection, as defined at [Section 5](#), I may have to a matter, when seeking information or advice or responding to a request for information or advice from them.

Appointments to Outside Organisations

- 3.31 If I am appointed, or nominated by my public body, as a member of another body or organisation, I will abide by the rules of conduct and will act in the best interests of that body or organisation while acting as a member of it. I will also continue to observe the rules of this Code when carrying out the duties of that body or organisation.
- 3.32 I accept that if I am a director or trustee (or equivalent) of a company or a charity, I will be responsible for identifying, and taking advice on, any conflicts of interest that may arise between the company or charity and my public body.

SECTION 4: REGISTRATION OF INTERESTS

- 4.1 The following paragraphs set out what I have to register when I am appointed and whenever my circumstances change. The register covers my current term of appointment.

- 4.2 I understand that regulations made by the Scottish Ministers describe the detail and timescale for registering interests; including a requirement that a board member must register their registrable interests within one month of becoming a board member, and register any changes to those interests within one month of those changes having occurred.
- 4.3 The interests which I am required to register are those set out in the following paragraphs. Other than as required by paragraph 4.23, I understand it is not necessary to register the interests of my spouse or cohabitee.

Category One: Remuneration

- 4.4 I will register any work for which I receive, or expect to receive, payment. I have a registrable interest where I receive remuneration by virtue of being:
- a) employed;
 - b) self-employed;
 - c) the holder of an office;
 - d) a director of an undertaking;
 - e) a partner in a firm;
 - f) appointed or nominated by my public body to another body; or
 - g) engaged in a trade, profession or vocation or any other work.
- 4.5 I understand that in relation to 4.4 above, the amount of remuneration does not require to be registered. I understand that any remuneration received as a board member of this specific public body does not have to be registered.
- 4.6 I understand that if a position is not remunerated it does not need to be registered under this category. However, unremunerated directorships may need to be registered under Category Two, "Other Roles".
- 4.7 I must register any allowances I receive in relation to membership of any organisation under Category One.
- 4.8 When registering employment as an employee, I must give the full name of the employer, the nature of its business, and the nature of the post I hold in the organisation.
- 4.9 When registering remuneration from the categories listed in paragraph 4.4 (b) to (g) above, I must provide the full name and give details of the nature of the business, organisation, undertaking, partnership or other body, as appropriate. I recognise that some other employments may be incompatible with my role as board member of my public body in terms of paragraph [6.7](#) of this Code.
- 4.10 Where I otherwise undertake a trade, profession or vocation, or any other work, the detail to be given is the nature of the work and how often it is

undertaken.

- 4.11 When registering a directorship, it is necessary to provide the registered name and registered number of the undertaking in which the directorship is held and provide information about the nature of its business.
- 4.12 I understand that registration of a pension is not required as this falls outside the scope of the category.

Category Two: Other Roles

- 4.13 I will register any unremunerated directorships where the body in question is a subsidiary or parent company of an undertaking in which I hold a remunerated directorship.
- 4.14 I will register the registered name and registered number of the subsidiary or parent company or other undertaking and the nature of its business, and its relationship to the company or other undertaking in which I am a director and from which I receive remuneration.

Category Three: Contracts

- 4.15 I have a registerable interest where I (or a firm in which I am a partner, or an undertaking in which I am a director or in which I have shares of a value as described in paragraph 4.19 below) have made a contract with my public body:
- a) under which goods or services are to be provided, or works are to be executed;
 - and
 - b) which has not been fully discharged.
- 4.16 I will register a description of the contract, including its duration, but excluding the value.

Category Four: Election Expenses

- 4.17 If I have been elected to my public body, then I will register a description of, and statement of, any assistance towards election expenses relating to election to my public body.

Category Five: Houses, Land and Buildings

- 4.18 I have a registrable interest where I own or have any other right or interest in houses, land and buildings, which may be significant to, of relevance to, or bear upon, the work and operation of my public body.
- 4.19 I accept that, when deciding whether or not I need to register any interest I have in

houses, land or buildings, the test to be applied is whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as being so significant that it could potentially affect my responsibilities to my public body and to the public, or could influence my actions, speeches or decision-making.

Category Six: Interest in Shares and Securities

4.20 I have a registerable interest where:

- a) I own or have an interest in more than 1% of the issued share capital of the company or other body; or
- b) Where, at the relevant date, the market value of any shares and securities (in any one specific company or body) that I own or have an interest in is greater than £25,000.

Category Seven: Gifts and Hospitality

4.21 I understand the requirements of paragraphs 3.13 to 3.21 regarding gifts and hospitality. As I will not accept any gifts or hospitality, other than under the limited circumstances allowed, I understand there is no longer the need to register any.

Category Eight: Non-Financial Interests

4.22 I may also have other interests and I understand it is equally important that relevant interests such as membership or holding office in other public bodies, companies, clubs, societies and organisations such as trades unions and voluntary organisations, are registered and described. In this context, I understand non-financial interests are those which members of the public with knowledge of the relevant facts might reasonably think could influence my actions, speeches, votes or decision-making in my public body (this includes its Committees and memberships of other organisations to which I have been appointed or nominated by my public body).

Category Nine: Close Family Members

4.23 I will register the interests of any close family member who has transactions with my public body or is likely to have transactions or do business with it.

SECTION 5: DECLARATION OF INTERESTS

Stage 1: Connection

5.1 For each particular matter I am involved in as a board member, I will first consider whether I have a connection to that matter.

5.2 I understand that a connection is any link between the matter being considered

and me, or a person or body I am associated with. This could be a family relationship or a social or professional contact.

- 5.3 A connection includes anything that I have registered as an interest.
- 5.4 A connection does not include being a member of a body to which I have been appointed or nominated by my public body as a representative of my public body, unless:
- a) The matter being considered by my public body is quasi-judicial or regulatory; or
 - b) I have a personal conflict by reason of my actions, my connections or my legal obligations.

Stage 2: Interest

- 5.5 I understand my connection is an interest that requires to be declared where the objective test is met – that is where a member of the public with knowledge of the relevant facts would reasonably regard my connection to a particular matter as being so significant that it would be considered as being likely to influence the discussion or decision-making.

Stage 3: Participation

- 5.6 I will declare my interest as early as possible in meetings. I will not remain in the meeting nor participate in any way in those parts of meetings where I have declared an interest.
- 5.7 I will consider whether it is appropriate for transparency reasons to state publicly where I have a connection, which I do not consider amounts to an interest.
- 5.8 I note that I can apply to the Standards Commission and ask it to grant a dispensation to allow me to take part in the discussion and decision-making on a matter where I would otherwise have to declare an interest and withdraw (as a result of having a connection to the matter that would fall within the objective test). I note that such an application must be made in advance of any meetings where the dispensation is sought and that I cannot take part in any discussion or decision-making on the matter in question unless, and until, the application is granted.
- 5.9 I note that public confidence in a public body is damaged by the perception that decisions taken by that body are substantially influenced by factors other than the public interest. I will not accept a role or appointment if doing so means I will have to declare interests frequently at meetings in respect of my role as a board member. Similarly, if any appointment or nomination to another body would give rise to objective concern because of my existing personal involvement or affiliations, I will not accept the appointment or nomination.

SECTION 6: LOBBYING AND ACCESS

- 6.1 I understand that a wide range of people will seek access to me as a board member and will try to lobby me, including individuals, organisations and companies. I must distinguish between:
- a) any role I have in dealing with enquiries from the public;
 - b) any community engagement where I am working with individuals and organisations to encourage their participation and involvement, and;
 - c) lobbying, which is where I am approached by any individual or organisation who is seeking to influence me for financial gain or advantage, particularly those who are seeking to do business with my public body (for example contracts/procurement).
- 6.2 In deciding whether, and if so how, to respond to such lobbying, I will always have regard to the objective test, which is whether a member of the public, with knowledge of the relevant facts, would reasonably regard my conduct as being likely to influence my, or my public body's, decision-making role.
- 6.3 I will not, in relation to contact with any person or organisation that lobbies, do anything which contravenes this Code or any other relevant rule of my public body or any statutory provision.
- 6.4 I will not, in relation to contact with any person or organisation that lobbies, act in any way which could bring discredit upon my public body.
- 6.5 If I have concerns about the approach or methods used by any person or organisation in their contacts with me, I will seek the guidance of the Chair, Chief Executive or Standards Officer of my public body.
- 6.6 The public must be assured that no person or organisation will gain better access to, or treatment by, me as a result of employing a company or individual to lobby on a fee basis on their behalf. I will not, therefore, offer or accord any preferential access or treatment to those lobbying on a fee basis on behalf of clients compared with that which I accord any other person or organisation who lobbies or approaches me. I will ensure that those lobbying on a fee basis on behalf of clients are not given to understand that preferential access or treatment, compared to that accorded to any other person or organisation, might be forthcoming.
- 6.7 Before taking any action as a result of being lobbied, I will seek to satisfy myself about the identity of the person or organisation that is lobbying and the motive for lobbying. I understand I may choose to act in response to a person or organisation lobbying on a fee basis on behalf of clients but it is important that I understand the basis on which I am being lobbied in order to ensure that any action taken in connection with the lobbyist complies with the standards set out in this Code and the [Lobbying \(Scotland\) Act 2016](#).

6.8 I will not accept any paid work:

- a) which would involve me lobbying on behalf of any person or organisation or any clients of a person or organisation.
- b) to provide services as a strategist, adviser or consultant, for example, advising on how to influence my public body and its members. This does not prohibit me from being remunerated for activity which may arise because of, or relate to, membership of my public body, such as journalism or broadcasting, or involvement in representative or presentational work, such as participation in delegations, conferences or other events.

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ANNEX A: BREACHES OF THE CODE

Introduction

1. [The Ethical Standards in Public Life etc. \(Scotland\) Act 2000](#) (“the Act”) provided for a framework to encourage and, where necessary, enforce high ethical standards in public life.
2. The Act provided for the introduction of new codes of conduct for local authority councillors and members of relevant public bodies, imposing on councils and relevant public bodies a duty to help their members comply with the relevant code.
3. The Act and the subsequent Scottish Parliamentary Commissions and Commissioners etc. Act 2010 established the [Standards Commission for Scotland](#) (“Standards Commission”) and the post of [Commissioner for Ethical Standards in Public Life in Scotland](#) (“ESC”).
4. The Standards Commission and ESC are separate and independent, each with distinct functions. Complaints of breaches of a public body’s Code of Conduct are investigated by the ESC and adjudicated upon by the Standards Commission.
5. The first Model Code of Conduct came into force in 2002. The Code has since been reviewed and re-issued in 2014. The 2021 Code has been issued by the Scottish Ministers following consultation, and with the approval of the Scottish Parliament, as required by the Act.

Investigation of Complaints

6. The ESC is responsible for investigating complaints about members of devolved public bodies. It is not, however, mandatory to report a complaint about a potential breach of the Code to the ESC. It may be more appropriate in some circumstances for attempts to be made to resolve the matter informally at a local level.
7. On conclusion of the investigation, the ESC will send a report to the Standards Commission.

Hearings

8. On receipt of a report from the ESC, the Standards Commission can choose to:
 - Do nothing;
 - Direct the ESC to carry out further investigations; or
 - Hold a Hearing.
9. Hearings are held (usually in public) to determine whether the member concerned has breached their public body’s Code of Conduct. The Hearing Panel comprises of three members of the Standards Commission. The ESC will present evidence and/or make submissions at the Hearing about the investigation and any conclusions as to whether the member has contravened the Code. The member is entitled to attend or be represented at the Hearing and can also present evidence and make submissions. Both parties can call witnesses. Once it has heard all the evidence and submissions, the Hearing Panel will make a determination about whether or not it is satisfied, on the balance of probabilities, that there has been a contravention of the Code by the member. If the Hearing Panel decides that a member has breached their public body’s Code, it is obliged to impose a sanction.

Sanctions

10. The sanctions that can be imposed following a finding of a breach of the Code are as follows:

- **Censure:** A censure is a formal record of the Standards Commission's severe and public disapproval of the member concerned.
- **Suspension:** This can be a full or partial suspension (for up to one year). A full suspension means that the member is suspended from attending all meetings of the public body. Partial suspension means that the member is suspended from attending some of the meetings of the public body. The Commission can direct that any remuneration or allowance the member receives as a result of their membership of the public body be reduced or not paid during a period of suspension.
- **Disqualification:** Disqualification means that the member is removed from membership of the body and disqualified (for a period not exceeding five years), from membership of the body. Where a member is also a member of another devolved public body (as defined in the Act), the Commission may also remove or disqualify that person in respect of that membership. Full details of the sanctions are set out in section 19 of the Act.

Interim Suspensions

11. Section 21 of the Act provides the Standards Commission with the power to impose an interim suspension on a member on receipt of an interim report from the ESC about an ongoing investigation. In making a decision about whether or not to impose an interim suspension, a Panel comprising of three Members of the Standards Commission will review the interim report and any representations received from the member and will consider whether it is satisfied:

- That the further conduct of the ESC's investigation is likely to be prejudiced if such an action is not taken (for example if there are concerns that the member may try to interfere with evidence or witnesses); or
- That it is otherwise in the public interest to take such a measure. A policy outlining how the Standards Commission makes any decision under Section 21 and the procedures it will follow in doing so, should any such a report be received from the ESC can be found [here](#).

12. The decision to impose an interim suspension is not, and should not be seen as, a finding on the merits of any complaint or the validity of any allegations against a member of a devolved public body, nor should it be viewed as a disciplinary measure.

ANNEX B: DEFINITIONS

“Bullying” is inappropriate and unwelcome behaviour which is offensive and intimidating, and which makes an individual or group feel undermined, humiliated or insulted.

“Chair” includes Board Convener or any other individual discharging a similar function to that of a Chair or Convener under alternative decision-making structures.

“Code” is the code of conduct for members of your devolved public body, which is based on the Model Code of Conduct for members of devolved public bodies in Scotland.

“Cohabitee” includes any person who is living with you in a relationship similar to that of a partner, civil partner, or spouse.

“Confidential Information” includes:

- any information passed on to the public body by a Government department (even if it is not clearly marked as confidential) which does not allow the disclosure of that information to the public;
- information of which the law prohibits disclosure (under statute or by the order of a Court);
- any legal advice provided to the public body; or
- any other information which would reasonably be considered a breach of confidence should it be made public.

“Election expenses” means expenses incurred, whether before, during or after the election, on account of, or in respect of, the conduct or management of the election.

“Employee” includes individuals employed:

- directly by the public body;
- as contractors by the public body, or
- by a contractor to work on the public body’s premises.

“Gifts” a gift can include any item or service received free of charge, or which may be offered or promised at a discounted rate or on terms not available to the general public. Gifts include benefits such as relief from indebtedness, loan concessions, or provision of property, services or facilities at a cost below that generally charged to members of the public. It can also include gifts received directly or gifts received by any company in which the recipient holds a controlling interest in, or by a partnership of which the recipient is a partner.

“Harassment” is any unwelcome behaviour or conduct which makes someone feel offended, humiliated, intimidated, frightened and / or uncomfortable. Harassment can be experienced directly or indirectly and can occur as an isolated incident or as a course of persistent behaviour.

“Hospitality” includes the offer or promise of food, drink, accommodation, entertainment or the opportunity to attend any cultural or sporting event on terms not available to the general public.

“Relevant Date” Where a board member had an interest in shares at the date on which the member was appointed as a member, the relevant date is – (a) that date; and (b) the 5th April immediately following that date and in each succeeding year, where the interest is retained on that 5th April.

“Public body” means a devolved public body listed in Schedule 3 of the Ethical Standards in Public Life etc. (Scotland) Act 2000, as amended.

“Remuneration” includes any salary, wage, share of profits, fee, other monetary benefit or benefit in kind.

“Securities” a security is a certificate or other financial instrument that has monetary value and can be traded. Securities includes equity and debt securities, such as stocks bonds and debentures.

“Undertaking” means:

- a) a body corporate or partnership; or
- b) an unincorporated association carrying on a trade or business, with or without a view to a profit.



**STANDARDS
COMMISSION
FOR
SCOTLAND**

INTEGRITY IN PUBLIC LIFE

**MODEL CODE OF
CONDUCT
GUIDANCE**

7 DECEMBER 2021

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GUIDANCE ON THE MODEL CODE OF CONDUCT

SECTION 1: INTRODUCTION TO THE CODE OF CONDUCT

The Model Code of Conduct (Code) required by the [Ethical Standards in Public Life etc. \(Scotland\) Act 2000](#) was most recently reviewed and re-issued in 2021. It sets out the principles and rules governing the conduct of members of devolved public bodies. Your public body's code of conduct is based on this Code. Therefore, all subsequent references to the Code in this Guidance should be understood as references to the Code as adopted by your public body. A copy of the Model Code can be found at: <https://www.standardscommissionscotland.org.uk/codes-of-conduct/members-model-code-of-conduct>.

This Guidance has been produced by The Standards Commission for Scotland (Standards Commission) and contains case illustrations (some of which are based on cases from Scotland, Northern Ireland and Wales, and some of which are hypothetical) and examples of factors that members of devolved public bodies (members) may wish to consider when applying the requirements of the Code. In cases where a provision of the Code mirrors that contained in the Councillors' Code of Conduct, examples of complaints concerning councillors have been included.

Members should be mindful, when seeking to apply the Code to their own situation or circumstances, that the lists of factors in the Guidance and examples provided are not exhaustive. All members have a personal responsibility to ensure that they comply with the provisions of the Code.

