

## Meetings/ Calls Scheduled

I can confirm that Scottish Funding Council and Scottish Government officials had scheduled a call regarding "SFC Draft letter to Clyde" on the 1<sup>st</sup> of April 2015. We cannot confirm that this meeting took place.

### Email 1

**From:** Martin Fairbairn [<mailto:mfairbairn@sfc.ac.uk>]  
**Sent:** 23 April 2015 09:08  
**To:** Cross M (Michael); (redacted)  
**Cc:** Laurence Howells; John Kemp; (redacted)  
**Subject:** Draft letters to Glasgow Clyde re procurement and SPFM

Dear Michael and (redacted),

Please find attached two letters which we're planning to send this morning to Glasgow Clyde College.

If you have any comments, please let us know immediately.

Kind regards,

Martin Fairbairn  
Direct / Dìreach: 0131 313 6524; Mob / Fòn-làimh: 0784 108 7534

SFC refs:

- "Letter to Acting Principal re non competitive action 23 Apr 2015.docx" can be accessed via the following link: (redacted)
- "Letter to Chair of Glasgow Clyde College re conduct 23 Apr 2015.docx" can be accessed via the following link: (redacted)

### Email 2

**From:** (redacted)  
**Sent:** 02 July 2015 11:08  
**To:** (redacted)  
**Cc:** Director of Advanced Learning and Science; Laurence Howells; John Kemp; (redacted)  
**Subject:** Glasgow Clyde College: copies of redacted reports for GCC board and GCRB

Hi (redacted)

Please find attached copies of the Glasgow Clyde College reports in redacted form for distribution to the GCC board members and GCRB.

If you need anything further, please don't hesitate to contact me.

Kind regards

(redacted)

(redacted) | Scottish Funding Council | Comhairle Maoineachaidh na h-Alba

(redacted)

Senior Financial Analyst | Sgrùdaire-Stiùiridh Ionmhais

Learning, Governance and Sustainability | Buidheann Ionnsachaidh, Riaghlaidh & Seasmhachd

### Email 3

**From:** Laurence Howells [<mailto:lhowells@sfc.ac.uk>]

**Sent:** 30 June 2015 21:27

**To:** McKechnie A (Aileen)

**Subject:** Fw: Review of Glasgow Clyde College - Report

Aileen  
As promised  
Laurence

Laurence Howells  
Chief Executive  
Scottish Funding Council  
0131 313 6579

\*\* Sent from SFC Blackberry \*\*

**From:** (redacted)

**Sent:** 30 June 2015 17:38

**To:** [CabinetSecretaryforEducationandLifelongLearning@scotland.gsi.gov.uk](mailto:CabinetSecretaryforEducationandLifelongLearning@scotland.gsi.gov.uk)

**Cc:** [DirectorofAdvancedLearningandScience@scotland.gsi.gov.uk](mailto:DirectorofAdvancedLearningandScience@scotland.gsi.gov.uk); (redacted)

**Subject:** Review of Glasgow Clyde College - Report

Dear Cabinet Secretary

Please find attached a letter with attachments I am sending on behalf of (redacted) our Vice Chair.

One of the attachments is password protected. The password is (redacted)

Yours sincerely

(redacted) | Scottish Funding Council

(redacted)

PA to Chief Executive | Neach-cuideachaidh pearsanta don

◆ €rd-Oifigear

#### Email 4

**From:** (redacted)

**Sent:** 07 July 2015 10:44

**To:** (redacted)

**Cc:** (redacted) Cross M (Michael); John Kemp; (redacted)

**Subject:** Glasgow Clyde College: footnote evidence - email 1

Hi (redacted)

(redacted) asked me to send the evidence from the footnotes in the report on Glasgow Clyde College to you.

I am going to send the 4 files in 3 emails as a couple of the files are fairly large. The files contain all of the documents that are not the DLA report footnoted in the SFC's report on Glasgow Clyde College. Col asked me to forward these to (redacted) as soon as possible to help with SG's analysis of our report.

I have noted on the top right of most of the pages (not all) which footnotes the document is related to in the report. The smaller file titled 'note' has a picture of John Kemp's notes of his telephone conversation with the Chair of Clyde (footnote 2).

If you need anything further, please give me a call.

(redacted) said there might be some further questions on the content of the report. Can you let me know if we can still expect these?

Can you please send me an acknowledgement when you receive the emails?

Kind regards

(redacted)

(redacted) | **Scottish Funding Council | Comhairle Maoineachaidh na h-Alba**

(redacted)

Senior Financial Analyst | Sgrùdaire-Stiùiridh Ionmhais

Learning, Governance and Sustainability | Buidheann Ionnsachaidh, Riaghlaidh & Seasmhachd

**From:** (redacted)

**Sent:** 07 July 2015 10:02

**To:** (redacted)

**Cc:** (redacted)

**Subject:** RE: Glasgow Clyde College: footnote evidence

I didn't get them! Can you send to Lorraine, thanks.

