

# **Assignment of Argyll College to the Regional Strategic Body for the Highlands and Islands, the University of the Highlands and Islands (UHI)**

**Consultation Paper**

**May 2018**

# **ASSIGNATION OF ARGYLL COLLEGE TO THE REGIONAL STRATEGIC BODY FOR THE HIGHLANDS AND ISLANDS, THE UNIVERSITY OF THE HIGHLANDS AND ISLANDS (UHI)**

## **CONSULTATION PAPER**

### **SECTION 1: INTRODUCTION**

1.1 The college sector was restructured in 2014 to create 13 regions, three of which are served by more than one college. In the three multi-college regions, colleges were assigned to a Regional Strategic Body (RSB). The RSB is responsible for securing provision of fundable further and higher education in its region.

1.2 On 1 August 2014, the University of Highlands and Islands (UHI) became the RSB for the Highlands and Islands, and those colleges in the region that were already fundable bodies listed in schedule 2 to the Further and Higher Education (Scotland) Act 2005 (“the 2005 Act”) – i.e. colleges directly funded by the Scottish Further and Higher Education Funding Council (“the SFC”) – were assigned to UHI. From that date, UHI assumed all of the responsibilities of RSB for the region, other than the direct funding of assigned colleges, responsibility for which was subsequently transferred from the SFC in April 2015.

1.3 Argyll College (“the College”) is located within the Highlands and Islands region and should therefore be assigned to UHI as the RSB to ensure appropriate accountability across the region. However, as the College was not already a fundable body listed in schedule 2 to the 2005 Act, it could only be assigned to UHI if the SFC proposed or approved the assignment. Before deciding whether to propose or approve an assignment, the SFC must have regard to the desirability of ensuring the College’s compliance with the criteria set out in section 7(2) of the 2005 Act (“the fundable body criteria”), relating principally to governance and financial management / planning.

1.4 Whilst the College is currently not a fundable body funded by the SFC, it is funded through North Highland College. North Highland College contracts with the College for the provision of SFC-funded activity in the Argyll region. North Highland College is assigned to the regional strategic body University Highland and Islands (UHI).

### **SECTION 2: BACKGROUND ON ARGYLL COLLEGE**

2.1 The College is one of the smaller colleges in Scotland, providing tertiary education to meet the needs of learners, communities and businesses across one of the most geographically fragmented areas of Scotland. Its sixteen sites cover a population of approximately 88,000 people.

2.2 A study into local skills needs was commissioned by the local authority, Highlands and Island Enterprise, Skills Development Scotland and UHI. The report placed the College at the centre of the development of the region.

## **SECTION 3: SFC ASSESSMENT**

3.1 In order to assess the robustness of the governance and financial management at the College, the SFC asked its Further Education Development (FED) group and Education Scotland to provide it with evidence by which it could assess the College against the fundable body criteria.

3.2 The FED reported to the SFC in July and August 2013 and identified areas of significant weakness in governance and made substantial recommendations for improvement. By October 2016, significant progress had been made, but some of the recommendations remained outstanding. Following an internal audit review in March 2017, further progress was made against the recommendations.

3.3 The SFC considered a paper in September 2017 which recommended that the College be assigned to UHI following confirmation that all remaining outstanding matters had been addressed. The paper set out the SFC Chief Executive's assessment of governance arrangements at the College with a view to the College being granted assigned college status. The paper also included a table of criteria which the SFC must consider in relation to approving additions to the list of fundable bodies, or before recommending assignment of a college to its RSB. The table includes sources which evidence the institution's readiness for this. The full SFC paper is available online:

[http://www.sfc.ac.uk/web/FILES/councilpapers\\_22092017/SFC17\\_80\\_Confirmation\\_of\\_assigned\\_college\\_status\\_Argyll\\_College.pdf](http://www.sfc.ac.uk/web/FILES/councilpapers_22092017/SFC17_80_Confirmation_of_assigned_college_status_Argyll_College.pdf)

3.4 UHI's internal audit service carried out a review of the College's governance structures and processes against the Code of Good Governance. UHI has confirmed that apart from one matter that will be addressed when the College is assigned to UHI, and another that will be addressed as part of the completion of the College's annual accounts later this year, the College is compliant with the Code.

3.5 All recommendations for improvement have now been met. On 29 March 2018, the SFC wrote to the Minister for Further Education, Higher Education and Science to propose the assignation of the College to UHI.

### **Education Scotland Review**

3.6 Until the College is assigned, North Highland College UHI retains overall responsibility for the quality assurance of SFC funded provision delivered by the College. Over a number of years responsibility for aspects of quality management has been devolved to the College following the development of its own policies and procedures.

3.7 Education Scotland reported to the SFC in July and August 2013 and made 12 recommendations for improving the College's arrangements in relation to learning and teaching. Following an annual engagement visit conducted by Education Scotland, feedback was provided to the College on 3<sup>rd</sup> March 2016 with SMT, Chair of Board of Management and the Outcome Agreement Manager in attendance. Education Scotland has no major concerns regarding the quality of provision within the College. They felt significant progress had been made and worked with the College throughout the following year.

## SECTION 4: CONSULTATION ON THE ASSIGNATION OF ARGYLL COLLEGE

4.1 This consultation follows on from the SFC's proposal to Scottish Ministers that the College should be assigned to UHI. Section 7C of the 2005 Act sets out the requirements in relation to assignation of colleges, including those that are not fundable post-16 education bodies or formerly assigned to another RSB.

“(1) The Scottish Ministers may by order assign colleges of further education to a regional strategic body.

(2) An order may assign a college which is not, immediately before the order is made, either—

(a) a fundable post-16 education body; or

(b) assigned to another regional strategic body,

only if the Council has proposed, or has approved, the assignation.