While members should observe any guidance from the Standards Commission, it is not a substitute for the Code. The purpose of the Guidance is to provide supplementary information to aid members in interpreting the Code. **Members are, therefore, obliged to ensure they have read and understood the provisions of the Code itself. Reading the Guidance should, in no way, be considered a substitute for doing so.**

This document is a standalone version of the Guidance, without the Code embedded. It is intended to provide easy access to the Guidance itself.

The Standards Commission will continue to review the Guidance on a regular basis to ensure it is relevant and fit for purpose. As such, any feedback, comments, suggestions for improvements and further hypothetical cases are welcome.

Guidance

- 1 The Code, on which your public body's code is based, was approved by the Scottish Parliament and issued on 7 December 2021.
- 2 This Guidance is effective from 7 December 2021 and replaces the previous version, which was issued on 1 February 2014.
- 3 This Guidance is for members of devolved public bodies, and is also directed at advisory and co-opted members who sit on, or attend, any meetings (including committee meetings) of the public body. However, it should be noted that the Standards Commission has no legal powers to enforce the provisions of the Code against anyone other than those appointed or elected to be members of the devolved public bodies listed in [Schedule 3 of the Ethical Standards in Public Life etc. \(Scotland\) Act 2000](#).

- 4 By accepting your appointment as a board member, you have accepted that you are obliged to comply with the Code. The aim of this Guidance is to provide supplementary information to help you do so.
- 5 The Code is not designed to restrict you; its purpose is to help you meet the required standards of conduct.
- 6 Public bodies should make arrangements to deliver training and induction sessions on the ethical standards framework and should encourage all their members and senior employees to attend. Subject to resource limitations, the Standards Commission can support any such training and induction programme. Any request for assistance or support should be directed to the Executive Director.

When the Code Applies

- 7 The Scottish public has an expectation that members of public bodies will conduct themselves in accordance with the Code and the nine key principles of public life, as outlined in Section 2. You must, therefore, comply with the provisions of the Code in all situations and at all times where you are acting as a member, have identified yourself as a member, or could objectively be considered to be acting as a member.
- 8 The Code does not apply to your private and family life. In determining whether the Code applies, the Standards Commission will consider whether a member of the public, with knowledge of the relevant facts, would reasonably consider that you were acting as a member of your public body at the time of the events in question.
- 9 It should be noted the Code will apply when you are engaging in online activity, including using social media, if you could reasonably be considered or perceived to be acting as a member of your public body. The Code does not prevent you from expressing views (including making political comment) provided you do so in a way that is compatible with the substantive provisions of the Code, being Sections 3- 6 inclusive. This includes the requirements to behave with courtesy and respect and to maintain confidentiality.
- 10 It may be helpful, in certain circumstances, to state that you are expressing your own personal view, rather than the view of your public body. You should, however, always be mindful of how you could reasonably be perceived when doing so and whether your comments could objectively be considered as reflecting the views of your public body, regardless of any statement about it being a personal comment. It can be very difficult to persuade people that you can take a different view, or even have an open mind, in your capacity as a member of a public body from a view you may have expressed in your personal capacity. This is particularly pertinent in respect of using social media, or commenting in the press, where the separation of public and private comments may be unclear to someone reading them, and where information about your membership of the public body may be readily available online or from different sources (including your public body's website).
- 11 For example, if a college member posted a comment on social media to the effect that the college was underperforming, the staff were useless and the Chief Executive should resign, it is unlikely that the inclusion of words to the effect that it was a "personal comment" would bring the matter outwith the scope of the Code. That is because it would be likely that a member of the public reading the post, with knowledge of the relevant facts (being the individual's status as a member and the subject matter), would understand it to have been made by the individual in that capacity as board member of the college and with the knowledge they had gained as such.

- 12 Another example could be where a member, who includes being on the board of their public body in their Twitter profile, retweets a post which contains a description of the service provided by their public body as being substandard and unacceptably poor. While the post in question was not written by the member, the fact that they have chosen to retweet in circumstances where they are identifiable as a member, could be seen as being supportive of the criticism in their capacity as such.

Your Responsibilities

- 13 As a board member, you have a responsibility to ensure the effective governance and financial management of your public body within the context of public service delivery and reform for the benefit of the Scottish public.
- 14 You should attend any training and induction sessions on ethical standards and should ensure you are familiar with, and understand, the provisions and principles of the Code, this Guidance, and any other guidance and advice notes issued by the Standards Commission. You may wish to discuss training and continuous professional development with the Chair of your public body when you are appointed and during any annual performance discussion.
- 15 Although it is ultimately your personal responsibility to comply with the Code, paragraph 1.9 of the Code makes it clear that if you are uncertain about how the Code should be interpreted and applied, you should seek advice. Your public body will have a Standards Officer. This is an employee who is either solely, or jointly, responsible for undertaking various duties and responsibilities related to the ethical standards framework (regardless of whether or not they have the formal title of Standards Officer). The Standards Commission has produced an Advice Note on the Role of a Standards Officer, which can be found at: <https://www.standardscommissionscotland.org.uk/education-and-resources/professional-briefings>.
- 16 The Standards Officer and other senior employees may have experience of dealing with queries relating to the Code and can give you advice. You may also wish to seek advice from the Chair or an experienced colleague. If applicable, you may also wish to refer to the Scottish Government's 'On Board' Guidance, which can be found at: <https://www.gov.scot/publications/board-guide-members-statutory-boards/>.
- 17 As it is your personal responsibility to comply with the Code, the fact that you may have sought, and then followed such advice would not be a defence to a breach of the Code; however a discussion with the Standards Officer or Chair may help to clarify your own thinking. If you are found to be in breach of the Code, the fact you sought advice may be taken into account by the Standards Commission as a mitigating factor when deciding on the appropriate sanction to apply following a breach finding. Conversely, a failure to seek and / or follow advice may be considered as an aggravating factor. The Standards Commission's Policy on the Application of Sanctions can be found at: <https://www.standardscommissionscotland.org.uk/cases/hearing-rules>.
- 18 You should always try to seek advice at the first opportunity. You should be mindful that the person from whom you are seeking advice may not have full knowledge of the matter, or your personal circumstances. On rare occasions, for example when an alleged breach is to be considered by the Standards Commission at a Hearing, you may wish to seek external legal advice. You will be responsible for the cost of any external legal advice you have chosen to obtain, either to assist you with interpreting the Code, or in responding to any complaint about your conduct.

- 19** You are encouraged to promote and support the Code at all times and to encourage others to follow your example in doing so. Experienced members should consider whether they can act as a mentor to others to help them to understand the Code.
- 20** The Code should be read as a whole. It may be necessary to cross-reference different provisions.

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SECTION 2: KEY PRINCIPLES OF THE CODE OF CONDUCT

- 21** The Code is underpinned by the nine key principles of public life in Scotland, namely: Duty, Selflessness, Integrity, Objectivity, Accountability & Stewardship, Openness, Honesty, Leadership and Respect.
- 22** The key principles are for guidance and you should ensure that you always have regard to, and follow, these principles. You should not persuade others to act in a way that would be contrary to the key principles.
- 23** A breach of one or more of the key principles does not in itself constitute evidence of a breach of the Code. However, the key principles can be used by both the Ethical Standards Commissioner's office (in its investigatory role) and the Standards Commission (in its adjudicatory role) to assist with interpretation of alleged breaches of the substantive sections of the Code, being Sections 3 to 6 inclusive.
- 24** It is your personal responsibility to ensure you are complying with the provisions of the Code. In doing so, you may need to exercise your judgement and consider how a member of the public, with knowledge of the relevant facts, would reasonably regard your actions or decision making in your role as a member. This is not the same as members of the public not liking a decision you have made or an opinion you have expressed legitimately in the course of your work; it is about whether you have acted properly and in accordance with the Code.

SECTION 3: GENERAL CONDUCT

Respect and Courtesy: General

- 25 You must treat everyone you come into contact with in your role as a member with courtesy and respect, even if you disagree with their views. This can include employees, officials from the sponsor body, members of the public, service users, politicians and fellow members.
- 26 It should be noted, in the context of paragraph 3.1 of the Code, that meetings can include virtual meetings or other forms of remote working via platforms such as MS Teams, Skype and Zoom.
- 27 While you are entitled to express your views and to disagree with others, you must do so in a respectful way. It is usually better to try and focus on the issue itself, rather than making any personal comments about an individual.
- 28 You should always be mindful about how others could reasonably perceive your conduct, and that even if it is not your intention to be disrespectful or discourteous, your behaviour could be interpreted as such.
- 29 If you make a comment in the heat of the moment, which you do not mean and then regret, you should consider retracting it and / or apologising. Bear in mind, however, that comments made on social media may have been circulated widely by the time you seek to retract them or apologise.
- 30 You should always think ahead. If you have any concerns about a potential problem, speak to your public body's Chair, Standards Officer or Chief Executive so that advice can be sought and / or action can be taken before a situation becomes a serious problem. This could avoid or reduce the likelihood of an inadvertent breach of the Code and / or a complaint being made about you. The fact that you have sought advice, or indeed failed to seek advice, may be taken into account at a Hearing. Similarly, evidence of an immediate apology or retraction may be a mitigating factor at a Hearing.
- 31 You should ensure you are familiar with the [Equality Act 2010](https://www.equalityhumanrights.com/en/equality-act-2010), which provides a legal framework to protect the rights of individuals and advance equality of opportunity for all. The Equality and Human Rights Commission has produced guidance on the Equality Act, which can be found at: <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-guidance>.

Respect and Courtesy: Applicability of the Code

- 32 It is very important to note that the rules of good conduct set out in Section 3 of the Code must be observed in all situations where you are acting as a member of your public body, which includes when you are the public body on official business.
- 33 As noted in the Introduction Section of the Code, it is also applicable in all situations where you have identified yourself as a member or where you might objectively be perceived to be acting as a member. You should be mindful, therefore, that your perception of when you are carrying out official business and when you are acting privately may be different to how it is viewed by a member of the public. Factors to consider include whether:
 - you are clear about the capacity in which you are acting;
 - you describe yourself as a member or are otherwise readily identifiable as a member in the situation / circumstances;
 - you are on the public body's premises or at one of its events;

- you are using IT equipment and / or an email account supplied by your public body;
- your conduct could reasonably be regarded as bringing your position as a member, or your public body, into disrepute;
- you are engaged in political activity or commenting on political matters or matters of public concerns, and whether these relate to fall to, or fall within, the scope of the public body's functions; and
- you are representing the public body or speaking on behalf of the public body.

- 34** In making any decision on whether the Code applies, the Standards Commission will consider whether a member of the public, with knowledge of the relevant facts, could reasonably perceive you as having been acting as a member at the time of the alleged breach of the Code.

A member shared an article that contained a sectarian comment on their LinkedIn profile. While the LinkedIn profile was a personal one, and did not state explicitly that the individual in question was a member of their public body, the Panel determined that it was apparent from the content of the profile, other posts, and shared items that this was the case. Therefore, the Panel found that it would have been reasonable for an informed member of the public to have perceived that the individual could have been acting in their capacity as a member of the public body. The Panel accepted that the member's position was that they had not read the article in full, and that the member was absolutely appalled by the remark in question, but nevertheless found that there had been a breach of the Code. The Panel agreed that sharing an article of that nature was likely to bring both the member and their public body into disrepute.

A councillor was convicted of sexual assault in respect of an incident that occurred at a Trades Association event. The Panel was satisfied that it would have been reasonable for an informed member of the public to have perceived that the councillor was acting as a councillor at the event, given both the public nature of it and also because the invitation to attend had originally been sent to another councillor, a party group leader, before being passed on. The Panel concluded that the Code applied.

A member sent and encouraged an employee of his public body with whom he had a personal relationship to send, inappropriate social media messages, including messages of a sexual nature, during office hours. The Panel rejected arguments that the member had been acting in an entirely personal capacity. It found that the member could not completely separate himself from his role as a board member of his public body, and that, when sending or encouraging the employee to send the messages during working hours, he was acting as a board member.

Respect and Courtesy: Social Media

- 35** The rules of good conduct also apply when you are engaging in online activity, including when using social media. Social media is a term used to describe online technologies, platforms, applications and practices that are used to share information, knowledge or opinions. These can include, but are not limited to, social networking sites, blogs, wikis, content sharing sites, photo sharing sites, video sharing sites and customer feedback sites.
- 36** The Standards Commission has produced an Advice Note for Members on the Use of Social Media. This can be found at: <https://www.standardscommissionscotland.org.uk/education-and-resources/professional-briefings>.
- 37** The conduct expected of you in a digital medium is no different to the conduct you should employ in other methods of communication, such as face to face meetings and letters. Before commenting or posting, you should consider very carefully whether:

- you understand the immediate and permanent nature of any comment or post you are about to make, and that you will have no control over the extent to which it is shared, and by whom;
- you would make that comment or post in-person, face to face;
- you have such conviction in what you are about to share that you would be prepared to justify it if challenged at a later date; and
- you fully understand that even if you delete your post, it may have been captured by way of a screenshot or otherwise retained in some way (including being automatically cached online) and that fully deleting content once it has been shared online is almost impossible to achieve.

38 Other important factors to consider when using social media include whether:

- you are identifiable as a member by directly referring to yourself as such or indirectly by referring to the public body, or the functions of your role as a member, or through any information or images posted;
- the account you are using is 'private' and whether you have set your privacy controls accordingly. You should bear in mind that anyone who is able to view your social media content will be able to screenshot and publicly share it, if they choose to do so;
- the number of 'followers' you have and whether these individuals are following your account because you are a member of your public body;
- you have complied with any policy your public body has produced on the use of social media;
- information you are posting is confidential and you only have access to it because you are a member of the public body;
- you are demonstrating bias or pre-determination;
- you are using the public body's equipment and / or your public body's information technology network or your own; and
- you have complied with the law including defamation, copyright, data protection, employment and equalities or harassment provisions.

A complaint alleged that a member had set up a Facebook account under a false name in order to post derogatory comments about employees of the public body. The owner of the account was identified as the posts contained information about specific employees that could only be known by a member. It was established that by posting the comments, the member in question had been acting in their capacity as a member, regardless of whether or not they had identified themselves as such. It was found that the member had breached the respect provisions of the Code.

Respect and Courtesy: Article 10 ECHR – Your Right to Freedom of Expression

39 You have a right to freedom of expression under Article 10 of the European Convention on Human Rights (ECHR). You are entitled to express your views and opinions.

You should note, however, that the protection Article 10 affords is not absolute and does not extend to, or excuse, hate speech or egregious offensive and abusive personal attacks.

Therefore, you may wish to think about:

- whether your comments are likely to bring your office or the public body itself into disrepute;
- whether you are treating others with courtesy, respect and consideration;
- whether making your point in a respectful and constructive manner may have more of an impact in terms of influencing others;
- the fact that 'liking', re-posting and re-tweeting comments or posts, or publishing links to other sites are likely to be perceived as endorsing the original opinion, comment or information, including information on other sites;
- whether to allow disagreement on your social media pages;

- the fact that tone can be harder to convey online so consideration should be given to whether humour, irony and sarcasm will be perceived as such;
 - whether you have to respond and / or if it is appropriate or helpful to do so;
 - whether anything you post could be considered obscene.
- 40 The Standards Commission has produced an Advice Note that outlines the approach it will take when issues that concern the application of Article 10 of the ECHR and the right to freedom of expression arise. It also suggests issues members should consider in order to ensure compliance with the provisions concerning courtesy, respect and confidentiality in the Code. The Advice Note is available on the Standards Commission’s website at:
<https://www.standardscommissionscotland.org.uk/education-and-resources/professional-briefings>.

Respect and Courtesy: Equalities

- 41 You are expected to advance equality of opportunity and to seek to foster good relations between different people. It is unacceptable for a public figure such as a member of a public body to express views that indicate a discriminatory attitude towards people on the basis of race, age, sex, sexual orientation, gender reassignment, disability, religion or belief, marital status or pregnancy/maternity.

A complaint alleged that a member had posted a homophobic comment on the complainer’s Facebook page and that he had accessed his account using a mobile phone issued by his public body when doing so. It was found that the comment made by the member had clearly been intended to insult and demean the complainer. The member was found to have breached the Code.

A complaint alleged that a councillor had shared, on Facebook and Twitter, a blog article which was critical of a union member who had organised an equal pay strike in Glasgow. The article contained references to “Mein Kampf” and of Hitler having accused “The Jew” of gradually assuming membership of the trade union movement. It was found that the article promoted negative stereotypes and was antisemitic in nature. The councillor was found to have breached the respect provisions of the Code.

A councillor referred to the complainer as a ‘TERF’ (Trans Exclusionary Radical Feminist) in a series of tweets and emails. The Panel found that while the term TERF was potentially controversial and could be seen as one of abuse, it could also be used or perceived as simply a descriptor. It was found, however, that it was evident from the Respondent’s description, over an extended period of time, of TERFS as being “scum” and “hateful and vile”, that the councillor intended it to be one of abuse. It was further found that the councillor had directed the term at the complainer as an individual and that it was about her as a person, rather than simply being a descriptor of her alleged views. As such, it was determined that the reference to the complainer as a TERF, in context, amounted to a personal attack on her and that the councillor had failed to behave in a respectful manner. It was further determined that the councillor had used a highly derogatory profanity about a member of the public in another tweet. It was found that using such a word in a public forum such as a tweet was highly offensive and inappropriate, regardless of whether it had been directed at any individual or identifiable group of individuals. The councillor was found to have breached the Code.