(redacted)

(redacted)

Head of College Policy | Colleges & Adult Learning: Funding & Policy Division | Employability, Skills and Lifelong Learning Directorate | The Scottish Government – 6<sup>th</sup> Floor, 5 Atlantic Quay, 150 Broomielaw, Glasgow G2 8LU

(redacted)

**From:** (redacted)

**Sent:** 07 July 2015 09:40

**To:** (redacted)

**Subject:** Glasgow Clyde College: footnote evidence

Hi (redacted)

I sent you 2 emails yesterday at 16.30 and 16.32 attaching the evidence from the footnotes in our report on Glasgow Clyde College. Can you please confirm whether you have received the emails and attachments? They are big files and I am worried they have stopped the emails from getting to you.

Many thanks

(redacted)

#### Email 5

**From:** (redacted)

**Sent:** 07 July 2015 10:46

**To:** (redacted)

**Cc:** (redacted); Cross M (Michael); John Kemp (redacted)

**Subject:** Glasgow Clyde College: footnote evidence - email 2

**From:** (redacted)

**Sent:** 07 July 2015 10:44

**To:** (redacted)

**Cc:** (redacted); [Michael.Cross@scotland.gsi.gov.uk](mailto:Michael.Cross@scotland.gsi.gov.uk); John Kemp; (redacted)

**Subject:** Glasgow Clyde College: footnote evidence - email 1

Hi (redacted)

(redacted) asked me to send the evidence from the footnotes in the report on Glasgow Clyde College to you.

I am going to send the 4 files in 3 emails as a couple of the files are fairly large. The files contain all of the documents that are not the DLA report footnoted in the SFC's report on Glasgow Clyde College. Col asked me to forward these to (redacted) as soon as possible to help with SG's analysis of our report.

I have noted on the top right of most of the pages (not all) which footnotes the document is related to in the report. The smaller file titled 'note' has a picture of John Kemp's notes of his telephone conversation with the Chair of Clyde (footnote 2).

If you need anything further, please give me a call.

(redacted) said there might be some further questions on the content of the report. Can you let me know if we can still expect these?

Can you please send me an acknowledgement when you receive the emails?

Kind regards

(redacted)

(redacted) | **Scottish Funding Council | Comhairle Maoinachaidh na h-Alba**

(redacted)

Senior Financial Analyst | Sgrùdaire-Stiùiridh Ionmhais

Learning, Governance and Sustainability | Buidheann Ionnsachaidh, Riaghlaidh & Seasmhachd

**From:** (redacted)

**Sent:** 07 July 2015 10:02

**To:** (redacted)

**Cc:** (redacted)

**Subject:** RE: Glasgow Clyde College: footnote evidence

I didn't get them! Can you send to (redacted), thanks.

(redacted)

(redacted)

**Head of College Policy** | Colleges & Adult Learning: Funding & Policy Division | Employability, Skills and Lifelong Learning Directorate | **The Scottish Government** – 6<sup>th</sup> Floor, 5 Atlantic Quay, 150 Broomielaw, Glasgow G2 8LU

(redacted)

**From:** (redacted)

**Sent:** 07 July 2015 09:40

**To:** (redacted)

**Subject:** Glasgow Clyde College: footnote evidence

Hi (redacted)

I sent you 2 emails yesterday at 16.30 and 16.32 attaching the evidence from the footnotes in our report on Glasgow Clyde College. Can you please confirm whether you have received the emails and attachments? They are big files and I am worried they have stopped the emails from getting to you.

Many thanks

(redacted)

## Email 6

**From:** (redacted)

**Sent:** 07 July 2015 12:07

**To:** (redacted)

**Cc:** (redacted); Cross M (Michael); John Kemp; (redacted)  
**Subject:** RE: Glasgow Clyde College: footnote evidence - email 3

Hi (redacted)

I have rescanned the documents as a compressed PDF which is much smaller.  
Hopefully you should receive this email.

Kind regards  
(redacted)

(redacted) | **Scottish Funding Council | Comhairle Maoinachaidh na h-Alba**

(redacted)

Senior Financial Analyst | Sgrùdaire-Stiùiridh Ionmhais

Learning, Governance and Sustainability | Buidheann Ionnsachaidh, Riaghlaidh & Seasmhachd

**From:** (redacted)  
**Sent:** 07 July 2015 11:51  
**To:** (redacted)  
**Subject:** RE: Glasgow Clyde College: footnote evidence - email 2

Hi (redacted)

Can confirm I've received your second e-mail but the third one has not been delivered due to its size.

Thanks  
(redacted)

(redacted)  
Business Support Officer to Michael Cross, Deputy Director  
Colleges, Young Workforce & SFC Sponsorship Division  
Advance Learning & Science Directorate  
**The Scottish Government** – 5 Atlantic Quay, 150 Broomielaw, Glasgow G2 8LU  
(redacted)  
Web: [www.gov.scot](http://www.gov.scot)

#youngworkforce

**From:** (redacted)  
**Sent:** 07 July 2015 10:46  
**To:** (redacted)  
**Cc:** (redacted); Cross M (Michael); John Kemp; (redacted)  
**Subject:** Glasgow Clyde College: footnote evidence - email 2

**From:** (redacted)  
**Sent:** 07 July 2015 10:44

Atlantic Quay, 150 Broomielaw, Glasgow G2 8LU  
[www.gov.scot](http://www.gov.scot)



**To:** (redacted)  
**Cc:** (redacted); [Michael.Cross@scotland.gsi.gov.uk](mailto:Michael.Cross@scotland.gsi.gov.uk); John Kemp; (redacted)  
**Subject:** Glasgow Clyde College: footnote evidence - email 1

Hi (redacted)

(redacted) asked me to send the evidence from the footnotes in the report on Glasgow Clyde College to you.