(3) For the purposes of considering whether or not to propose or approve any assignation under subsection (2), the Council must have regard to the desirability of ensuring that the college concerned is a body for which there are suitable provisions, procedures and arrangements of the type described by or under section 7(2).”

In coming to a decision on whether to recommend the College's assignation to UHI we have considered the College's compliance with:

(a) the fundable body criteria (i.e. the criteria set out in section 7(2) of the 2005 Act); and

(b) the Code of Good Governance for Scotland's Colleges (in respect of the first criterion, which is “suitable ... provision in relation to the governance and management of the body”).

4.2 This consultation paper seeks comments on the proposed assignation of the College to UHI. It is a statutory requirement in terms of section 7C(6) of the 2005 Act for Ministers to consult with specified bodies before making an order to assign a college to a RSB.

4.3 A list of consultees is at **Annex A**.

4.4 Consultation is an essential part of the policy making process. It gives us the opportunity to get your opinion and expertise on a proposed area of work. You can find all Scottish Government forthcoming, open and closed consultations online at <https://consult.scotland.gov.uk/>

4.5 Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post. After a consultation is closed we publish all responses where we have been given permission to do so.

4.6 Responses are analysed and used as part of the policy making process, along with a range of other available information and evidence. Responses to this consultation will help to inform possible changes to legislation.

### **Proposed timeline**

4.7 If the assignation proceeds after the end of the consultation period, Ministers would expect to make an order to assign the College to UHI by the end of 2018.

### **Deadline**

4.8 The consultation was published on 28th May 2018 and closes at midnight on 25th June 2018.

### **How to Respond**

4.9 You can respond to this consultation online, by email, or by post.

### **Respond Online**

4.10 To respond online please use the Scottish Government's [Consultation Hub](#). You can save and return to your response at any time while the consultation is open. But please ensure that your response is submitted before the consultation closes at midnight on 25th June 2018. You will automatically be emailed a copy of your response after you submit it.

4.11 If you choose this method you will be directed to complete the Respondent Information Form. The Respondent Information Form lets us know how you wish your response to be handled, and in particular whether you are happy for your response to be made public.

### **Other Ways to Respond**

4.12 If you prefer you can also submit a written response in hard copy to:

Julia McAteer  
Colleges, Young Workforce and SFC Sponsorship Division  
Scottish Government  
6th Floor, Atlantic Quay  
150 Broomielaw  
Glasgow G2 8LU

Or, by email to [ScotGov\\_Colleges\\_Mailbox@gov.scot](mailto:ScotGov_Colleges_Mailbox@gov.scot)

4.13 If you would like to submit your response by email or by post, please ensure that you complete the Respondent Information Form provided at **Annex B** and attach it alongside your response. The Respondent Information Form lets us know how you wish your response to be handled, and in particular whether you are happy for your response to be made public.

## **Next Steps**

4.14 After the consultation has closed we will analyse all the responses received and use your feedback to help inform the development of the Assignment of Argyll College. Where permission has been given, we will make all responses available to the public at <https://consult.scotland.gov.uk/>. The responses to the consultation and analysis will be published following the consideration of the responses received.

## **Enquiries and complaints**

4.15 If you have a query about the consultation process, or a complaint about how this consultation has been conducted you can send your query by email to [Julia.mcateer@gov.scot](mailto:Julia.mcateer@gov.scot), or by hard copy to:

Julia McAteer  
Colleges, Young Workforce and SFC Sponsorship Division  
6th Floor, Atlantic Quay  
150 Broomielaw  
Glasgow G2 8LU

## **SECTION 5: POSSIBLE ASSIGNATION OF ARGYLL COLLEGE TO THE REGIONAL STRATEGIC BODY FOR THE HIGHLANDS AND ISLANDS, THE UNIVERSITY OF THE HIGHLANDS AND ISLANDS (UHI)**

**Q1. Should Argyll College be assigned to the Regional Strategic Body for the Highlands and Islands, the University of the Highlands and Islands (UHI)?**

**Yes/No (closed question)**

**Q2. Do you have any comments on Ministers' plans to assign Argyll College to the University of the Highlands and Islands (UHI) as the regional strategic body for the Highlands and Islands?**

### **EQUALITY IMPACT**

**Q3. We would welcome comments on whether the assignation of Argyll College to UHI may raise any equalities issues that require to be addressed with respect to age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation.**

## CONSULTEES

University of Highlands and Islands (Regional Strategic Body)

Argyll College

Inverness College

Lews Castle College

Moray College

North Highland College

Orkney College

Perth College

Shetland College

West Highland College

GMB

UNISON

Unite the Union

Educational Institute of Scotland

National Union of Students Scotland

Argyll College Students Association

Inverness College Students Association

Lews Castle College Students Association

Moray College Students Association

North Highland College Students Association

Orkney College Students Association

Perth College Students Association

Shetland College Students Association

West Highland College Students Association

Highlands and Islands Students' Association

Scottish Funding Council

Argyll and Bute Council

Orkney Islands Council

Shetland islands Council

Perth and Kinross Council

Moray Council

Comhairle nan Eilean Siar

The Highland Council

Office of the Scottish Charity Regulator

Colleges Scotland

Highlands and Islands Enterprise

Scottish Parliament's Education and Culture Committee





## Assignment of Argyll College to the Regional Strategic Body for the Highlands and Islands, the University of the Highlands and Islands (UHI) – Consultation Paper

**Please Note** this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:

<https://beta.gov.scot/privacy/>

Are you responding as an individual or an organisation?

Individual

Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response with name

Publish response only (without name)

Do not publish response

### Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future,

but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

No



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