Respect and Courtesy: Bullying & Harassment

- 42 Bullying is inappropriate and unwelcome behaviour which is offensive and intimidating, and which makes an individual or group feel undermined, humiliated or insulted. It usually, but not always, arises as a result of an individual misusing their power.

- 43 Harassment is any unwelcome behaviour or conduct which makes someone feel offended, humiliated, intimidated, frightened and / or uncomfortable. It can be experienced directly or indirectly (for example, being in the room which unacceptable conduct is being displayed and being affected by it).
- 44 It should be noted that bullying and harassment (which includes sexual harassment) can be a course of behaviour or a one-off incident.
- 45 Even if the behaviour in question is unintentional, it can still be classed as bullying and / or harassment. It is the impact of the behaviour, not the intent, that is the key. You should therefore at all times be aware of the impact of your conduct on others, and remember that what may seem harmless to you can be offensive to someone else.
- 46 Bullying and harassment can occur through all means of conduct and communication – including social media posts, shares and comments. It can also arise through a lack of communication, such as the deliberate exclusion of an individual from a conversation, work or social activity.
- 47 You are responsible for your own behaviour. You must ensure that you are aware of, and comply with, the provisions concerning bullying and harassment in the Code and also any policy your public body has on ensuring dignity in the workplace.
- 48 The Standards Commission has produced an Advice Note for Members on Bullying and Harassment. The Advice Note is available on the Standards Commission’s website at: <https://www.standardscommissionscotland.org.uk/education-and-resources/professional-briefings>.

A complaint alleged that a member had behaved in a disrespectful manner towards two female fellow members and employees. It was established that the member had made unwarranted and inappropriate physical contact with the fellow members and employees at an official event and had also made remarks towards the employees which were patronising and demeaning. The member was found to be in breach of the Code.

A complaint alleged that a member had sent an email to a number of employees of their public body and posted a Twitter message, describing an employee as “arrogant, lazy, mentally challenged” and as having been “useless for years”. The impact of the emails led the employee to seek medical and other support and resulted in him taking sickness absence due to stress. The Panel found the emails and tweet to be completely unwarranted and would have adversely affected the employee’s ability to carry out his role. The Panel found the member’s conduct amounted to a breach of the Code.

A complaint alleged that a member made a number of allegations and critical comments on his online blog about the complainer, who was a fellow member, which were of a personal and insulting nature. It was found that the comments had been made without factual basis, were disrespectful and were clearly intended to demean the complainer in a public forum. The member was found to have breached the Code.

A complaint alleged that a councillor had made remarks of an abusive, insulting and personal nature to a police officer, and also made a number of unfounded allegations about him during two telephone calls to a Police Station. It was found that the councillor had made the telephone calls in his capacity as a ward councillor and concluded that the provisions of the Code applied to him at the time of the events in question. It was further found that the comments made by the councillor in the telephone conversations amounted to an unacceptable personal attack on the police officer and that he had breached the respect provisions in the Code.

Respect and Courtesy: Public Body Employees

- 49 It is understood that there may be tensions in an environment where individuals have different backgrounds and experiences. It is nevertheless essential to ensure that the public has confidence in the public body and the role of its members. This can only be achieved if members behave in a respectful way towards each other and towards the public body's employees.
- 50 The requirement to respect all public body employees includes employees of contractors providing services to the public body; and employees of any other organisations where it might be reasonably perceived that the public body (and by implication the member) has an influence over that organisation.

A complaint alleged that a councillor had sent a series of emails (and made statements in council meetings) over a period of eleven months, to his fellow councillors and to senior council employees, alleging corruption in the allocation of a council property a family member of another councillor. The councillor in question had provided no proof to back up his claims of corruption. A number of internal council investigations, and finally an independent investigation carried out by Audit Scotland, had all concluded that there was no evidence to suggest any corruption in relation to the housing allocation. The Panel considered that by making such serious and unwarranted public accusations about the conduct of employees, the councillor's conduct was offensive and fell well below the standard to be expected of a councillor, and therefore found that the Code had been breached. It is worth noting that in this case, due to the seriousness of the contravention and two previous breach findings against him, the councillor was disqualified.

Distinguishing between Strategic and Operational Matters

- 51 The Standards Commission has produced an Advice Note for Members on Distinguishing Between their Strategic Role and any Operational Work, which can be found at: <https://www.standardscommissionscotland.org.uk/education-and-resources/professional-briefings>. In general, if a duty is delegated to an employee, then it is likely to be operational in nature. You may wish to seek information about specific matters, cases or a particular item of work, but you should be aware that employees may feel pressured by a member challenging their actions or appearing critical of some aspect of their work. This is particularly the case with junior employees, who may not be used to dealing directly with members. Any concerns about performance should be raised in private with the Chair who can then bring them to the attention of the Chief Executive or the employee's line manager, as appropriate.

Respect and Courtesy: Public Comment about Public Body Employees

- 52 As a member, you are entitled (and indeed required) to scrutinise the effective delivery of services and whether operational targets have been achieved. You should be careful, however, not to make public statements which expressly, or by implication, criticise the actions (or inaction) of an individual employee or identifiable group of employees (where individuals in that group are, or could be, identifiable). You should note that the concept of a public statement is wide and can cover a variety of scenarios such as the published minutes of a board meeting, a comment on social media, or being overheard in a public area, such as a corridor or tearoom.

For example, in a scenario where you are concerned about the quality of a report before you, you should consider how you raise your concerns. Saying "I note this report does not contain a risk assessment – I would be grateful if a risk assessment could be undertaken" would be respectful, whereas saying "as usual, your report is inadequate and poorly prepared as it does not contain a risk assessment" could be perceived as being personally critical of the report's author.

An example of effective scrutiny could be to say at a public meeting *“I have concerns about this service we are providing in respect of X, as it appears there are undue delays. Could a report therefore be prepared on service delivery for X against key performance indicators over the last six months? Where these are not met, could information be provided as to why not and on what steps are being taken to improve matters”*. However, saying that *“the performance of Ms A, as the director, appears to be lacking, as service X is clearly not meeting its key performance indicators”* could be seen as being critical of Ms A as an individual.

- 53** If you have concerns about the performance, conduct or capability of an employee, you must raise them in private with senior management and in accordance with your public body’s procedures. You may wish to discuss your concerns with the Chair in the first instance, to see if they are shared by other members. If you are raising concerns about an employee with senior management, you should try to be as objective and specific as possible.

For example, it would be more helpful to say: *“I am concerned about the way X spoke to me at the board meeting on Y date in that I found his remark to the effect that... to be rude and disparaging”*, rather than *“X is rude towards board members”*.

Similarly, it would be more constructive to say *“I am concerned about X’s performance as the reports she produced for the meetings on Y and Z dates were not of the quality I would expect from someone of her grade in that they lacked any detail about... and did not cover...”*, rather than *“X’s performance is not up to scratch as her reports are rubbish”*.

A complaint alleged that a member had become inappropriately involved in disciplinary proceedings being brought against an employee of their public body. The member sought to influence the operational decision-making by sending a number of emails to the employee’s line manager excusing the employee’s alleged misconduct and praising their performance. In trying to interfere with the line manager’s performance of their operational duties the member lost sight of their strategic role and overall responsibility to their public body. The member was found to have breached the Code.

A complaint alleged that a member engaged in public criticism of the Chief Executive of their public body by posting information and comments on a stakeholder’s Facebook page. The member did not give the Chief Executive an opportunity to respond before publishing the comments on the Facebook page. The member was found to have breached the Code.

A public body was in the process of updating its website’s design and content. One of its members sent numerous emails, and made multiple telephone calls, to the public body’s IT department questioning the proposed layout, the timescale for the roll-out and the design of other websites in the supplier’s portfolio. The member also suggested wording and other content to be used on specific pages and questioned the proposed menu headings for the new site. While the Panel accepted that members would have a strategic role in such a project, and would be entitled to scrutinise its implementation and make some suggestions, the member in question was found to have strayed too far into discussions and decision-making at an operational level. Indeed, the Panel found that the member’s interference resulted in delays to the project as employees’ time was taken up in dealing with the member’s enquiries and suggestions. The member was found to have breached the Code.

Respect and Courtesy: Public Body Meetings

- 54** The word ‘Chair’ in paragraph 3.10 of the Code, and the word ‘Chair’ in this Guidance, are not restricted to those specific terms and apply to any individual holding a similar chairing role.

- 55 The role of the Chair in any public body meeting, including a committee meeting or a meeting of a working group or similar forum, is to ensure that the agenda of business is properly dealt with and clear decisions are reached. To do this, the Chair has a responsibility to ensure that the views and opinions of other participants (including the advice of employees) can be expressed. At the same time, the Chair has a responsibility for proper and timely conduct of the meeting and for helping to ensure the meeting is conducted in compliance with the public body's Standing Orders. This includes determining the point at which conclusions should be reached. Chairs are required to adopt a balanced approach to help ensure fairness to participants while at the same time dealing firmly with any attempt to disrupt or unnecessarily delay the meeting. If you are present, you share the responsibility for the proper and expeditious discharge of business. As such, you should ensure you are familiar with your public body's relevant rules, regulations or Standing Orders. The role of the Chair in reaching judgements about how the meeting is to be conducted should be supported and respected.

A complaint alleged that a member had failed to respect the Chair and other colleagues during a board meeting. Despite the Chair determining that the matter under consideration had been agreed, the member continued to speak over the Chair, requiring her to adjourn the meeting. Upon reconvening, the member continued to speak over the Chair. A motion was passed in terms of the public body's Standing Orders to suspend the member from the board meeting. Despite this motion, the member initially refused to leave, and it took a further adjournment from the Chair to persuade the member to remove himself. The Panel held that the member had breached the Code.

- 56 You are accountable for your own conduct at all times in terms of the Code, irrespective of the conduct of others. Abusive or offensive language and / or unnecessarily disruptive behaviour should not be tolerated. During the course of a meeting, the Chair has the right to rule on and to take appropriate action as necessary on the acceptability of conduct, and any language used and comments made. This can include requiring the withdrawal of a remark, asking for an apology, or any other action necessary to allow the meeting to proceed properly. Factors you should consider include whether:
- your behaviour, including your body language, is courteous and respectful (even when you hold a different view to that of other participants);
 - you are treating others with courtesy, respect and consideration;
 - your choice of language in meetings is appropriate and meets the high standards expected by the general public;
 - it is appropriate to refer to other members by nicknames or to refer to them in the second person, by using terms such as 'you';
 - newspapers, mobile phones, laptops and other devices are being used appropriately or whether their usage could be perceived as you not being engaged in the meeting or listening to what others are saying; and
 - your conduct could diminish the public's opinion of, and trust and confidence in, the public body and / or its members.

A complaint alleged that a member had been disrespectful towards a fellow member by making disparaging remarks about their input into a discussion. Their remarks included a personal comment about the other member's intelligence and their suitability to be a board member. It was found that the member's remarks amounted to a personal attack and were egregious and inappropriate. The member was found to have breached the Code.

At a board meeting a member challenged a senior employee's integrity by accusing them of falsifying data in a performance report. The Panel found this behaviour particularly egregious given that the employee in question was not present at the meeting and, therefore, could not address the

accusations. In addition, the concerns had not been raised previously with the employee or their line manager in private. The member was found to have breached the Code.

A councillor said "sieg heil" when the Chair of a committee curtailed debate on a motion. It was found that the words "sieg heil" are synonymous with the former fascist Nazi regime in Germany and are directly associated with obedience to an oppressive dictatorship. As such, it was found that the councillor's use of them could only be taken as an unacceptable way of protesting about how the Chair had conducted the meeting in respect of the item under consideration. Although the councillor had retracted the comment when asked to do so, it was found that he had breached the Code by failing to show respect to the Chair.

Collective Responsibility

- 57** The provision in the Code concerning collective responsibility is not intended to inhibit or reduce private discussion by members in matters of decision-making and corporate responsibility. However, while you should be ready to offer constructive challenge in your capacity as a member, you must share collective responsibility for decisions taken by the board of your public body as a whole once such decisions have been made. The principle of collective responsibility applies at all times where you are acting as a member of your public body or could reasonably be perceived to be acting as a such. This could include when you are making a press statement or providing a quote to the media.
- 58** If you fundamentally disagree with the decision taken by your board, then you have the option of recording your concerns in the minutes of the board meeting. If you remain discontented, you may wish to ask the Chair of your board for a meeting to discuss your concerns. Ultimately, though, if your concerns are not resolved to your satisfaction and you cannot accept and support the collective decision of your board, you may wish to consider whether it is appropriate to resign.
- 59** It should be noted that the requirement to respect the principle of collective decision-making and corporate responsibility does not prevent a board from making a subsequent formal decision to alter, delete or rescind a decision (although if the board does so, the principle will apply to the new or altered decision).

During a board meeting of their public body, a member voiced their disagreement with a decision taken by their board. This disagreement was registered in the minutes of the board meeting. However, following the board meeting, the member posted an angry comment on Twitter criticising their board and stating in very strong terms that they did not agree with its decision. The Panel found that while the member was entitled to have their disagreement recorded in the minutes of the board meeting, their conduct in posting the Tweet failed to adhere to the principle of collective responsibility. As such, they were found to have breached the Code.

An NHS Board was seeking to buy land for potential car parking. Having identified a suitable site, the Board decided to make an offer that was slightly above market value, due to concerns about a third-party's interest in the land in question. One board member did not consider that the purchase at the proposed offer price represented best value, and was the only member to vote against the proposal. While the member accepted the majority decision of the Board, she later made adverse comments about the purchase to a local community group. The Panel found that by making such critical comments, the member had breached the Code.

Gifts and Hospitality

- 60 The Standards Commission has produced a separate Advice Note for members on Gifts and Hospitality which can be found at:
<https://www.standardscommissionscotland.org.uk/education-and-resources/professional-briefings>.
- 61 In your role as a member, you should never **ask** for any gifts or hospitality. However, you will be **offered** gifts and hospitality: the Code makes it clear that the default position is you should refuse these, except in the very limited circumstances listed at paragraph 3.15 of the Code – see Notes 68 to 70 below for further information. It should be noted that acceptance can include accepting the *promise* of a gift or hospitality.
- 62 ‘Gifts’ or ‘hospitality’ can come in many forms. Beyond the everyday things like bottles of wine or offers of lunch, they can include benefits such as tickets to sporting or other events; provision of services at a price below that generally charged to the public; incurring personal debts or obligations on your behalf, relief from indebtedness, loan concessions, or other financial inducements.
- 63 **Objective test:** you should always consider whether your acceptance of a gift or hospitality, in the limited circumstances permitted under paragraph 3.15 of the Code, would allow an informed member of the public to think it might lead to your being influenced in your judgement on matters. You should also always consider whether you would have been given the gift or hospitality if you were not a board member. In doing so, you should think not just of your own perception, but the perception of others.
- 64 You should also not give or offer a gift or hospitality that is intended to induce someone, for example an employee or fellow member, to act improperly. You should note that in terms of the [Bribery Act 2010](#), the following cases are offences:
Case 1 is where:
(a) P offers, promises or gives a financial or other advantage to another person, and
(b) intends the advantage
(i) to induce a person to perform improperly a relevant function or activity, or
(ii) to reward a person for the improper performance of such a function or activity.
Case 2 is where:
(a) P offers, promises or gives financial or other advantage to another person, and
(b) P knows or believes that the acceptance of the advantage would itself constitute the improper performance of a relevant function or activity.
- 65 An example of bribery might be where a windfarm operator promises to pay community benefit to an organisation in a councillor’s ward if that councillor votes in favour of granting planning permission in circumstances where it would not otherwise be granted (i.e. if the proper statutory test of considering the provisions of the development plan and all material planning considerations was not applied or if community benefit was wrongly taken into account in determining a planning application).
- 66 You should, therefore, be aware that irrespective of any of the provisions in the Code, a gift which induces an individual to improperly undertake a statutory duty, such as a regulatory decision, is still likely to fall foul of the provisions of the Bribery Act 2010. This is regardless of whether the gift is given directly to the individual, or to someone else. Such an action could result in a criminal prosecution.

- 67 Paragraph 3.18 of the Code makes it clear that where an individual or organisation is awaiting a decision from, or seeking to do business with, the public body, you should not accept any form of gift or hospitality from them, no matter how small in nature or value. This is irrespective of whether you sit on a committee or working group with an influence on the outcome of such matters, as there could still be a perception that you might be in a position to influence colleagues making the decision one way or another. As you have a personal responsibility to comply with the Code, the onus is on you to ascertain whether the individual or organisation offering you gifts and / or hospitality is awaiting a decision from, or seeking to do business with, your public body.

Limited circumstances in which gifts and hospitality may be accepted

- 68 Provided paragraph 3.18 of the Code does not apply, paragraph 3.15 sets out the very limited circumstances in which you might accept a gift or hospitality from another person in your role as a member. These would be things such as a pen, or a notepad, or hospitality such as tea or coffee at a local event, or a sandwich or buffet lunch included as part of a daily rate charged and provided to all delegates at a training event or conference. For example, as board member of a National Park Authority, you are asked by the Chair and Chief Executive to attend the opening of a new café within the national park. It would be reasonable for you to attend, and to accept an offer of a light lunch.
- 69 Similarly, where you are representing the public body in an official role, you will be expected to accept hospitality normally associated with that role, for example, a dinner to commemorate the anniversary of an event. If you are invited to such events, you should always check, in advance, with your public body that you can accept the invitation.
- 70 Paragraph 3.19 of the Code also recognises that there may be situations where, as a member, you may be expected to accept gifts on the public body's behalf. These could be, for example, from representatives of a similar body from another country. In those circumstances, if it would cause embarrassment or offence to refuse the gift, you can accept it. You should, however, pass the gift to the appropriate employee of your public body at the earliest opportunity.