I am going to send the 4 files in 3 emails as a couple of the files are fairly large. The files contain all of the documents that are not the DLA report footnoted in the SFC's report on Glasgow Clyde College. Col asked me to forward these to (redacted) as soon as possible to help with SG's analysis of our report.

I have noted on the top right of most of the pages (not all) which footnotes the document is related to in the report. The smaller file titled 'note' has a picture of John Kemp's notes of his telephone conversation with the Chair of Clyde (footnote 2).

If you need anything further, please give me a call.

(redacted) said there might be some further questions on the content of the report. Can you let me know if we can still expect these?

Can you please send me an acknowledgement when you receive the emails?

Kind regards  
(redacted)

(redacted) | **Scottish Funding Council | Comhairle Maoinachaidh na h-Alba**

(redacted)

Senior Financial Analyst | Sgrùdaire-Stiùiridh Ionmhais

Learning, Governance and Sustainability | Buidheann Ionnsachaidh, Riaghlaidh & Seasmhachd

**From:** (redacted)  
**Sent:** 07 July 2015 10:02  
**To:** (redacted)  
**Cc:** (redacted)  
**Subject:** RE: Glasgow Clyde College: footnote evidence

I didn't get them! Can you send to Lorraine, thanks.

(redacted)

(redacted)

**Head of College Policy** | Colleges & Adult Learning: Funding & Policy Division | Employability, Skills and Lifelong Learning Directorate | The Scottish Government – 6<sup>th</sup> Floor, 5 Atlantic Quay, 150 Broomielaw, Glasgow G2 8LU

(redacted)

**From:** (redacted)  
**Sent:** 07 July 2015 09:40  
**To:** (redacted)  
**Subject:** Glasgow Clyde College: footnote evidence

Hi (redacted)

I sent you 2 emails yesterday at 16.30 and 16.32 attaching the evidence from the footnotes in our report on Glasgow Clyde College. Can you please confirm whether you have received the emails and attachments? They are big files and I am worried they have stopped the emails from getting to you.

Many thanks  
(redacted)

### Email 7

From: Martin Fairbairn [<mailto:mfairbairn@sfc.ac.uk>]  
Sent: 10 July 2015 13:28  
To: Director of Advanced Learning and Science  
Cc: (redacted); Laurence Howells; Alice Brown  
Subject: Re: Scottish Government request re GCC reports  
Importance: High

Dear Aileen,

Thank you for the attached letter, to which I'm replying on behalf of Laurence under his delegated authority to me in my substantive position as Senior Director of the Scottish Funding Council.

I have consulted with both the Council's lawyers and the Chair of the Council.

I confirm that the Council has no concerns about your planned course of action.

Kind regards,

Martin Fairbairn  
Senior Director - Institutions and Corporate Services / Àrd-stiùiriche Institiùdan agus Seirbheisean Corporra  
Scottish Funding Council / Comhairle Maoineachaidh na h-Alba  
Direct / Dìreach: 0131 313 6524; Mob / Fòn-làimh: 0784 108 7534

### Email 8

**From:** (redacted)  
**Sent:** 31 July 2015 20:42  
**To:** Laurence Howells; (redacted); Cross M (Michael); Director of Advanced Learning and Science; John Kemp  
**Cc:** (redacted)  
**Subject:** Re: Confidential - SFC draft lines for Glasgow Clyde College

Atlantic Quay, 150 Broomielaw, Glasgow G2 8LU  
[www.gov.scot](http://www.gov.scot)





Laurence

I understand what you mean.

I've tweaked it a little to the following. If you're content - and incorporating any amendments from Scottish Government colleagues - I'll place these the lines on file:

Sentence to respond to any specific accusation.

"Our concern throughout has been that Scotland's colleges should have strong and effective governance.

"We will work with the sector, with Colleges Scotland and with NUS Scotland to ensure this is the case. At Glasgow Clyde College, as across Scotland, we are committed to seeing the college and its students thrive."

Regards

(redacted)

(redacted)

Assistant Director of Communications  
Scottish Funding Council

(redacted)

\*\* Sent from SFC Blackberry \*\*

**From:** Laurence Howells

**Sent:** Friday, July 31, 2015 06:38 PM

**To:** (redacted)'Michael.Cross@scotland.gsi.gov.uk' <[Michael.Cross@scotland.gsi.gov.uk](mailto:Michael.Cross@scotland.gsi.gov.uk)>;  
'DirectorofAdvancedLearningandScience@scotland.gsi.gov.uk'

<[DirectorofAdvancedLearningandScience@scotland.gsi.gov.uk](mailto:DirectorofAdvancedLearningandScience@scotland.gsi.gov.uk)>; John Kemp

**Cc:** (redacted)

**Subject:** Re: Confidential - SFC draft lines for Glasgow Clyde College

(redacted)

Having thought about this, we should try to avoid referring to our review if we can. And it's a bit hard to know what the accusation would be. But I guess it will be we've acted in a bullying and harassing way. So I think the second line should be something like:

[Sentence to respond to any specific accusation]. Our concern throughout has been that governance in the sector should be strong. We will work with the colleges, Colleges Scotland, the NUS Scotland to ensure this and to ensure that Clyde College and its students thrive.