Perception and Influence

- 71 The provisions in the Code on gifts and hospitality are designed to avoid any perception that members may be using their role to obtain access to benefits that members of the public would otherwise be expected to pay for, and also to prevent them from being influenced (inadvertently or otherwise) into making decisions for reasons other than the public interest (for example, by serious organised crime gangs seeking to obtain contracts and licences to facilitate money laundering).
- 72 The requirement for members to advise their public body's Standards Officer of any offers of any gifts or hospitality from the same source on a repeated basis is important as it ensures the public body can take action if it appears the same individual or organisation is attempting to influence its board members and decision-making. It is also open to you, in the interests of transparency, to declare any gifts and hospitality you have declined.

A complaint alleged that a member accepted and subsequently failed to declare hospitality received from a law firm that was involved in a tender application to provide legal services to the member's public body. The hospitality involved a trip to watch the Scottish Cup Final at Hampden. It could not be said that the hospitality in question was minor, or that it was associated with the member's duties as a member of their board. In addition, it was found that it should have been evident to the member

that there was a possibility that the law firm would submit a tender to provide services to the public body. Although the member was not directly involved in the tender decision, the Panel found that it was likely that a member of the public would reasonably consider that the hospitality could have led the board member to influence others involved in making the decision. By accepting the hospitality, the member was found to have breached the Code.

A complaint alleged that a councillor had failed to declare hospitality received during a site visit from a recipient of planning permission who was to make further applications for the same development. However, there was no evidence to suggest that any Council representative, including the councillor in question, received any gift or further hospitality other than being provided with light refreshments mid-morning. Evidence suggested that these had been provided by the developers, following a Council request. This was not regarded as inappropriate for the purposes of the Code.

Confidentiality

- 73** You have a statutory right, subject to certain statutory exemptions (including those covered by data protection legislation), to the public body's information under the [Freedom of Information \(Scotland\) Act 2002](#). You also have a right to request information where you can show a need to know that information in order to perform your duties as a member.
- 74** It is legitimate, however, for your public body to require you to treat certain documents and information, provided to you in your capacity as a member, as confidential. Given the potential damage that the unauthorised disclosure of confidential material can do to the standing, reputation and integrity of a public body, it is essential that you respect the provisions at paragraphs 3.22 to 3.25 of the Code.
- 75** Information can become confidential in a number of ways, including in terms of the following examples:
- a public body employee, or a member of the public, has asked you to treat it as confidential;
 - the public body has resolved to treat it as exempt information in terms of Freedom of Information legislation, or is likely to do so; and
 - information which, under the data protection legislation or the General Data Protection Regulation contains personal data, the release of which would lead to a breach under those provisions.
- 76** Sometimes the confidential nature of the material will be explicit, such as if the document is marked 'confidential'. In other cases, it will be clear, from the nature of the information or from the circumstances in which it was provided to you, that it is confidential. This may include the following types of information.
- commercial information, such as information relating to a contract or a contractor's business;
 - personal or sensitive information, such as information relating to an individual's employment or health;
 - information which is confidential as a result of a statutory provision;
 - information discussed in closed or private sections of meetings;
 - legal advice obtained by the public body (either provided by employees or external legal advisers). This will be covered by legal privilege and should not be disclosed without the public body's permission;
 - information received as a result of a relationship where there is an expectation of confidence, such as between a member and a service user; and
 - information about any ongoing investigation being undertaken by the Ethical Standards Commissioner.

- 77** The [Public Interest Disclosure Act 1998](#) (PIDA) allows individuals to disclose certain issues to *particular* external parties (known as ‘prescribed’ individuals or bodies) where there is good reason to believe that internal disclosure will not be taken seriously or will cause the individual making the disclosure to be penalised in some way. This is known as ‘whistleblowing’. You should familiarise yourself with the types of matters which should be reported and the reporting procedure that should be followed where any wrongdoing is suspected, as outlined in the Act. A disclosure of confidential information to an external party, such as a media outlet, which is not included in the list of prescribed individuals or bodies is likely to be a breach of the Code.
- 78** As a member, you are a data user and must comply with data protection legislation and your public body’s data protection policies when handling information. Public body information provided to you must only be used by you for the purpose for which it was provided.
- 79** You should be aware that a breach of confidentiality could result criminal proceedings, civil liability for damages and / or a fine being imposed by the Information Commissioner, in addition to any reputational damage being incurred by you and / or the public body.
- 80** Confidential information must not be disclosed or in any way used for personal advantage or in such a way as to discredit the public body. This applies even in circumstances where you hold the personal view that such information should be publicly available.
- 81** You must not provide the media with ‘off the record’ briefings on the general contents or ‘line’ of confidential material or information. Disclosures of this kind can also seriously undermine and devalue the work of the public body and its committees.
- 82** Sometimes, confidentiality is a matter of timing, in that information may be released into the public domain at a later stage (either in the short or long term). However, you must respect the requirement for confidentiality even if you do not agree with it or consider that the information should be released at an earlier stage.
- 83** You should seek advice if you are in any doubt as to whether any documents, information or advice are confidential, particularly if you are intending to disclose these to any outside body or individual.
- 84** As a member, you are in a position of trust and service users may provide you with information that could reasonably be regarded as confidential. If the status of any discussion is unclear, you should establish, at the earliest possible opportunity, whether some or all of the matters being discussed are to be treated as being confidential.
- 85** If you are considering disclosing any information which could reasonably be regarded as being confidential, you should always obtain confirmation (preferably in writing) that you have the authority to do so. However, you must be aware that the person who holds the information may not necessarily have the authority to permit any such disclosure. For example, another member may have passed on information to you. The fact that this information has been passed to you by another member does not mean that the information in question is not confidential, or that the member in question has the authority to permit you to disclose it further.
- 86** You should be aware of the provisions of data protection legislation. If you hold personal information (such as personal details of a service user or other information such as medical conditions), you may require to be registered as a data controller under data protection legislation. You must abide by the following rules when holding and processing personal data:

- you must only use the information for the purposes for which it was given;
- you must not share such information with anyone without the consent of the person giving the information, or unless required to do so by law. You should note, however, that you do not need a service user's consent to share information with your public body's employees for the purpose of assisting with the resolution of an enquiry or complaint, provided you do not use the constituent's personal data in a way that goes beyond their reasonable expectations in contacting you (unless you are required to do so by law); and
- you should not keep the information any longer than you need to.

A complaint alleged that a member disclosed confidential information relating to the health of a public body employee to a third party. It was found that the member had breached the Code by disclosing to a third-party information about the employee which was private, personal and sensitive and that was, by its very nature, confidential.

A complaint alleged that a member disclosed, in two Facebook posts, sensitive information about his public body's response to the Covid-19 pandemic. The information in question had been provided by employees at private briefings. The Panel, having heard from a number of witnesses, including other members, was satisfied that it was evident the information was intended to remain confidential until the public body had prepared its public communications. This was especially important given the nature of the communications, which could have caused undue fear or alarm. The Panel concluded, therefore, that the member had breached the confidentiality provisions of the Code.

A member disclosed to the press the identity of an employee who had made a claim for constructive dismissal against their public body. The member could only have become aware of the information he disclosed by virtue of being a board member, and would reasonably have been aware that the information was sensitive, confidential and not for public disclosure. The Panel concluded that the member had breached the Code.

A board meeting was convened to agree upon an action plan for the sale of part of a public body's property assets. During that meeting a 'ballpark' figure that the public body might accept for one of its properties was discussed. Subsequent to that board meeting, one of the members present at the board meeting attended a fishing trip organised by a close personal friend who was a property developer. The member disclosed to their friend that their public body was looking to dispose of part of its property assets, and additionally disclosed the 'ballpark' figure that had been discussed during the board meeting. The Panel found that by disclosing this information to their friend, the member had breached the confidentiality requirements of the Code.

A report from a health and social care partnership's Chief Officer, presenting a procurement business case for social care services, was being considered by its board. The report contained information in respect of the tendering exercise and subsequent award of a contract. The information about the award of the contract was disclosed by a board member to a third party after the meeting. In determining whether the member had breached the Code, the Panel noted that while the part of the report containing the information had not been explicitly marked as confidential, it had been discussed in a private part of the meeting. The Panel concluded, as such, that the board member, would have known, or should reasonably have been aware, that the information was confidential and should not have been disclosed. The member, therefore, was found to have breached the Code.

Use of Public Body Resources

- 87** As a general rule, facilities paid for by the public purse, and provided for use in public body business, should only be used for public body business, unless otherwise expressly permitted by the public body itself. It is recognised, however, that some public bodies may allow members

occasional personal use of public body-provided equipment, such as laptops, mobile telephones and tablets. It is likely that your public body will have policies and protocols on related matters, including the use of IT and other equipment for personal and official purposes. The Code obliges you to adhere to such policies and protocols and, therefore, you should familiarise yourself with their contents.

- 88** The Code now explicitly forbids the ‘imprudent’ (i.e. without thinking about the implications or consequences) use of public body facilities. Given the importance of achieving [best value](#), it is important that members are not seen to be using facilities irresponsibly or wastefully. An example of this would be printing documents unnecessarily.
- 89** Facilities must never be used for political activities.
- 90** Any expenses claims should be appropriate and necessary to perform your duties as a member of the public body. You should ensure that you are familiar with, and abide by, any policy your public body has in respect of expenses.
- 91** The provisions at paragraphs 3.26 and 3.27 of the Code apply at all times and not just when you are acting as a member of the public body. Other factors to consider include:
- whether you are either explicitly or impliedly allowing others to use public body facilities improperly;
 - how the resource you are using is funded (for example, who pays for any transport or administrative support); and
 - whether the resource is being used solely for you to carry out official public body business or for an activity which has expressly been authorised by your public body, or whether you are using it for something else as well.

A complaint alleged that a member used his public body’s email account and computer to submit a tender application to another public body on behalf of his private consultancy business. It was found that the member had breached the provisions in the Code prohibiting the improper use of public body facilities.

A complaint alleged that a member asked employees in her public body’s print room to print a substantial number of posters and flyers advertising a function being held to raise money for an external charity. While it was noted that the print room employees could have declined the request, the fact that it was made by a board member had made it difficult for them to do so. The Panel accepted that while the member had gained no personal benefit, she had nevertheless breached the Code.

A complaint alleged that a councillor had used Council facilities to send an email in relation to an application for planning permission submitted by his own company. He was found to have breached the provision in the Code concerning the improper use of Council facilities.

Dealing with my Public Body and Preferential Treatment

- 92** As a member, you must avoid conduct which seeks to further your own personal interests, or the interests of others you are connected to. You must also avoid conduct that may give the impression you are seeking preferential treatment. The test is not only whether it is your intention to seek preferential treatment but also whether a member of the public, with knowledge of all the relevant facts, would reasonably consider that preferential treatment is being sought. You should note that *seeking* preferential treatment can be a breach of the Code,

regardless of whether any action is taken as a result. Factors to consider include whether you are asking employees to:

- to act in a way that suggests you are seeking preferential treatment for yourself or others;
- undertake work or do a task that is outwith their normal duties (unless prior approval has been given by the employee's line manager). As a member, you are in a position of influence and, as such, it may be difficult for an employee to refuse a request, even if they have concerns that it may not be appropriate for them to agree.

- 93** Paragraphs 3.28 to 3.30 of the Code are designed to ensure there is transparency in your dealings with employees of the public body. There is an onus on you to advise employees of any connection you may have to a matter when seeking advice, assistance or information whether within or outwith a formal meeting of the public body or its committees. This applies equally in circumstances where employees are seeking advice, assistance or information from you.
- 94** You should not assume that employees will be aware, or will remember, any personal interest you have in a matter, when you are seeking their advice, assistance or information. It is important that you identify any connection as it may be that it is inappropriate for the employee to provide you with advice, assistance or information on the matter, if your connection is one that could amount to declarable interest. For more information on what is meant by 'connection' and a 'declarable interest' in this paragraph, see the further guidance provided under Section 5 (Declaration of Interests).

A complaint alleged that a member of an NHS board sought preferential treatment when contacting employees about a close relative's place on a waiting list for hospital treatment. In contacting the employee, the member had sought information which would not normally be available to members of the public. The member had also sought to exert influence in asking that the relative's treatment be expedited. It was found that the member's actions amounted to attempts to seek preferential treatment in breach of the Code.

A member asked an employee for their login details so they could log into a case management system in order to check the progress of a complaint made by a close friend. The employee in question refused to share the login details. However, the member was found to have breached the preferential treatment provision of the Code by virtue of their actions in seeking to gain entry to a case management system that they would not otherwise be allowed to access. While the member would have been entitled to ask for an update on the status of the complaint, the case management system contained personal data and confidential information to which the member was not entitled.

A firm, in which a councillor was a partner, submitted a planning application for a wind turbine. The Panel heard that the councillor sent two emails from his council email address, signed off by him as a councillor, to members of the planning committee that was due to consider the application. In his emails, the councillor outlined a number of points in favour of the planning application. The Panel determined that members of the public would reasonably conclude that, by sending the emails from his council email address and signing them off as a councillor, he was using his position as a councillor to seek preferential treatment. The councillor was found to have breached the Code.

Appointments to Outside Organisations

- 95** Public bodies may, on occasion, appoint or nominate their board members to outside bodies. If you are appointed or nominated to an outside body, you are still bound by the Code, but you will also have responsibilities as a member of the outside body. These responsibilities may potentially include personal liabilities and could also give rise to conflicts of interest. Such conflicts may arise through competing personal interests, or the competing interests of the respective organisations

of which you are a member. Public bodies will therefore need to consider this issue carefully when appointing board members to outside bodies. You need to consider carefully whether you can accept such appointments in each case.

- 96** You should be aware that you may need to register, in terms of Section 4 of the Code, your membership of another body. That membership could also amount to an interest that would require to be declared in terms of Section 5. More guidance in this regard can be found in the notes below on Sections 4 and 5.
- 97** If you are appointed or nominated by your public body to an outside body, as a director or a trustee, you will assume legal responsibilities as an individual. These legal responsibilities, as a director of a company, arise by virtue of the Companies Acts, and / or as a charity director or trustee by virtue of the [Charities and Trustee Investment \(Scotland\) Act 2005](#) (if the outside body is a registered charity). The Office of the Scottish Charity Regulator has up to date guidance on the latter scenario at: <https://www.oscr.org.uk/guidance-and-forms/guidance-and-good-practice-for-charity-trustees/>. If appointed or nominated to an outside body, you should ensure that you are clear about the role and the responsibilities you will have to it as an individual. You will also have to act in the outside body's best interests and, as a member, will be bound by the provisions in any code of conduct it has adopted, when acting as such.
- 98** If you have any doubts about your responsibilities or concerns about the impact of an appointment to an outside body on your ability to adhere to your public body's Code, you should seek advice before accepting such an appointment or before any meeting at which appointments are to be made. Advice can be sought from your public body's employees or, if appropriate, from employees of the outside body.

SECTION 4: REGISTRATION OF INTERESTS

- 99 This section of the Code is intended to give members of the public confidence that decisions are being taken in the best interests of the public and not those of you or your family, friends or personal associates.
- 100 The Register is intended to be a public record of the interests that might, by their nature, be likely to conflict with your role as a member.
- 101 The fact that you have subsequently declared a registrable interest at a meeting would not necessarily be a defence to a complaint that you breached Section 4 of the Code by failing to register it. Accordingly, you should be as transparent and careful as possible when considering which interests you are required to register.
- 102 The Register should cover your whole term of office. Should an interest no longer apply (for example if you cease to receive remuneration through employed work during your term of office), the entry should still be listed in the Register and retained for the whole term of office. However, you should amend the Register to reflect the change of circumstances, e.g. *“management consultant from xx/xx/2019 until xx/xx/2020”*.
- 103 You should be aware that the [Ethical Standards in Public Life etc. \(Scotland\) Act 2000 \(Register of Interests\) Amendment \(No. 2\) Regulations 2021](#) (the 2021 Regulations) state that public body employees must retain the record for a period of five years after the date a member ceases to be in office.
- 104 You are required by the 2021 Regulations to update your entries in the Register of Interests within one month of your circumstances changing. While your public body may issue a reminder annually or even on a more frequent basis, it is nevertheless your personal responsibility to ensure your entry is updated within one month of a new interest arising or of your circumstances changing. You should also ensure that you review all your entries in the Register at least once a year, even if you think nothing has changed.
- 105 For categories where the Code does not specifically mention the level of detail to be registered, it is for you to decide. In making such a decision, you should observe the key principles and, in particular, those of selflessness, integrity, openness and honesty. You should ensure you have provided enough information for a member of the public to be able to understand the nature of the entry in your register without having to undertake any research. A failure to include sufficient information for an entry to be understandable could amount to a breach of the Code. For example, if you are registering employment you should include the full name of your employer, not just an abbreviation.

Category One: Remuneration

- 106 The level of remuneration, or how much you receive, does not matter in terms of whether an entry needs to be made under this category. The question is only whether you have received remuneration. This means paid work, no matter how casual or trivial in nature, requires to be registered.
- 107 You do not need to state the exact job title of any remunerated post you hold as an employee, but you should provide a description that allows a member of the public to understand the type of role. For example, you could state:

“Since 2019, receive an ongoing salary as a part-time customer service agent for X+Y Limited, being an IT consultancy firm”; or “receive hourly rate payment for one day per week self-employed work for GreenFingers, being the trading name of my landscape gardening business which has operated since 2016”; or “received two fixed payments for writing two articles, published in May and September 2021 for Z, a trade magazine”.

- 108** ‘Undertaking’ is defined in Annex B of the Code as (a) a body corporate or partnership; or (b) an unincorporated association carrying on a trade or business, with or without a view to a profit. ‘Body corporate’ includes entities such as companies, limited liability partnerships and, potentially, Scottish Charitable Incorporated Organisations. ‘Unincorporated associations’ includes clubs, societies, and mutual associations. The key as to whether an interest is registrable under this category is whether you carry out work for the undertaking for which you receive some form of ‘remuneration,’ i.e. wage, salary, share of profits, fee, expenses or other monetary benefit or benefit in kind.
- 109** Paragraph 4.5 of the Code confirms you do not have to register any work that you carry out on behalf of the public body in your capacity as member.
- 110** Paragraph 4.10 of the Code indicates that you should register ‘any other work’ besides a trade, profession or vocation. Such work might include freelance work that you undertake for a particular sector, or a paid consultancy, or educational or training courses you provide in return for payment.

Category Two: Other Roles

- 111** If you have been appointed as a member of an outside body (including where you have been nominated or appointed by your public body), you should ensure that the membership is registered in your Register of Interests either under Category One: Remuneration (if the position is remunerated) or under Category Eight: Non-Financial Interests (if the position is not remunerated).
- 112** If you hold an unremunerated directorship in an undertaking, and you are remunerated by a parent or subsidiary of that undertaking, you should register the unremunerated directorship under ‘Other Roles.’ For the sake of transparency, you should register the name and registration number of both undertakings, and the relationship between the two. Your remuneration in the parent or subsidiary undertaking should also be registered under Category One: Remuneration.

Category Three: Contracts

- 113** You must register an interest under this category where:
- you as an individual; or
 - an undertaking that you have a substantial interest in either as a partner, director or shareholder (where the value of shares you hold is as described under Category Four: Shares and Securities)
- has an upcoming or ongoing contract with the public body for the supply of goods or services, or for the execution of works. You do not need to state the value of the contract.

This category may overlap with Category One: Remuneration. If so, you should add an entry under both sections, for transparency. An example of the detail required would be as follows: *Director and shareholder of cleaning company which has a contract with MidScotland College to valet the college’s vehicle fleet. Contract start date: 1 February 2010.*

Category Four: Election Expenses

- 114** ‘Donations’ towards election expenses would include those received via crowdfunding, if individual contributions (including any from the same source) amount to more than £50.

Category Five: Houses, Land and Buildings

- 115** You should note that you are only required to register an interest in a house, land or building if the objective test is met. If you are required to register an interest under category five (in terms of paragraph 4.18 of the Code), you will need to provide your public body’s Standards Officer with the full address of the house, land or buildings you own or have any other right or interest in. However, there is no requirement for any full address you provide to be disclosed on your public body’s website or otherwise made publicly available. This means it is sufficient for the purposes of your publicly available register to simply identify where the property is located. For example, if you were a member of a national park authority, it would be sufficient to state: *“I own a residential property located within X National Park”*.

- 116** Examples of other rights you may have in houses, land and buildings may include a right as a tenant, an agricultural tenant, as a trustee or beneficiary of a trust, or through a liferent.

Category Six: Interest in Shares and Securities

- 117** ‘Shares and securities’ is intended to cover all types of financial investment models, including stocks, bonds, options, investment trusts, and other forms of part-ownership, including equity and debt ownership.

- 118** You have a registrable interest, in terms of paragraph 4.20(a) of the Code if, at any time, you own, or have an interest in more than 1% of the issued share capital of a specific company or body.

- 119** You have a registrable interest, in terms of paragraph 4.20(b) of the Code if, at the relevant date, the market value of any shares and securities (in any one specific company or body) you own or have an interest in is greater than £25,000. The ‘relevant date’ is defined in Annex B of the Code as the date you were appointed as a member, and on 5 April each year following your appointment.

- 120** For example, you are appointed as a board member of MidScotland College on 7 June 2021. For the purposes of paragraph 4.20(b) of the Code, 7 June 2021 is the first ‘relevant date’ on which you must consider the market value of your shares and securities. If, on 7 June 2021, the market value of any shares and securities (in any one specific company or body) you own or have an interest in is greater than £25,000, you must register that shareholding. Thereafter, the next ‘relevant date’ on which you must consider the market value of your shares and securities is 5 April 2022, and then 5 April each following year.

- 121** An interest under shares and securities will also include investments made under self-invested pension plans. However, you do not need to declare an interest in your public body’s pension fund (if applicable).

- 122** In relation to paragraph 4.20 of the Code you will have a registrable interest as a trustee, (either as an individual or jointly with other trustees), where you have an interest as a beneficiary of the trust and where the benefit is greater than 1% of the trust’s value or the value of that benefit is greater than £25,000.

Category Seven: Gifts and Hospitality

123 The default position is you should refuse gifts and hospitality, except in very limited circumstances (see paragraphs 3.13 to 3.21 of the Code). However, if you have accepted and registered gifts and hospitality under the previous versions of the Code, these should remain on your Register of Interests for the term of office.

Category Eight: Non-Financial Interests

124 When considering whether you have a registrable non-financial interest, you should bear in mind that the test is whether the interest is one which members of the public might reasonably think could influence your actions, speeches, decision-making or voting in the public body. An example of this might be membership of a society. You should consider whether such membership might lead members of the public to reasonably conclude that it could influence your actions, speeches, decision-making or voting, in terms of paragraph 4.22 of the Code. If so, you should register the interest.

125 In order to ensure you are being as transparent as possible, you should consider erring on the side of caution. You are reminded that any non-financial interest registered under Category Eight of the Code, is a connection in terms of Section 5 of the Code. That means you will have to consider whether it also needs to be declared, if the objective test is met, in terms of paragraph 5.5 of the Code.

126 You should bear in mind that the examples of possible non-financial interests stated in paragraph 4.22 of the Code are illustrative only and, therefore, are not an exhaustive list of potential non-financial interests.

Category Nine: Close Family Members

127 Paragraph 4.23 of the Code is intended to help ensure that your public body complies with accounting standards that require a public body's accounts to disclose the possibility that its financial position may have been affected by any related party transactions. Such transactions include contracts for the supply of goods and services, and the execution of works. While you are also required to declare the financial interests of others under paragraph 5.5 of the Code, if the objective test is met, there is a risk that your public body's finance team may not realise that you have done so when preparing the accounts. You are, therefore, required to register the interest of any close family member who has transactions with your public body or is likely to have transactions or do business with it. This is to ensure there is transparency in respect of any potential influence that anyone close to you, in your capacity as a member of your public body, may have over a transaction your public body has been involved in that, in turn, had an impact on its overall financial position.

128 The Code does not define what is meant by 'close family member' as this will depend on your individual circumstances, but it is likely that a spouse, cohabitee, partner, parent and child would be considered to fall within this category. You do not need to disclose the family member's name or any other personal data in the register; it is sufficient for you to identify the relationship and nature of the transaction. For example, *"my son is a partner in a law firm that has a contract to provide legal services to the health board"*.

129 The fact that a close family member may be employed by your public body would not be considered a transaction or business for the purposes of Category Nine. Therefore, while such a connection could amount to a declarable interest under Section 5 of the Code, it would not

require to be registered.

A board member of a Regional Transport Partnership (RTP) failed to register his membership of a prominent cycling pressure group. The Panel found that a member of the public with knowledge of the membership of the pressure group might reasonably think that the member's actions and decision-making at the RTP would be influenced by that interest. As such, the Panel determined it was an interest that should have been registered as a non-financial interest under Category Eight.

A member failed to register that they received a one-off payment for writing an article in a trade magazine. The article was published and payment was received after the member's appointment to the board of her public body. The Panel accepted that the failure to register was inadvertent, but nevertheless found that a breach of the Code had occurred.

A member failed to ensure his one-third shareholding in a company was registered correctly and timeously. While the Panel accepted that there was no intention to mislead or deceive, and that neither the member nor the company had gained any benefit from the oversight, he was nevertheless found to have breached the Code.

A complaint alleged that a councillor failed to register a financial interest in respect of her remunerated employment as an office manager with a member of the Scottish Parliament. The Panel noted that the councillor had publicly announced, via a posting on a social media site, that she would be working for the MSP. While it was accepted that this demonstrated there was no evidence of any deliberate attempt to conceal the employment, the councillor was nevertheless found to have breached the Code.

SECTION 5: DECLARATION OF INTERESTS

130 The requirement for members to declare certain interests is a fundamental requirement of the Code. A failure to do so removes the opportunity for openness and transparency in a member's role and denies the public the opportunity to consider whether a member's interests may or may not influence their discussion and decision-making.

131 Should you be in any doubt about the legal implications of your participation in a public body discussion or decision, you should seek advice from your Standards Officer, Chair or Chief Executive before taking part.

Stage 1: Connection

Paragraph 5.1

132 In your work as a member, you will have connections with a great number of people and organisations. In the same way, your financial affairs, employment and property holdings - or those of individuals close to you or bodies you are involved with - will sometimes mean that you have a connection to a matter that your public body is considering, in some way.

133 Such connections will not always amount to an interest that you are required to declare. However, you should always consider whether this is a possibility, in the context of your role as a member and in respect of any specific matter you are being asked to consider. You should always err on the side of caution, and if you are in any doubt you should consult your public body's Standards Officer.

Paragraph 5.2

134 The Code cannot provide for every type of relationship that could result in a connection, as this will depend on the facts and circumstances; for example, how close you are to the individual in question and how often you see them. It should be noted, however, that certain relationships such as spouse, partner, cohabitee, close friend, parent or child are likely to result in a connection.

135 It is impossible to list every type of connection you could possibly have with a matter involving or to be considered by your public body. However, some common examples would include:

- your public body considering some form of financial assistance or decision that could have a direct effect on an organisation you, your partner, or someone close to you works for;
- your membership of another body or organisation that is seeking to agree a contract with your public body;
- some form of personal connection with a person making an application, or a complaint, to public body.

136 The Code does not restrict the ability of a public body to benefit from the knowledge and experience of its members. Having knowledge or experience of a matter that is to be considered by your public body is not necessarily a connection. For example, if your public body is considering tenders received for the provision of a new IT system, your knowledge and experience as an IT specialist would not be considered a connection.

Paragraph 5.3

137 Paragraph 5.3 of the Code makes it clear that anything you have registered as an interest in terms

of Section 4 of the Code (Registration of Interests) would be considered a connection for the purposes of Section 5.

Paragraph 5.4

138 You should also be mindful of the specific responsibilities you have to different bodies and be aware of the potential for conflicts of interests between your different roles. Membership of a body you have been appointed or nominated to by the public body, as its representative, would not normally be a connection.

139 However, this does not apply where the matter being considered by your public body is quasi-judicial or regulatory in nature. An example of where you would have a connection as a member of a different body would be where the other body has applied for a licence or consent from your public body, or is an objector to such an application. This is regardless of whether or not you actively participated in the decision by the other body to make the application or objection.

140 In terms of being a member of an outside body, the Code also states you may have a connection where you have a personal conflict, either by reason of:

- your actions;
- your connections (other than your membership of the outside body); or
- your legal obligations.

141 An example of where you may have a personal conflict, and therefore a declarable interest, **by reason of your actions** could be where, just before being appointed to your board, you made critical comments in the press about another organisation's wastefulness in terms of expenditure. If, following your appointment, the other organisation makes a funding application to your public body it is likely that your actions may have resulted in you having a personal conflict.

142 An example of where you may have personal conflict **by way of a connection** (other than solely from your membership of the outside body) would be where your partner works for the outside body, and the body is seeking funding from the public body for its operations that could have an impact on your partner's job.

143 Examples of where you may have a personal conflict **as a result of legal obligations** would include where you are either a director of a company or a charity trustee. Both the Companies Acts and the Charities and Trustee Investment (Scotland) Act 2005 impose obligations on you to act in the best interests of the company or charity, and those obligations may conflict with your role as a member. If you are in doubt as to what your legal obligations are to the outside body, you should seek advice from its legal advisers.

Stage 2: Interest

Paragraph 5.5

144 Having decided that you have a connection to a particular matter, you should apply the objective test to that connection to decide whether it amounts to an interest that requires to be declared.

145 The **objective test** outlined in paragraph 5.5 of the Code assumes that a member of the public has knowledge of the relevant facts. The question you need to consider is whether a member of the public, with this knowledge, would reasonably regard the connection as so significant that it would be likely to prejudice your discussion or decision-making in your role as a member. If the answer is yes, the connection is an interest which you should declare.

- 146** At all times when applying the objective test, you should be aware that it is just that – objective. The test is not what you yourself know about your own motivations and whether the connection would unduly influence you: it is what others would reasonably think, if they were in possession of the relevant facts.
- 147** There may be instances where, having applied the objective test, you consider the connection is so remote and insignificant that you do not think it amounts to an interest. Examples might be where a charity you occasionally donate to is seeking funding from your public body, or when a neighbour you have little social contact with works for a company that has a contract to provide cleaning services for the building where your public body’s offices are located.

A complaint alleged that a member of a public body sat on the Appointment Panel for the recruitment of a new Chief Executive, despite being a close friend of one of the candidates. Having reviewed all evidence, including that given by witnesses at the Hearing, the Panel determined that there was no breach of the Code. This was because there was no evidence that the member’s association with, or connection to, the candidate in question went beyond a limited professional relationship or that they had engaged in any contact outside a work setting. The Panel concluded that a member of the public, with knowledge of these relevant facts, would not reasonably regard the member’s connection as being so significant that it would be considered as being likely to influence their discussion or decision-making. As such, the connection did not amount to an interest that would require to be declared for the purposes of Section 5 of the Code.

A member of a health board took part in a discussion about snagging issues in respect of the construction of a new hospital, despite having previously been engaged in a claim for legal damages against a subsidiary of the construction company, in respect of a private property. Having applied the objective test, the Panel determined that while the member had a connection to the company, this did not amount to a declarable interest. This was because the Panel did not consider that a member of the public, with knowledge of the relevant facts (being the fact that the legal dispute had concluded and was against a subsidiary company), would reasonably regard the member’s connection to the matter as being sufficiently significant as to be likely to influence her discussion on the snagging issues in her role as a member.

- 148** Section 3 of the Code sets out the very limited circumstances in which you would accept gifts and hospitality. As you must apply an objective test when deciding whether or not to accept any gift or hospitality being offered, it would be unusual for such a gift or hospitality to be so significant that it would constitute an interest.
- 149** When making a declaration of interest you only need provide enough information for those at the meeting to understand why you are making a declaration. For example, it may be sufficient to say: “I declare an interest as my partner is a member of the organisation making the application”. You might not necessarily need to provide details about how long your partner has been a member and in what capacity.
- 150** You must disclose or declare your personal interests both in formal and informal dealings with public body employees and other members, not just in formal board or committee meetings. This is an important consideration, especially when you are seeking advice or assistance from public body employees or other sources. You should not assume that employees and others will know or will remember what your interests are.
- 151** You should be mindful of the need to protect the confidentiality of another person’s business or financial interests when making a declaration of interest. You are only required to provide enough information to make it clear why you consider you have a clear and substantial interest.

A complaint alleged that a member took part in a discussion at a NHS Board meeting on review of child health and medical paediatric inpatient services at a local hospital, where a freedom of information (Fol) request and press coverage were considered. This was despite being aware that an Fol request had been submitted to the Health Board on behalf of his employer, who was a Member of the Scottish Parliament. The employer, who had an interest in retaining certain services under consideration, had previously raised the issue in the Scottish Parliament and had made public statements in the press. The Panel found that the member had failed to apply the objective test as, had he done so, he would have realised that in taking part in the discussion, where issues and concerns that were similar to those raised by his employer could be raised, a member of the public with knowledge of the relevant facts might reasonably conclude that he could be influenced by his employer. The Panel concluded that the nature of an employee / employer relationship could not reasonably be considered to be remote or insignificant. The member was found to have breached the Code.

A complaint alleged that a member had not declared an interest at a board meeting where reports were presented about the public body's contribution towards the funding of certain voluntary organisations, which included her employer. This was despite her employer having been mentioned specifically in reports considered at the meeting in question. It was found that the member should have applied the objective test, declared a non-financial interest and taken no further part in the discussions and decision-making at the meeting. She was found to have breached the Code.

A college board was considering a plan for the restructuring of the college's academic faculties. Though the exact details of the restructuring were not yet finalised, it was likely that the plan would result in a number of job losses. A board member, who had a close friend employed as a lecturer in one of the faculties potentially under threat by the restructuring, failed to declare that friendship as an interest. By failing to declare the interest, the Panel found that the member had breached the Code. Although it was not certain that the restructuring would have resulted in the loss of his friend's job, a member of the public, with knowledge of the relevant facts, could reasonably have regarded the member's friendship as being likely to prejudice the discussion and decision-making related to the restructuring.

Stage 3: Participation

Paragraph 5.6

- 152** If you decide that you should declare an interest, you should do so at the earliest opportunity. If you only realise a declaration is necessary when the discussion in respect of a matter is underway, you may wish to consider whether you should provide a brief explanation as to why you had not realised you had an interest at the outset of the meeting.
- 153** Thereafter, when the item is being considered, you should leave the room. It is not sufficient for you to retire to the back of the room or the public gallery. If the meeting is being held online, you should retire to a separate breakout room or leave and re-join after the discussion on the matter has concluded. It is not sufficient for you to turn off your camera and / or microphone for the duration of the matter.
- 154** You should not give anyone reason to doubt that you are no longer in any position to influence the outcome of deliberations on the relevant item either directly or indirectly. This means that you should refrain from contacting your member colleagues remotely (for example by email or text) while they are considering the item.