I'm sure the above can be improved ...

Laurence

Laurence Howells  
Chief Executive

Atlantic Quay, 150 Broomielaw, Glasgow G2 8LU  
[www.gov.scot](http://www.gov.scot)



Scottish Funding Council  
0131 313 6579

\*\* Sent from SFC Blackberry \*\*

**From:** (redacted)  
**Sent:** Friday, July 31, 2015 05:19 PM  
**To:** (redacted)Cross, Michael <[Michael.Cross@scotland.gsi.gov.uk](mailto:Michael.Cross@scotland.gsi.gov.uk)>;  
[DirectorofAdvancedLearningandScience@scotland.gsi.gov.uk](mailto:DirectorofAdvancedLearningandScience@scotland.gsi.gov.uk)  
<[DirectorofAdvancedLearningandScience@scotland.gsi.gov.uk](mailto:DirectorofAdvancedLearningandScience@scotland.gsi.gov.uk)>; Laurence Howells  
**Cc:** (redacted)  
**Subject:** Confidential - SFC draft lines for Glasgow Clyde College

Please see below for draft lines should this become an issue over the weekend:

### **General lines on resignations if any occur**

Laurence Howells, Chief Executive of the Scottish Funding Council, said: "Our focus is on the students, businesses and communities that colleges serve. We will be working to ensure their interests come first as we seek the best way forward for Glasgow Clyde College."

### **If comment or questions are critical of SFC and only if pressed**

"The Scottish Funding Council carried out a review of governance and management at Glasgow Clyde College. That review has now concluded and its findings provided as confidential advice to Scottish Ministers."

### **If pushed to see the SFC report or the DLA Piper report**

"Our report was provided in confidence to the Scottish Government. It would therefore not be appropriate to provide it."

Best regards

(redacted)

Assistant Director, Communications  
Scottish Funding Council  
(redacted)

### **Email 9**

**From:** (redacted)  
**Sent:** 07 September 2015 13:36  
**To:** (redacted)  
**Cc:** (redacted); John Kemp; (redacted)  
**Subject:** RE: Glasgow Clyde College - BDO report

Thanks, (redacted)

Just to be clear: is it the view of SFC that there has been a breach of the delegated limit? I ask because the BDO report suggests there has not technically been a

Atlantic Quay, 150 Broomielaw, Glasgow G2 8LU  
[www.gov.scot](http://www.gov.scot)



breach as the invoices have not been paid “Technically there has been no breach of delegations as invoices have not been paid to date”. (para 71). BDO also advise the “FM does not explicitly extend to cover procurement where it is not known from the outset the full extent of cost may turn out to be.” (para 62) I should welcome your comments on this.

(redacted)

College Policy Team | Colleges, Young Workforce and SFC Sponsorship Division | Advanced Learning and Science Directorate | **The Scottish Government**  
5 Atlantic Quay, 150 Broomielaw, Glasgow G2 8LU

(redacted)

#collegesforscotland

**From:** (redacted)

**Sent:** 07 September 2015 13:17

**To:** (redacted)

**Cc:** Laurence Howells; (redacted); John Kemp; (redacted)

**Subject:** Glasgow Clyde College - BDO report

(redacted)

John Kemp asked me to write to you to regarding the BDO internal audit report investigating Glasgow Clyde College’s processes and expenditure associated with legal and management consultancy advice. The report confirms that the College has breached the delegated limit for non-competitive procurement action under the terms of the Council’s Financial Memorandum with colleges (Part 3, para . 36: “Any proposal to award a contract without competition (non-competitive action) must be approved in advance by SFC. Specific delegated authority is given to award a contract without competition for £25,000 or less without advance approval”). The report confirms that the College’s financial procedures had not been complied with in managing the Simpson & Marwick contract, providing further evidence of weak governance and management of expenditure at the College and representing a breach of para. 16 of Part 1 of the FM: “SFC must be able to rely on the whole system of governance, management and conduct of the institution to safeguard all funds of the institution deriving from the Scottish Ministers and to achieve the purposes for which these funds are provided.”

Please let me know if you’ve any questions.

Regards

(redacted)

## Email 10

**From:** Director of Advanced Learning and Science

**Sent:** 05 October 2015 19:11

**To:** Lawrence Howells ([lhowells@sfc.ac.uk](mailto:lhowells@sfc.ac.uk))

**Cc:** Director of Advanced Learning and Science; DG Learning & Justice

**Subject:** STRICTLY PRIVATE AND CONFIDENTIAL - GLASGOW CLYDE COLLEGE

Dear Laurence

Please find attached a letter from the Director of Advanced Learning and Science, supported by 3 attachments which form its annex.

We look forward to your response to this correspondence by noon on Wednesday, 7 October 2015.

Best wishes,

**ANNEX**

The Order

Policy Note

Draft statement of reasons

**Office of the Director of Advanced Learning & Science | Scottish Government**

5 Atlantic Quay | Broomielaw | Glasgow | G2 8LU

[directorofadvancedlearningandscience@scotland.gsi.gov.uk](mailto:directorofadvancedlearningandscience@scotland.gsi.gov.uk) | ☎0300 244 1264



**I AM AN ALLY**

**Email 11**

**From:** (redacted)

**Sent:** 07 October 2015 08:55

**To:** McKechnie A (Aileen)

**Cc:** (redacted)

**Subject:** Correspondence from Professor Alice Brown

**Importance:** High

Dear Aileen,

Please find attached a letter from our Chair Professor Alice Brown. A hard copy is being put in the post today.

Kind regards

(redacted)

(redacted)

PA to Professor Alice Brown CBE, Chair  
Scottish Funding Council

(redacted)

**Email 12**

Atlantic Quay, 150 Broomielaw, Glasgow G2 8LU  
[www.gov.scot](http://www.gov.scot)



**From:** (redacted)  
**Sent:** 29 May 2015 11:27  
**To:** 'Martin Fairbairn'; Cross M (Michael)  
**Cc:** (redacted)  
**Subject:** RE: Proposed extensions of Glasgow Clyde College board members

Martin

As I understand it, given the on-going nature of the SFC review of Glasgow Clyde College, the GCRB does not necessarily have all the information to hand about the overall college board's performance that the GCRB might ideally like in order to make a decision to extend the appointment of individual non-executive board members to the college board. Given the transitional arrangements in place, these appointments end no later than 31 July 2015. But there is the option of GCRB extending the appointments beyond this.

As you know, the Ministerial appointments guidance articulates that the GCRB can choose whether to extend an appointment. Any decision to do so should be on the basis of evidence that:

“a) the college board member has performed satisfactorily, with evidence of annual assessments of performance to evidence this; and  
b) that the college board member's skills, knowledge, experience and attributes remain relevant to the anticipated future needs of the board.”  
(para 5.30)

<http://www.gov.scot/Resource/0045/00458051.pdf>

You ask about possible flexibility. The GCRB has powers to extend an appointment up to a period (the legislation provides for up to 4 years). That said, the guidance in effect provides an end-date for these particular extensions up to 31 July 2016.

The use of “up to” could be a means to deliver the flexibility by setting an end date with the possibility of earlier cessation. This approach is not dissimilar to the approach we have taken in making interim appointments. In this case of extension the interim period could potentially be the maximum period.

So, if the GCRB wants an opportunity to revisit the appropriate end date in light of more information available at a later date, I wonder whether something along the following (illustrative) lines could work for the board.

Under paragraph 5(2C) of Schedule 2 to the Further and Higher Education (Scotland) Act 1992, your appointment to the Board of Management of Glasgow Clyde College (“the Board”) is extended until 31 July 2016 or until such earlier date as the Regional Board for Glasgow Colleges may notify you (having given x weeks' notice) that your appointment as a member of the Board is to cease. Your appointment is subject the terms and conditions set out in the Annex to this letter as well as to the provisions of the Further and Higher Education (Scotland) Act 1992.

Just to be clear: the decision is a matter for the GCRB of course and I offer no view on whether this is the appropriate thing to do. But I hope it does illustrate the

flexibility I consider the board has. And it goes without saying but I'll say it anyway – the board must satisfy itself that such a provision is reasonable in the circumstances.

Drafting the text, which I did to clarify my own thinking, led me to consider whether the extension provides an opportune time to make the terms and conditions of the appointment clear, assuming of course GCRB has not already determined terms and conditions of the appointment of members to the Glasgow Clyde Board.

You will also note that I have given the Regional Board its legal name.

Happy to discuss.

(redacted)

College Policy Team | Colleges, Young Workforce and SFC Sponsorship Division | Advanced Learning and Science  
Directorate | The Scottish Government  
5 Atlantic Quay, 150 Broomielaw, Glasgow G2 8LU

(redacted)

#collegesforScotland

**From:** Martin Fairbairn [<mailto:martin.fairbairn@gcrb.ac.uk>]  
**Sent:** 29 May 2015 08:52  
**To:** Cross M (Michael)  
**Cc:** (redacted)  
**Subject:** RE: Proposed extensions of Glasgow Clyde College board members  
**Importance:** High

Dear Michael,

Sorry to hassle. Will somebody also be able to get back to me on this today?

Kind regards,

**Martin Fairbairn**

Interim Chief Officer, Glasgow Colleges' Regional Board  
t: 0141 271 6587 | m: 0784 108 7534 | e: [martin.fairbairn@gcrb.ac.uk](mailto:martin.fairbairn@gcrb.ac.uk)

**From:** Martin Fairbairn  
**Sent:** 26 May 2015 17:09  
**To:** [Michael.Cross@scotland.gsi.gov.uk](mailto:Michael.Cross@scotland.gsi.gov.uk)  
**Cc:** (redacted)[jkemp@sfc.ac.uk](mailto:jkemp@sfc.ac.uk); (redacted)  
**Subject:** Proposed extensions of Glasgow Clyde College board members

Dear Michael,

As you are aware, at its meeting on Monday 1 June the GCRB will be considering proposals to extend by one further year members of the boards of management at each of the three assigned colleges in Glasgow.