A member who was involved in a decision regarding whether to retain paediatric A&E services at a specific hospital, made a declaration of interest stating that their partner was a nurse in the A&E department in question. The member's declaration was noted and they were asked to leave the meeting, which was being held online. However, instead of fully leaving the online meeting, the member simply switched off their camera, meaning that they were still able to see and hear the proceedings. The member then sent WhatsApp messages to their colleagues on the board, outlining further arguments as to why the A&E services should be retained. The Panel found that the member had breached the Code.

Part of the agenda for a public body's board meeting dealt with consideration of a proposed memorandum of understanding between the public body and a university. At the outset of the board meeting, a member, who was also Chancellor of the university in question, declared an interest. When the agenda item arose, the member excused themselves from the board meeting and left the room, returning only when discussion of the memorandum had completed. The member's declaration, together with the fact they had left the meeting, was documented in the board minutes. The member had, therefore, acted in accordance with the Code.

- 155** Where the only interest is in relation to an item included in an agenda which is before the public body or one of its committees, for noting or formal approval, no declaration is required unless it is then decided that the item needs to be discussed or debated as a substantive issue.
- 156** You are reminded that, when considering whether a declaration of interest is appropriate or the effect of making a declaration in terms of the actions you are then required to take, you should refer to the full provisions of the Code. The Standards Commission has produced an Advice Note for Members on How to Declare Interests, which can be found at: <https://www.standardscommissionscotland.org.uk/education-and-resources/professional-briefings>.
- 157** You may wish to check that any declaration of interest you have made at a formal meeting is recorded in the minute with the relevant agenda item identified. For example: *"Ms A declared an interest in relation to the funding application at Agenda Item 16 as she is a director of the company making the application. Ms A therefore left the room and took no part in the discussion or decision-making on that item"*.

Paragraph 5.7

- 158** You may wish to think about whether you should indicate why you consider any connection you have to a matter does not amount to a declarable interest. This is particularly if you know that members of the public are aware of your connection, but where you suspect they may not have knowledge of all the relevant facts.
- 159** In those circumstances you might want to make a transparency statement. For example, you could state: *"I have a connection to this item by reason of... However, having applied the objective test I do not consider that I have an interest to declare. This is because..."*. If you think it would be helpful, you can ask the employees who are clerking the meeting to note your transparency statement in the minutes. Similarly, you may wish, for the sake of transparency, to state that you were offered, but turned down, a gift or hospitality.

Paragraph 5.8

- 160** The Standards Commission can consider requests for dispensations in certain circumstances, either from a member as an individual or to a class or description of members who are affected

by a particular category of interest.

161 Any application for a dispensation should be submitted either by email to enquiries@standardscommission.org.uk or by mail to the Executive Director, The Standards Commission for Scotland, Room T2.21, The Scottish Parliament, Edinburgh, EH99 1SP. Any application should detail all the relevant information, including the reasons why a dispensation is sought. Factors to consider before making the application include whether:

- it would be in accordance with both the spirit and intent of the Code to grant the dispensation; and
- you have provided sufficient reasons for the request, including what the effect or consequence would be if it was not granted.

162 The Standards Commission will respond as soon as practicable after receipt of all information, usually within 20 working days. Where an application for dispensation relates to a specific item of business, the Standards Commission will endeavour to respond before the meeting in question. However, Standards Commission Members work on a part-time basis, so this may not always be possible. As such, all applications should be submitted to the Standards Commission as soon as the relevant information / circumstances are known.

163 If a dispensation is granted, you should consider stating this at the meeting, and asking for this to be recorded in the minutes.

Paragraph 5.9

164 There is no definition for what may constitute a 'frequent' declaration of interest in terms of paragraph 5.9 of the Code, as this will depend entirely on the specific facts and circumstances of each case and how often the matter in which you have an interest is discussed by the public body. For example, declaring the same interest at four meetings of a public body that only meets on a quarterly basis might be considered 'frequent'. However, this may not necessarily be the case if the public body met twice a month and discussed the same matter in which you have an interest at a few consecutive meetings.

SECTION 6: LOBBYING AND ACCESS TO BOARD MEMBERS

- 165** As a member, you will be approached by those wishing to make their views known. This is perfectly legitimate and should be encouraged, as it is important that individuals are able to engage with public bodies.
- 166** Paragraph 6.1 of the Code sets out some of the ways in which you, as a member, may be lobbied. For example, you may be lobbied by a service user on a personal issue, such as the service your public body is providing. You may be approached by someone seeking financial or other benefit from the public body, either by way of a contract for goods or services, or some form of licence or consent.
- 167** It is easy for the lines between these different types of approach to become blurred, particularly when you are dealing with casework or regulatory matters, such as planning or licensing. It is important to recognise, however, that the integrity and reputation of the public body's decision-making process depends on openness, transparency and following proper process. There is a risk that private meetings with lobbyists, particularly those that fall outwith the public body's procedures, and where employees are not involved, will undermine or could reasonably be perceived as undermining this.
- 168** Lobbyists can expect to deal with public body employees at certain stages of an application process. If you are seen as facilitating an approach outwith the normal process, there may be a perception that you have allowed the lobbyist special access to the decision-maker and that you are bypassing employees. As such, if you are approached by anyone about a pending decision of any kind, you should advise the employees who are dealing with the matter and give them all relevant information.
- 169** Paragraph 6.5 of the Code notes that if you have concerns about the approach or methods used by any person or organisation in their contacts with you, you can seek the guidance of the Chair, Chief Executive or Standards Officer. You can also seek advice from a colleague or external advice, as you deem appropriate.
- 170** Discussing the information you have received from lobbyists with employees will give you an opportunity to establish if it is something that they were not aware of and / or if it is relevant to any decision you will be making. It may be that lobbyists will present information in a way that is favourable to their case, but which does not give the complete picture. Employees can give you professional advice on what may or may not be a relevant consideration in respect of any decision you will be making.
- 171** Even if you do not make casework or regulatory types of decisions, there are still likely to be issues under the Code that you will need to consider. In particular, it would be a breach of the Code for you to lobby employees who are making decisions on casework or contracts, either on your behalf, or on behalf of others.

Service User Enquiries

- 172** As a member of a public body, you have a representative role and, as such, may be approached by service users. Allowing service users to advise you of their views, including any concerns, helps ensure the public body is perceived as being open, accessible and responsive to the needs of the public. When you respond, you should be mindful of the need to treat everyone with respect, and to otherwise promote the key principles outlined in Section 2 of the Code. In some cases, however, you may feel that there is nothing further to be gained by responding to a service user

and that you are not able to help them further. In those circumstances, you should politely inform the service user that is the case.

- 173** You are entitled to raise a service user's enquiry with the relevant employee, although you should, at all times, follow your public body's policies on the processing of personal data. You can ask questions about how a service has been delivered, and can seek information on progress on behalf of a service user, but you should be careful not to stray into operational management (for more advice on this, please see the Standards Commission's Advice Note for members on distinguishing between their strategic role and any operational work, which can be found at: <https://www.standardscommissionscotland.org.uk/education-and-resources/professional-briefings>).
- 174** You should be aware of the distinction between a service user's request for service (or for information about a service), and a complaint about a service received. In the latter case, you should recommend that the service user makes use of the public body's formal complaints procedure, as this enables common patterns of complaint to be identified, and enables a complainer to escalate their complaint to the [Scottish Public Services Ombudsman](#), if necessary and as appropriate.
- 175** Inevitably there will be occasions where the service user looking for your help is also a public body employee. While they are entitled to do so as a private individual in the same way as any other service user, you should decline to get involved in anything which relates to their status as an employee (such as performance or attendance management). You are a member of the organisation that employs them, and employment matters should be handled by their line manager or their union representative, as appropriate.

Lobbying

- 176** Paragraph 6.7 of the Code notes that it is important that you understand the basis on which you are being lobbied in order to ensure that any action taken in connection with a lobbyist complies with the standards set out in the Code and the [Lobbying \(Scotland\) Act 2016](#). This Act aims to increase public transparency about lobbying and defines particular types of communication as 'regulated lobbying'. From 12 March 2018 anyone who engages in regulated lobbying must record details of their activities on a Lobbying Register website. Regulated lobbying only involves lobbying when it takes place face-to-face with:
- Members of the Scottish Parliament;
 - Members of the Scottish Government (including the Scottish Law Officers); and
 - Junior Scottish Ministers; the Permanent Secretary of the Scottish Government; and Scottish Government Special Advisers.
- 177** Private meetings with lobbyists - whether professional lobbyists or members of the public seeking your support - can undermine public trust in decision-making processes. It can also have consequences for the lobbyist. For example, a private meeting could disqualify them from the tender process if they are bidding for a public body contract. Private meetings can also involve offers of hospitality, which could lead to a breach of the gift and hospitality provisions at paragraphs 3.13 to 3.21 of the Code.
- 178** If you are approached by a lobbyist, it is likely that they are seeking your involvement as a lobbyist in turn, whether as a decision-maker or otherwise. It is important to recognise that there is a difference between lobbying on behalf of a commercial or personal interest, and lobbying for a policy change or benefit which affects a group of people, a community, or an organisational

sector. You should always consider what will benefit the public body and its service users as a whole, not just any narrow sectoral interest.

179 You must not, in any case, accept any paid work in which you give advice on how to influence your public body. An example of a breach of the Code in this regard could be if a member of the Standards Commission provided paid consultancy services to a political party in respect of how to best respond to complaints and represent its members at Hearings convened to consider potential breaches of Codes.

180 In all situations, care is needed. You should be guided by the Code and, in particular, consider:

- could anything you do or say be construed as you having been improperly influenced to take a particular stance on an issue;
- are you giving, or could you be perceived as giving, preferential access to any one side of an argument;
- when seeking information on the progress of a case or particular matter are you doing so in a factual way or could you instead be perceived as making representations or lending support; and
- are you reaching your own view on a matter having heard all the relevant arguments and evidence (including the guidance of public body employees), and not simply agreeing or complying with any view expressed by your member colleagues.

181 If you choose to be an advocate for or against a particular cause, you will forfeit your right to be a decision-maker in regulatory or quasi-judicial decisions concerning that cause. If you are approached, you can listen to views expressed but you must make it clear that you cannot lend support or make a decision until the appropriate meeting, when you have heard and considered all relevant and material evidence and information. However, you can:

- advise employees of the representations you have received;
- assist service users in making their views known to the relevant employee;
- seek factual information about the progress of a case; and / or
- advise those that are lobbying who they can contact (being the relevant employee).

A board member introduced a change to her public body's funding application policy, which was subsequently approved by the board. Following board approval, a service user sent the member an email complaining about the policy change. The member referred the service user's email to the Chief Executive for an employee response. The service user complained that the member's failure to respond indicated that she did not want to engage with him and had denied him access. The Panel noted, however, there was no specific obligation under the Code for individual members to respond to all who seek to lobby them. The Panel considered that the member had acted appropriately in referring the email to the Chief Executive so that the appropriate employee could respond. As such, it determined that the complaint did not amount to a breach of the Code.

A complaint alleged that a councillor had been involved in a 'secret' meeting with some local residents. The outcome of the meeting resulted in a Traffic Regulation Order (TRO), which ultimately led to the introduction of parking restrictions. The complainer alleged that, by attending the meeting, the councillor had failed to be accessible to the public and had demonstrated bias in favour of some residents. It was established, however, that the councillor had been accompanied at the meeting by an officer from the Council's Roads Services. No evidence was found that the councillor had indicated support for or against the making of the TRO, and as such his conduct did not give rise to a breach of the Code.

A complaint alleged that a Health Board member had held an individual meeting with a supplier of medical equipment, despite knowing that the supplier was involved in an ongoing tender process. The

member met with the supplier alone, without taking an employee of his public body, and without informing his board in advance that he was meeting the supplier. At the next meeting of the board, the tender applications were discussed and the supplier in question was awarded the contract. The Panel found that by meeting with the supplier alone and by subsequently taking part in the discussions and decision-making over the tender, the member had breached the Code. It was likely that a member of the public, with knowledge of the relevant facts, would perceive that the member had offered preferential treatment to the supplier compared to the other suppliers involved in the tender.

A member of a board involved in the provision of grant funding accepted payment from a lobbying organisation. At a subsequent board meeting, convened to discuss and decide upon a round of funding, the member posed a number of critical questions and made derisive comments regarding the majority of the funding applicants. The member did not, however, criticise or comment upon an application for funding by a body that transpired to be a client of the lobbying organisation. The Panel found that by accepting the payment from the lobbying organisation, the member had breached the Code and, further, that it was clear from his actions in the board meeting that, in return for the payment, he was attempting to accord preferential treatment to the lobbying organisation's client.

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ANNEX A

BREACHES OF THE CODE

Hearings

182 The Standards Commission, after receiving a report from the Ethical Standards Commissioner, (ESC), can decide to hold a Hearing (usually in public) to determine whether a breach of the Code has occurred and, if so, to determine the appropriate sanction. A policy outlining the factors the Standards Commission will consider when making such a decision on a report referred by the ESC can be found at: <https://www.standardscommissionscotland.org.uk/cases>.

183 Details of the procedures followed at a Standards Commission's Hearing are outlined in its Hearings Process Guide and Rules, which can be found at: <https://www.standardscommissionscotland.org.uk/cases/hearing-rules>. In certain circumstances and following the agreement of parties involved in the Hearing, the Standards Commission may use an Abbreviated Hearing Process.

Sanctions

184 [Section 19 of the Ethical Standards in Public Life etc. \(Scotland\) Act 2000](#) (2000 Act) obliges a Hearing Panel to impose a sanction. This can be either a censure, suspension, or removal from the board and disqualification:

Censure: A censure is a formal record of the Standards Commission's severe and public disapproval of the member.

Suspension: This can be a full or partial suspension (for up to one year). A full suspension means that the member is suspended from attending all meetings of the public body. A partial suspension means that the member is suspended from attending some of the meetings of the public body. In imposing a suspension on a member, the Standards Commission can direct that any remuneration or allowance deriving from membership of the body that would be payable to the member be not paid or be reduced.

Disqualification: Disqualification means that the member is removed from their membership and disqualified from membership of the body for the period determined (which can be up to five years). In circumstances where the member is also a councillor, or a member of another devolved public body, the disqualification may extend to that member's status as a councillor or member of the other devolved public body.

185 The Standards Commission's policy outlining the factors a Hearing Panel will consider when making a decision on the sanction to be imposed can be found at: <https://www.standardscommissionscotland.org.uk/cases/hearing-rules>.

Interim Suspensions

186 Section 21 of the 2000 Act gives the Standards Commission power to impose an interim suspension on a member on receipt of an interim report from the ESC about an ongoing investigation. A policy outlining the Standards Commission's approach to interim suspensions can be found at: <https://www.standardscommissionscotland.org.uk/cases/details-of-alleged-breach>.

187 The decision to impose an interim suspension should not be seen as a finding on the merits of a complaint, nor as a disciplinary measure.



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Planning for skills



AUDITOR GENERAL 

Prepared by Audit Scotland
January 2022

Key messages

The Scottish Government recognises that workforce skills are central to the economy, but it has not provided the leadership needed to achieve the intended benefits from joint working in skills planning and provision. Many obstacles remain and present risks to progress. The Scottish Government now needs to take urgent action to realise its ambitions for skills alignment.

1. In 2017, the Scottish Government committed to improving skills planning to make it more effective

The Scottish Government recognises that skills are crucial to inclusive and sustainable economic recovery and growth. It established the Enterprise and Skills Strategic Board to coordinate the activities of the enterprise and skills agencies. The Scottish Government, Skills Development Scotland (SDS) and the Scottish Funding Council (SFC) agreed to work towards skills alignment – a more integrated approach to skills planning and provision.

2. The Scottish Government has not provided the necessary leadership for progress

SDS and the SFC started to work together on skills alignment but a lack of consensus emerged. The Scottish Government did not provide the necessary leadership or oversight, with insufficient clarity on what it wanted to achieve and what success would look like. As a result, the benefits anticipated from skills alignment have not been realised.

3. Current arrangements are unlikely to achieve the ambitions for skills alignment at the pace required

The Scottish Government set up the Skills Alignment Assurance Group in 2021 to drive progress, with a different focus than was originally set out in 2017. Differences between the Scottish Government, SDS and the SFC on the revised approach have prevented effective joint working. Pathfinder projects have been slow to start, and there are no timescales for achieving their planned outcomes. The capacity of the SFC continues to limit its contribution to skills alignment. Existing obstacles continue to pose a risk to progress, and the Scottish Government now needs to take urgent action.

Recommendations

The Scottish Government should:

- clearly set out its strategic intent for skills alignment, the outcomes it aims to achieve, and how it will measure progress – ensuring that this is consistent with relevant objectives and outcomes in its national strategies and plans
- clarify the governance and oversight arrangements for skills alignment activity
- through letters of guidance, clearly articulate to SDS and the SFC what it expects of them in working together to implement skills alignment, ensuring the letters to both agencies are consistent and complementary.

The Scottish Government, SDS and the SFC should:

- agree how they will work together to deliver shared outcomes for skills.

SDS and the SFC should:

- implement solutions to overcome obstacles to joint working, including collectively using data to inform skills planning
- provide timely, regular reports about their progress on skills alignment to the Scottish Government and others with governance and oversight responsibilities.