Atlantic Quay, 150 Broomielaw, Glasgow G2 8LU  
[www.gov.scot](http://www.gov.scot)



The reason for this email is to seek your advice with regard to any flexibilities that might be available to the GCRB in relation to the proposed extensions at Glasgow Clyde College.

GCRB's Interim Chair and I are both aware of the Review of Glasgow Clyde College currently being conducted by the Scottish Funding Council. Of course, we have no way of knowing the outcome of that Review and it is important that nothing is done to prejudge its conclusions. On the other hand, we cannot ignore the possibility that the Review draws conclusions about the performance of the Glasgow Clyde College board of management which GCRB would ideally want to have available to it when it considers the proposed extensions on 1 June. That, of course, will not be possible. I am therefore interested to know what flexibilities are available to GCRB when considering these extensions.

Kind regards,

**Martin Fairbairn**

Interim Chief Officer, Glasgow Colleges' Regional Board  
t: 0141 271 6587 | m: 0784 108 7534 | e: [martin.fairbairn@gcrb.ac.uk](mailto:martin.fairbairn@gcrb.ac.uk)

**Email 13**

**From:** Laurence Howells [<mailto:lhowells@sfc.ac.uk>]  
**Sent:** 24 August 2015 16:59  
**To:** Director of Advanced Learning and Science  
**Cc:** Cross M (Michael)  
**Subject:** RE: OFFICIAL SENSITIVE - RE: Glasgow Clyde College

Aileen

Alice and I discussed the interim principal letter and agreed that Alice would send the letter and that it should be redrafted in a more positive tone. The letter was issued this afternoon. (Copy attached)

In order to avoid (redacted) feeling this was a criticism of her and her team, I phoned her to explain what we were doing and why. Whilst she hadn't been expecting this action, she clearly felt that (if the offer of help was accepted) it would help relieve the pressure on the senior team.

Laurence

**From:** [DirectorofAdvancedLearningandScience@scotland.gsi.gov.uk](mailto:DirectorofAdvancedLearningandScience@scotland.gsi.gov.uk)  
[<mailto:DirectorofAdvancedLearningandScience@scotland.gsi.gov.uk>]  
**Sent:** 20 August 2015 21:33  
**To:** Laurence Howells  
**Cc:** [Michael.Cross@scotland.gsi.gov.uk](mailto:Michael.Cross@scotland.gsi.gov.uk); [DirectorofAdvancedLearningandScience@scotland.gsi.gov.uk](mailto:DirectorofAdvancedLearningandScience@scotland.gsi.gov.uk)  
**Subject:** OFFICIAL SENSITIVE - RE: Glasgow Clyde College

Laurence

Many thanks for sight. We discussed this letter and a separate planned letter to the Chair and SG re: breaches of the FM and accountable officer concern.

With regard to the principal letter, you indicated that you'd reconsider the offer of SFC funding for the post; and you'd reflect (with Alice) who would be best placed to

meet the Chair in the current circumstances. We agreed that it would be prudent for such a letter to issue with urgency. You'll seek to take this forward early next week.

With regard to the breach of FM letter, you'll share draft letters with us early next week and we'll reflect collectively on content and timing.

For Michael's benefit, we discussed the issue of securing a Secretary for GCC. You advised that Martin is actively pursuing a live option so you'll let that run before approaching (redacted).

Aileen

**Aileen McKechnie | Director of Advanced Learning & Science | Scottish Government**

5 Atlantic Quay | Broomielaw | Glasgow | G2 8LU

[directorofadvancedlearningandscience@scotland.gsi.gov.uk](mailto:directorofadvancedlearningandscience@scotland.gsi.gov.uk) | ☎0300 244 1264



**I AM AN ALLY**

**From:** McKechnie A (Aileen)  
**Sent:** 20 August 2015 21:25  
**To:** Director of Advanced Learning and Science  
**Subject:** Fw: Glasgow Clyde College

Aileen McKechnie  
Director of Advanced Learning and Science, Scottish Government  
5 Atlantic Quay, Glasgow, G2 8LU  
Tel: 0300 244 1264

**From:** Laurence Howells [<mailto:lhowells@sfc.ac.uk>]  
**Sent:** Wednesday, August 19, 2015 05:27 PM  
**To:** McKechnie A (Aileen); Cross M (Michael)  
**Cc:** John Kemp <[jkemp@sfc.ac.uk](mailto:jkemp@sfc.ac.uk)>  
**Subject:** Glasgow Clyde College

Dear Aileen and Michael

Please find attached a draft letter I propose to send to (redacted). I would be grateful for any comments you have on the letter and any advice on timing. I will, of course, be discussing this letter with Alice and (redacted) before I send it.

Thank you.

Laurence

**Email 14**



**From:** Laurence Howells [mailto:lhowells@sfc.ac.uk]  
**Sent:** 11 September 2015 17:42  
**To:** Cross M (Michael); (redacted); John Kemp  
**Subject:** Interim Principal Clyde College

Dear All

Just for information. (redacted) has been corresponding with (redacted) and our colleague from the AoC. As a result of that it turns out the best date for us to meet to discuss the possibilities for an Interim Principal is Friday 18<sup>th</sup> September. Since this is 'business as usual' I am leaving that date in the diary for the time being.

Laurence

## Email 15

**From:** (redacted)  
**Sent:** 02 July 2015 15:27  
**To:** (redacted)  
**Cc:** John Kemp; (redacted)  
**Subject:** Glasgow Clyde College: reasons for redactions in the reports

Hi (redacted)

Further to our telephone conversation earlier this afternoon, I have received the following from DLA Piper:

'Further to our discussion, the basis for redacting the DLA and Council reports prior to their review by Board members (excluding the Chair, who has already had sight of un-redacted copies) is three-fold, as set out below. We consider that given the Chair is the subject of a recommendation for removal then he has a reasonable expectation to have fair notice of the full reports and their content. Given the tenor of the redactions, we do not consider that the remaining Board members would be hindered or unsighted as to the basis for the findings and recommendations in either the DLA or Council reports and we the issues discussed below to outweigh provision of un-redacted copies to Board members.

Our reasoning behind the redactions is as follows:

- **Reducing the risk of a defamation action by the Chair or any third parties:** The DLA report was based, at least in part, on interviews with Board members and other parties on a voluntary basis, given the Council was not empowered to compel witnesses to meet with DLA Piper nor were such witnesses on oath. Accordingly, where the commentary in the report concerns any allegations concerning behaviours of the Chair or other parties we have sought to redact such references so as to narrow the circulation of such content insofar as possible - effectively only to the Chair, Council and Scottish Ministers - so as to minimise the scope of defamation proceedings, given wide circulation is often a factor in galvanising any Pursuer to raise proceedings. It is not uncommon - even if there is no true intent to raise proceedings - for defamation actions to be threatened by an aggrieved party as a defensive manoeuvre in response to criticisms of the type outlined in the report and while this cannot be discounted the legal basis for a claim based on publication to a wider audience (as opposed to the limited audience who have seen the un-redacted versions of the reports so far) is minimised through limited circulation.
- **Maintaining the confidence of those with whom DLA spoke with / avoiding any unauthorised disclosure of personal data** - DLA's interviews proceeded on the basis that transcripts of the interviews would remain with DLA alone and attribution of comments to named individuals, or circumstances where any particular comment could be attributed to an unnamed individual, would be minimised insofar as possible. In keeping with this understanding with interviewees we have redacted the list of interviewees (and have also removed references to GCRB Board members from the Brodies correspondence in Annex 4 of the DLA report) and we have also taken a cautious approach towards instances where we have gone as far as to paraphrase comments from interviews in the body of the DLA report.

- **Maintaining the integrity of the disciplinary process** - Part 4 of the DLA report focusses on the HR provision, processes and arrangements followed regarding the suspension of the Principal. The College's solicitors have some concerns that the content of this Part of the report could be used in furtherance by any employment claim by the Principal. While the weight of our report would be limited in any such proceedings, and indeed would require the report to be provided to the Principal before any such risk would arise, we have removed commentary that could be seen as prejudicial to the College's position in any such proceedings.'

I would be grateful if you could run this past the SG solicitors and our contact at DLA Piper is happy to speak to them if there are any further queries about the redactions. The contact at DLA Piper is (redacted). I have to say that the redactions in the report are mainly based on bullet points 2 and 3 above.

The other point that DLA Piper made in their email was with regards to the likelihood of formal procedures being invoked in terms of section 24 of the Further and Higher Education (Scotland) Act 1992. Should attempts be made to challenge or halt such proceedings by way of interim interdict the likelihood would be that action would be taken against the Scottish Ministers, given the Ministers would make the relevant order, and the Ministers will no doubt have the relevant caveats lodged so as to receive prior notice of any such action. Do you know if this has been done?

They also point out that there is at least a theoretical risk that the Chair, unsighted as to where matters stand in the dialogue between the Council and Ministers, could seek interim interdict in some form against the Scottish Funding Council. I can confirm that we have a caveat lodged in the Council's name at the Court of Session, which is the most likely forum for any such action taking place, and also at Edinburgh Sheriff Court.

I hope that this is helpful for your solicitors.

Kind regards

(redacted)

(redacted) | **Scottish Funding Council | Comhairle Maoinachaidh na h-Alba**

(redacted)

**Senior Financial Analyst | Sgrùdaire-Stiùiridh Ionmhais**

**Learning, Governance and Sustainability | Buidheann Ionnsachaidh, Riaghlaidh & Seasmhachd**

## **Email 16**

**From:** (redacted)

**Sent:** 13 July 2015 11:29

**To:** (redacted)

**Subject:** RE: Glasgow Clyde College

Hi (redacted)

Please find attached the SFC report with redactions.