Background

1. Scotland's skills system needs to operate effectively for individuals and employers, and to add value to the economy. The labour market faces a combination of skills gaps, skills shortages and skills underutilisation. For example, there are gaps in social care and demand for new skills in digital and responding to the climate emergency. Withdrawal from the EU and Covid-19 have further sharpened the focus on workforce skills.

2. The main public bodies responsible for providing access to post-school skills and knowledge are Skills Development Scotland (SDS) and the Scottish Funding Council (SFC). Together, they spend over £2 billion each year on training and post-school education, although it is not possible to identify how much of the SDS and SFC expenditure specifically relates to skills alignment activity:

- SDS supports people and businesses to develop the skills they need through careers advice, apprenticeships and other work-based learning. As at November 2021, it had 1,536 full-time equivalent (FTE) staff, inclusive of 73 FTE shared services staff who also support other agencies. The Scottish Government's draft budget for 2022/23 includes a total of £225.6 million for SDS.
- The SFC funds further and higher education and research through colleges and universities. As at November 2021, it had 109 FTE staff. The Scottish Government's draft budget for 2022/23 includes a total of £1.974 billion for the SFC.

3. Skills can be provided through:

- **apprenticeships**
(modern apprenticeships, foundation apprenticeships, graduate apprenticeships)
- **college courses**
(including higher national certificates and higher national diplomas)
- **university courses**
(such as undergraduate and postgraduate degrees)
- **upskilling and reskilling of people currently in work**
(for example through on-the-job training and retraining).

About this report

4. This report summarises the findings of an audit that assessed how effectively the Scottish Government, SDS and the SFC work together to ensure that Scotland's skills system responds to individuals' and employers' needs. It focuses on the extent to which the Scottish Government supports an integrated approach to skills planning. The audit's objectives are explained in the [audit scope](#) on our website. The audit assessed progress to the end of November 2021.

5. By 'skills alignment' we mean the objectives of a project originating from the Enterprise and Skills Review in 2017, which involves SDS and the SFC working together on skills planning, provision, review and evaluation. The audit did not aim to assess the effectiveness of the work that SDS and the SFC undertake separately. Neither did it analyse the effectiveness of individual skills initiatives or the organisations delivering them. Many other organisations have a role in funding and developing workforce skills including colleges, universities, employers and private sector training providers.

The audit team consisted of Rebecca Seidel, Douglas Black, Corrinne Forsyth and Lynsey Davies, with support from other colleagues and under the direction of Gordon Smail, Audit Director.

In 2017, the Scottish Government committed to improving skills planning to make it more effective

The Scottish Government established the Enterprise and Skills Strategic Board to coordinate the activities of the enterprise and skills agencies

6. Scotland's skills system involves a range of bodies and governance structures ([Exhibit 1, page 6](#)). The Scottish Government is ultimately responsible for securing the skills the country needs. Its Fair Work, Employability and Skills Directorate oversees SDS, and the Advanced Learning and Science Directorate oversees the SFC. In May 2021, responsibility for skills changed from two ministers to a single minister – the Minister for Higher Education and Further Education, Youth Employment and Training.

7. In 2016, the Scottish Government started a review of the working arrangements among the enterprise and skills agencies – Highlands and Islands Enterprise, Scottish Enterprise, SDS and the SFC. The review recommended a national board to help coordinate the activities of the agencies, and the Enterprise and Skills Strategic Board (ESSB) was formed in November 2017. Our 2019 briefing paper [Enterprise and Skills Review: Core areas of audit interest](#) has more information on the review and the ESSB. The ESSB developed collective actions and recommendations for the agencies on several projects, including skills alignment.

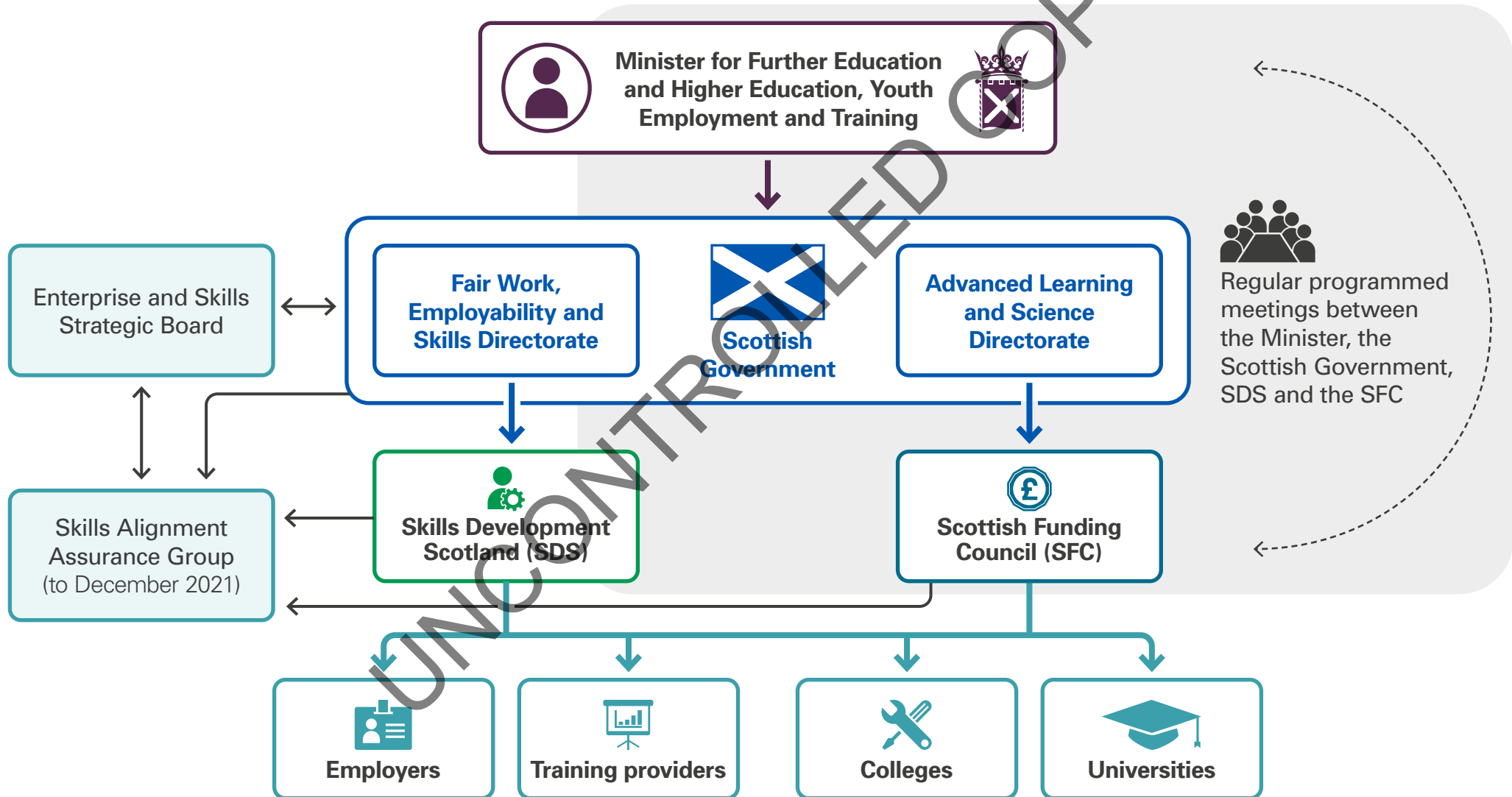
8. Skills alignment was intended to 'align the relevant functions of the SFC and SDS to ensure that... the agencies are able to equip Scotland's people and businesses with the right skills and experience to succeed in the economy, not just now but in the future'. The Scottish Government expressed the intended benefits of skills alignment as follows:

- Learners will be able to access provision which enables them to develop the skills required to contribute to a highly productive workforce.
- Employers will experience reductions in skills gaps and improvements in the skills of their workforce.
- Through collaboration, the capacity of colleges, universities and training providers will be developed and deployed to maximum effect.
- Duplication in public funding will be addressed, leading to more efficient investment in human capital through the education and skills system, and the upskilling and reskilling of existing workers.

Exhibit 1.

The post-school skills system in Scotland

A range of bodies are involved in skills planning and provision.



Source: Audit Scotland

9. The skills alignment work involved developing a five-stage model for skills planning and provision, to be delivered jointly by SDS and the SFC ([Exhibit 2, page 8](#)). This required them to agree what skills Scotland requires and to then develop a plan for providing them. The purpose of the plan was to help the Scottish Government make evidence-based decisions on what skills provision to invest in nationally. The last three stages of the model involved having systems to ensure the skills planned for were provided and to assess whether delivering these skills had achieved the intended benefits. In 2021, the Scottish Government decided the five-stage model was no longer working as a means of progressing skills alignment, and the approach changed to focus on three strands of activity ([paragraph 30](#)).

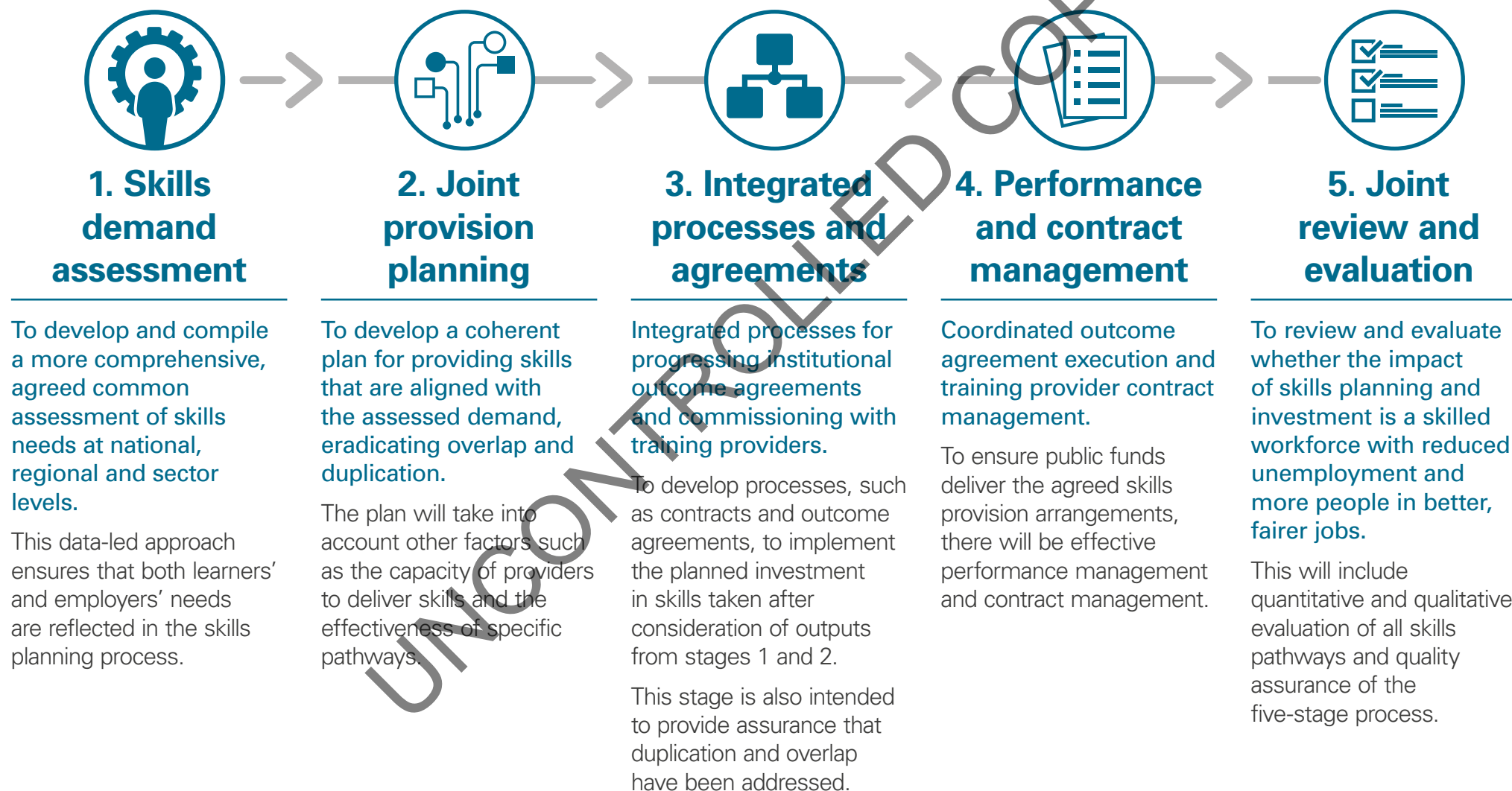
10. In 2017, the Scottish Government set out three actions to ensure there would be appropriate guidance and oversight of skills alignment:

- From 2018/19 the Scottish Government was to issue the same strategic skills guidance through letters of guidance to the boards of SDS and the SFC, to support the delivery of the ESSB's strategic plan, once published.
- The joint SFC and SDS Skills Committee, which provided advice on skills to the boards of SDS and the SFC, was to become the Skills Committee of the ESSB. It was to take on a new role as a joint decision-making forum for the boards of SDS and the SFC on issues affecting both agencies. It was also intended to provide detailed oversight of skills alignment on behalf of the ESSB.
- A skills alignment director was to be appointed in 2017/18. The post was to be jointly appointed and funded by SDS and the SFC and report to both chief executives. This appointment was to be at a sufficiently senior level to allow the director to influence the strategic and operational decisions of SDS and the SFC. The director was to be supported by staff from SDS and the SFC.

Exhibit 2.

SDS and the SFC's five-stage skills alignment model

The five-stage model begins with assessing the demand for skills in Scotland.



Source: Scottish Government

The Scottish Government has not provided the necessary leadership for progress

SDS and the SFC began to work closely on skills alignment but a lack of consensus emerged

11. SDS and the SFC have collaborated well to implement some actions arising from the Enterprise and Skills Review, including piloting the five-stage model in specific sectors. However, progress was impeded as a range of obstacles emerged, including a lack of consensus between SDS and the SFC about what skills alignment should involve. As a result, skills alignment has not followed the intended pathway set out in the Enterprise and Skills Review. [Exhibit 3 \(page 10\)](#) outlines the key developments in the skills alignment workstream from 2016 to 2021.

Delays in recruiting a permanent skills alignment director contributed to slow progress

12. The Scottish Government stated that a skills alignment director should be appointed in 2017/18 to support joint working between the two skills agencies. Recruitment started in February 2018 and an interim director took up the role between October 2018 and March 2019. A permanent director did not start work until August 2019, much later than the Scottish Government had initially intended. Delays in appointing the permanent director limited the extent and pace of progress that could be made on skills alignment. Activity increased after the appointment of the director, until much of the work was paused from March 2020 due to Covid-19.

13. Prior to the skills alignment director taking up post, the Scottish Government, SDS and the SFC worked together to develop actions and milestones to support the implementation of the five-stage model, and the agencies agreed a high-level roadmap with the Scottish Government in May 2018. In 2019, SDS and the SFC progressed three pilot projects to test the five-stage model. Two of these covered specific sectors (early learning and childcare, and financial and professional services) and one covered the Glasgow College Region. An interim evaluation of the pilots in April 2020 found better collaboration between SDS and the SFC, and a clear link to changes in provision from the early learning and childcare pilot ([Case study 1, page 11](#)). But it also flagged challenges such as varying degrees of understanding of skills alignment, including what the process should be, who was to lead it and who should be involved.


Exhibit 3.

Key skills alignment developments between 2016 and 2021


There have been many significant developments within the skills alignment workstream.

2016

May The First Minister announced a review of the enterprise and skills agencies

October [The Enterprise and Skills Review: Report on phase 1](#) was published 



2017

June [The Enterprise and Skills Review: Report on phase 2](#) was published, including a specific [report on skills alignment](#) 

2018

February Recruitment of a skills alignment director began 

May The Scottish Government, SDS and the SFC agreed a 'roadmap' for skills alignment

October An interim skills alignment director took up post 
The ESSB published its strategic plan – [Working collaboratively for a better Scotland](#) 

2019

March The interim skills alignment director's term ended 

August The permanent skills alignment director took up post 


September The Scottish Government published [Scotland's Future Skills Action Plan](#) 

October The Scottish Government instructed SDS and the SFC to work on a new model for providing foundation and graduate apprenticeships

2020


March The Covid-19 pandemic began disrupting activity and agencies focused on their emergency response

June The Scottish Government commissioned the SFC to conduct a review of the tertiary education system

The first Covid-19 labour market insights publication was produced by the skills alignment team 


December The Scottish Government advised the ESSB that it would take forward a reinvigorated approach to skills alignment

2021

February The skills alignment director tendered their resignation 
The Skills Alignment Assurance Group met for the first time

March The skills alignment director left post 

May The Scottish Government proposed a new three-strand approach to skills alignment

June The SFC published its [review of tertiary education and research](#) and the Scottish Government [responded](#) in October 

November The Scottish Government indicated its intention to wind up the Skills Alignment Assurance Group

 Skills alignment director  Publication

Case study 1.

Early Learning and Childcare (ELC) pilot project

SDS and the SFC collaborated to help increase the supply of skills to meet the needs of employers providing early learning and childcare.

- In April 2019, joint SDS/SFC work to expand the supply of skills needed by ELC providers became a pilot project for the five-stage skills alignment model.
- A key objective for the pilot was to ensure that skills training funded by SDS and the SFC became more collaborative, coordinated, complementary and focused on achieving common aims and outcomes for the ELC sector.
- Pilot work focused on developing a comprehensive understanding of demand and of what skills were being funded through college, university and work-based learning provision, and then assessing whether there was a gap between skills demand and planned skills provision.
- Activity built on an evidence base set out in an ELC skills investment plan and involved collaborative work with the Improvement Service, Scottish Qualifications Agency and Scottish Social Services Council.
- The pilot helped the understanding of the demand for skills from ELC employers and how the provision put in place by institutions and independent training providers was responding to this demand. It guided planning and investment in skills to meet the needs of employers.
- An evaluation of the pilot in April 2020 said that it had improved collaboration, communication and information flows between the agencies.

Sources: Skills Development Scotland and the Scottish Funding Council



Policy context

- ELC describes the care and learning services that children receive before starting school. It can be funded by parents or carers themselves, or by councils.
- From August 2014, entitlement to council-funded ELC rose from 475 hours a year to 600 hours a year, for all three- and four-year-olds and for eligible two-year-olds.
- From August 2021, the entitlement rose to 1,140 hours. That equates to about 30 hours of funded ELC per week during school terms.

An extra skills alignment project on apprenticeships created significantly more work for the agencies

14. A new project was added to the skills alignment workstream in October 2019. The Scottish Government instructed SDS and the SFC to implement a new model for funding and delivering foundation apprenticeships (FAs) and graduate apprenticeships (GAs) in response to the removal of European Structural Funding, which SDS had previously used to fund FAs and GAs. This was a significant and urgent development for the two agencies, with funding for 2021/22 intended to come largely from the SFC's further and higher education budgets and partly from SDS's budget. Progress stalled at the start of the Covid-19 pandemic. Work resumed and this became the Scottish Government's skills alignment priority in the latter part of 2020, although uncertainty remains about sustainable funding for FAs and GAs from 2022/23 onwards.

Staff capacity constraints within the SFC created tensions between the agencies

15. Strains on the SFC's staffing capacity, including at senior level, are recognised across the SFC, SDS and the Scottish Government. Staffing constraints created tensions between SDS and the SFC and limited the SFC's involvement in skills alignment. While SFC staff had been involved in skills alignment between 2018 and 2019, a report to the Skills Alignment Joint Programme Board in February 2020 highlighted that the SFC then had no dedicated resource assigned to skills alignment. In June 2021, the SFC's report [Coherence and sustainability: a review of tertiary education and research](#) restated a need to invest in the SFC and its capacity. In its [response to the SFC's report](#) in October 2021, the Scottish Government said it would work with the SFC to explore the capacity it needs to fulfil its mission now and into the future. The Scottish Government has made a commitment to increase the resourcing of the SFC and the Advanced Learning and Science Directorate in 2022/23.

A lack of detailed timely data became a barrier to progress

16. SDS and the SFC collect data for different purposes, which presented challenges in using the data collectively. The skills alignment director updated a data-sharing agreement between the agencies for skills alignment work but the agreement did not commence until March 2020, just as the Covid-19 pandemic started. In March 2021, SDS highlighted issues that it felt were impeding progress with implementing the five-stage model. These included data gaps; time lags in the publication of data on colleges and universities; and issues with the availability of data at the level of detail required. Examples of specific data gaps reported included an absence of leaver data for part-time college students, and a lack of data on the industry classification and location of employed modern apprentices. It will be important for SDS and the SFC to agree what data is required for future skills alignment work and, together with the Scottish Government, agree how data will be used to inform decisions about skills provision.

SDS and the SFC lack consensus on how an integrated approach should work

17. Over time, the views of SDS and the SFC have diverged over what skills alignment should involve. SDS has remained committed to implementing the original five-stage model. The SFC considers the five-stage model in practice is too simplistic to reflect how further and higher education contribute to the skills system. It also feels that the meaning of skills alignment has shifted over time from what was originally set out in the Enterprise and Skills Review. The two agencies' differing perspectives pose a continuing risk to progress unless they are addressed.

The pandemic – and its impact on the Scottish Government, SDS and the SFC – has exacerbated the challenges

18. From March 2020, much of the skills alignment work was paused to allow staff in the Scottish Government, SDS and the SFC to focus on the emergency response to the Covid-19 pandemic. For SDS this included supporting apprentices and training providers, and for the SFC it meant supporting learners and ensuring the financial sustainability of colleges and universities. In June 2020, the Scottish Government asked the SFC to review the tertiary education system in recognition that funding, governance, partnership work and service delivery would need to adapt to the impact of the pandemic. The review, coupled with the SFC's response to the pandemic, led it to deprioritise its role in skills alignment. At this time, the focus of the skills alignment director and SDS staff turned to understanding the pandemic's impact on the labour market.

The Scottish Government did not provide the necessary leadership for progress

19. There is evidence of the Scottish Government's initial involvement in skills alignment, such as its participation in joint workshops with SDS and the SFC in 2017/18 ([paragraph 13](#)), and programme management provided by officials within sponsor teams. However, over time, the Scottish Government lacked clear oversight of progress. This was partly due to changes in senior management in its Fair Work, Employability and Skills and Advanced Learning and Science directorates, and weaknesses in reporting. Overall, the Scottish Government has not provided sustained leadership and sufficient scrutiny of the progress of skills alignment.

At the outset, the Scottish Government was unclear about what it wanted to achieve and what success would look like

20. After the Enterprise and Skills Review, the Scottish Government, SDS and the SFC all committed to skills alignment. The ESSB published its first strategic plan in October 2018, setting out four 'missions' including one on future skills needs. It contained an immediate action to implement the five-stage skills alignment model. In September 2019, the Scottish Government published Phase 1 of its [Future Skills Action Plan \(FSAP\)](#) in which it endorsed the skills-related actions and recommendations from the ESSB, including implementing the five-stage model.

21. However, the Scottish Government did not clearly set out its strategic intent for skills alignment, nor did it explicitly identify the issues that skills alignment was trying to address. The Scottish Government stated that it would rely on the five-stage model to inform the balance of skills provision between work-based learning and college and university courses, to maximise the value of its investment in skills. In its [2018 strategic plan](#), the ESSB had been more specific, asserting that it would encourage a shift towards expanding work-based learning and providing more support for people who are upskilling and reskilling. This aim was echoed in the ESSB's foreword to the FSAP in 2019 but not by the Scottish Government within the FSAP itself.

22. Linked to a lack of clarity about strategic intent, the Scottish Government did not clearly set out what successful skills alignment would look like. Although the intended benefits ([paragraph 8](#)) indicate what it was aiming to achieve, they are not specific or readily measurable. For example, there was no indication of the percentage reduction in skills gaps the Scottish Government was aiming for or what level of duplication in public funding it believed needed to be addressed. It was therefore unclear how the Scottish Government would know if skills alignment had been successful.

There was weak governance and a lack of effective oversight by the Scottish Government

23. Ultimate responsibility for monitoring the progress of skills alignment rests with the Scottish Government. It sets out its high-level expectations for skills alignment in letters of guidance to SDS and the SFC. Work on skills alignment started in 2017 but the Scottish Government has not provided regular, clear updates on progress. In the Enterprise and Skills Review, the Scottish Government stated that it would establish outcome-focused, common monitoring criteria with SDS and the SFC. By the end of November 2021, these were still not in place. The FSAP is the primary strategic plan for skills but the Scottish Government has not finalised arrangements for monitoring the FSAP, and the programme board created to oversee the FSAP has yet to convene.

24. The joint SFC and SDS Skills Committee was intended to become the Skills Committee of the ESSB, to provide detailed oversight of skills alignment. However, this did not happen because of the statutory requirement for the existing committee to be chaired by a SFC board member. No alternative governance structure was introduced at ESSB level, and the joint SFC and SDS Skills Committee has not met since August 2017. The SFC consolidated the Joint Skills Committee with another of its committees, which has since become the SFC's Skills, Access, Enhancement and Learning Committee. SDS does not sit on this committee.

25. The ESSB lacks the authority to hold the skills agencies to account, limiting its ability to support progress by SDS and the SFC on skills alignment. The ESSB committed to monitoring and reporting on the progress of actions and recommendations included in its 2018 strategic plan. There is evidence of some reporting on skills alignment progress to the ESSB between 2018 and 2020, but this was not as comprehensive or frequent as anticipated in the performance framework in the ESSB's strategy. Reporting lacked specific details on what progress had been achieved and whether it was as originally intended. In January 2020, the ESSB's first annual review (on progress during 2019) included only a small amount of unspecific information on the progress of skills alignment, while its annual review of 2020 included no information at all. Progress updates were insufficiently frequent or detailed to enable the ESSB to assess the pace of change; to highlight areas requiring greater oversight by the ESSB; or to steer interventions by the Scottish Government. The Scottish Government takes part in ESSB meetings, but it did not identify and attempt to address slow progress on skills alignment until late 2020.

Current arrangements are unlikely to achieve the ambitions for skills alignment at the pace required

The Scottish Government signalled a change in approach to skills alignment in December 2020

26. Slow progress was highlighted to the ESSB in September 2020, when the SDS chief executive advised that the skills agencies were not making as much progress as they would have liked. The ESSB agreed to have a substantive item on skills alignment at its November 2020 meeting, covering progress, challenges and funding issues. However, no paper was produced for ESSB members in advance of the meeting, limiting effective scrutiny. The ESSB chair tasked the Scottish Government, SDS and the SFC with jointly producing an implementation plan for the December 2020 meeting. A skills alignment implementation plan was not produced for the December 2020 ESSB meeting. Instead, the Scottish Government presented a report seeking a fresh approach to skills alignment in light of changes in the economic environment. It highlighted the context as including the introduction of the Young Person's Guarantee, the increased importance of regional economic development and sectoral skills plans, and the SFC's review of tertiary education and research. The Scottish Government did not consult the ESSB, SDS or the SFC on this changed approach in advance, and the ESSB did not receive the Scottish Government's report until the day before the meeting.

The Scottish Government set up the Skills Alignment Assurance Group to drive progress in skills alignment, with a different focus than was originally set out in 2017

27. At its December 2020 meeting, the ESSB supported the Scottish Government's proposal that a new Skills Alignment Assurance Group (SAAG) should be set up to support skills alignment by replacing the governance arrangements originally envisaged. The SAAG's proposed remit ([Exhibit 4, page 16](#)) was narrower than the original intentions for skills alignment as set out by the ESSB in 2018. Terms of reference for the SAAG said it was to: 'Work with the [two skills] agencies and the Scottish Government to drive progress and provide assurance to Ministers and the ESSB that progress is being made towards skills alignment outcomes and benefits as set out in the Enterprise and Skills Review: Report on Phase 2.'

28. The SAAG comprised the Scottish Government, SDS and the SFC. It was co-chaired by the chair of the ESSB and alternating directors of two Scottish Government directorates: Fair Work, Employability and Skills, and Advanced Learning and Science. The SAAG's progress was reported to the ESSB. At the SAAG's first meeting in February 2021, it noted that 'almost four years had passed, and progress should have been more in this [skills alignment] area.' Nearly three years after the Scottish Government, SDS and the SFC agreed a roadmap

for skills alignment in 2018, one of the SAAG’s initial objectives was to ‘Agree a definition of skills alignment and its strategic outcomes.’ In March 2021, the SAAG sought further direction and clarity from the Scottish Government on the intended outcomes and objectives of skills alignment and what it aims to achieve.








29. The skills alignment director resigned in February 2021 after less than two years in post. The Scottish Government decided the post should not be re-filled because its context had evolved. While the SFC supported that decision, SDS was disappointed that the post was not retained to help maintain the momentum of skills alignment. SDS staff working under the direction of the skills alignment director returned to their previous posts. Although the SAAG facilitated direct communication between the Scottish Government, SDS and the SFC, the progress of skills alignment has remained at risk.

Exhibit 4.

The Skills Alignment Assurance Group’s remit and objectives

The SAAG had a central role in coordinating the skills alignment activities of the Scottish Government, SDS and the SFC.

Remit and objectives

-  Agree a definition of skills alignment and its strategic outcomes
-  Agree a series of pathfinder projects on which SDS and the SFC will work collaboratively – together with other partners – to deliver skills alignment outcomes
-  Support SDS and the SFC to finalise implementation plans for the pathfinder projects that identify key outputs, outcomes, timescales and deliverables against which progress will be evaluated
-  Ensure effective progress is being made in line with the implementation plans
-  Ensure progress on wider skills alignment activity including:
 - foundation and graduate apprenticeships
 - new programmes and funding to support economic recovery, including the Young Person’s Guarantee, Flexible Workforce Development Fund and National Transition Training Fund
 - the SFC’s outcome and impact framework, to provide accountability and measure impact in return for public investment
-  Work to identify new opportunities for collaboration between the agencies in pursuit of outcomes
-  Agree clear success measures for skills alignment and at what point progress would be sufficient for the assurance group to cease

Source: Skills Alignment Assurance Group

Differences between the Scottish Government, SDS and the SFC on the revised approach have prevented effective joint working

30. SDS favoured retaining the original five-stage model for skills alignment, but the Scottish Government considered it had become an obstacle to progress and the SFC found it to be too simplistic in practice (paragraph 17). By March 2021, the different perspectives of SDS and the SFC on skills alignment persisted. The Scottish Government considered it lacked assurance that the agencies would

be able to find consensus in their approaches to applying the five-stage model and that it was therefore no longer a workable proposition for progressing skills alignment. In May 2021, the Scottish Government proposed a new approach focused initially on a set of projects developed within three strands of work: sectoral and regional projects; national initiatives; and analytics and evaluation (Exhibit 5). These projects are intended to identify best practice in ways of working and the use of resources, and to develop a robust framework for performance management and evaluation.

Exhibit 5.

The three-strand approach to skills alignment

This replaced the five-stage model in 2021.

1 Regional and sectoral projects

SDS and the SFC are to work together on sector-based and regional alignment projects that demonstrate the benefits of skills alignment, as well as highlighting the challenges and learning opportunities.

2 Alignment of national initiatives

SDS and the SFC are to work together, or collectively with the Scottish Government and other partners, on national programmes that will deliver important outcomes for learners and the economy. This strand will include foundation apprenticeships and graduate apprenticeships, the Young Person's Guarantee and the National Transition Training Fund. This supports people and sectors disproportionately affected by the Covid-19 pandemic, and the future skills transition.

3 Analytics and evaluation

There should be a continuing focus on the development of a common set of metrics to evaluate skills programmes and optimise the skills alignment programme in future. This should build on the review and evaluation work – alongside other data and analysis – that has already been developed by the skills alignment team. The development of more comprehensive outcome and impact agreements should provide the principal focus of this work, to develop analysis and indicators to drive improvement in the context of the SFC's review of coherent provision and sustainability. This will include an evaluation framework and the Education and Skills Impact Framework (ESIF). The ESIF tracks the economic and social outcomes of a cohort of people who have come through the post-school education and training system and graduated between three and seven years ago.

Source: Scottish Government

31. SDS and the SFC agreed to progress three regional and sectoral 'pathfinder' projects under the first strand of the new approach. However, many of the existing obstacles to progress are still prevalent. Progress on developing project initiation documents for the pathfinder projects has been slow. SDS and the SFC have not yet explored options for data sharing to support this new approach to skills alignment. By the end of November 2021, timescales and success measures for the projects had not been agreed. These factors collectively present further risks to progress.

32. Differences between the agencies' approach to skills alignment do not support effective partnership working and present risks to the delivery of the Scottish Government's strategic objectives for skills alignment. Two Scottish Government directorates issue letters of guidance to the agencies: Fair Work, Employability and Skills to SDS, and Advanced Learning and Science to the SFC. It will be important for the Scottish Government to set out explicitly its strategic priorities, desired outcomes and objectives for partnership working for skills alignment, ensuring the letters to both agencies are consistent and complementary.

Existing obstacles continue to pose a risk to progress, and the Scottish Government now needs to take urgent action

33. The Scottish Government identified several intended benefits of skills alignment ([paragraph 8](#)). However, over four years since the Enterprise and Skills Review concluded, they have not been realised and the opportunity for more efficient and effective investment has been missed.

34. The Scottish Government, the ESSB, the SAAG, SDS and the SFC have all recognised that skills alignment has made slow progress since 2017. The new pathfinder projects have been slow to gather momentum and to identify dates for achieving tangible target outcomes and the staffing resource to deliver them.

35. In November 2021, the Scottish Government indicated its decision to wind up the SAAG after a final meeting in December 2021, less than a year after it was formed. The intention was to sign off the pathfinder project initiation documents at the final meeting. The Scottish Government plans to monitor progress of the pathfinder projects, and a range of other collaborative projects, through a shared outcomes framework that it is developing with SDS and the SFC. It plans to use this framework at regular joint meetings between the Minister and the chief executives and chairs of SDS and the SFC to measure progress against agreed shared priorities and outcomes. The ESSB is also to be kept updated on progress routinely.

36. Many of the obstacles that have prevailed during the past four years remain significant challenges and present risks to progress. The Scottish Government therefore needs to take urgent action if it wants to realise the expected benefits of the revised approach to skills alignment at the pace required. This will include setting out its strategic intent for skills planning and alignment, and the outcomes it wants to achieve, and providing the necessary leadership to address existing challenges and drive progress. It will be important for the Scottish Government to ensure that its strategic direction to SDS and the SFC is consistent with relevant objectives and outcomes in its national strategies and plans, including the new National Strategy for Economic Transformation, the Climate Emergency Skills Action Plan and the SFC's review of tertiary education and research. For their part, SDS and the SFC have leadership roles in working together to deliver outcomes set out in the Scottish Government's letters of guidance, and evaluating and reporting on progress.

Planning for skills

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