Kind regards

(redacted)

(redacted) | **Scottish Funding Council | Comhairle Maoinachaidh na h-Alba**

(redacted)

Senior Financial Analyst | Sgrùdaire-Stiùiridh Ionmhais

Learning, Governance and Sustainability | Buidheann Ionnsachaidh, Riaghlaidh & Seasmhachd

**From:** (redacted)

**Sent:** 13 July 2015 11:02

**To:** (redacted)

**Subject:** FW: Glasgow Clyde College

(redacted), can you confirm that the 16.01 version was the one circulated to the Clyde board, thanks.

(redacted)

(redacted)

**Head of College Policy** | Colleges & Adult Learning: Funding & Policy Division | Employability, Skills and Lifelong Learning Directorate | **The Scottish Government** – 6<sup>th</sup> Floor, 5 Atlantic Quay, 150 Broomielaw, Glasgow G2 8LU

(redacted)

**From:** (redacted)

**Sent:** 03 July 2015 16:01

**To:** (redacted)

**Cc:** John Kemp; (redacted) Martin Fairbairn ([martin.fairbairn@gcrb.ac.uk](mailto:martin.fairbairn@gcrb.ac.uk))

**Subject:** RE: Glasgow Clyde College

(redacted)

Please find a further redacted copy of the DLA report as requested by Martin Fairbairn as Senior Director of SFC.

Kind regards

(redacted)

**From:** (redacted)

**Sent:** 03 July 2015 15:25

**To:** (redacted)

**Cc:** John Kemp; (redacted)

**Subject:** RE: Glasgow Clyde College

(redacted)

As just explained to Martin who 'phoned. The mail leaves here at 4. Need the further redacted report...

(redacted)

College Policy Team | Colleges, Young Workforce and SFC Sponsorship Division | Advanced Learning and Science  
Directorate | **The Scottish Government**  
5 Atlantic Quay, 150 Broomielaw, Glasgow G2 8LU

(redacted)

[#collegesforscotland](#)

**From:** (redacted)

**Sent:** 03 July 2015 15:20

**To:** (redacted)

**Cc:** John Kemp; (redacted)

**Subject:** RE: Glasgow Clyde College

OK (redacted).

**From:** (redacted)

**Sent:** 03 July 2015 15:15

**To:** (redacted)

**Cc:** John Kemp; (redacted)

**Subject:** RE: Glasgow Clyde College

Thanks, but on reflection we'll leave it alone. It is your paper.

(redacted)

College Policy Team | Colleges, Young Workforce and SFC Sponsorship Division | Advanced Learning and Science  
Directorate | **The Scottish Government**  
5 Atlantic Quay, 150 Broomielaw, Glasgow G2 8LU

(redacted)

[#collegesforscotland](#)

**From:** (redacted)

**Sent:** 03 July 2015 15:13

**To:** (redacted)

**Cc:** John Kemp; (redacted)

**Subject:** RE: Glasgow Clyde College

Hi (redacted)

We are happy for you to make the two changes in the comments.

(redacted)

**From:** (redacted)

**Sent:** 03 July 2015 14:52

**To:** (redacted)

**Cc:** John Kemp; (redacted)

**Subject:** RE: Glasgow Clyde College

(redacted)

Wasn't expecting any comments on this from folk, but since I have them, what do you think?

Someone else may comment, but as I am running out of time, wanted to send just now....

(redacted)

**College Policy Team** | Colleges, Young Workforce and SFC Sponsorship Division | Advanced Learning and Science Directorate | **The Scottish Government**  
5 Atlantic Quay, 150 Broomielaw, Glasgow G2 8LU

(redacted)

[#collegesforscotland](#)

**From:** (redacted)

**Sent:** 03 July 2015 13:05

**To:** (redacted)

**Cc:** John Kemp; (redacted)

**Subject:** RE: Glasgow Clyde College

Thanks, (redacted)

Will send this paper with the redacted report & document.

As discussed, grateful over the course of next week, if we could receive all the papers referenced in the SFC's report.

I'll be on leave from today, returning on 22 July. (redacted) will be about.

(redacted)

**College Policy Team** | Colleges, Young Workforce and SFC Sponsorship Division | Advanced Learning and Science Directorate | **The Scottish Government**  
5 Atlantic Quay, 150 Broomielaw, Glasgow G2 8LU

(redacted)

[#collegesforscotland](#)

**From:** (redacted)

**Sent:** 03 July 2015 13:02

**To:** (redacted)

**Cc:** John Kemp; (redacted)

**Subject:** RE: Glasgow Clyde College

(redacted)

Please find our note with an SFC header as requested.

Kind regards

(redacted)

(redacted) | **Scottish Funding Council | Comhairle Maoinachaidh na h-Alba**

(redacted)

Senior Financial Analyst | Sgrùdaire-Stiùiridh Ionmhais

Learning, Governance and Sustainability | Buidheann Ionnsachaidh, Riaghlaidh & Seasmhachd

**From:** John Kemp  
**Sent:** 03 July 2015 12:52  
**To:** (redacted)  
**Cc:** (redacted)  
**Subject:** FW: Glasgow Clyde College

Could you do this?

John Kemp  
**Director of Access, Skills and Outcome Agreements**  
Stiùiriche: Cothrom, Sgilean agus Aontaidhean Buileachaidh  
0131 313 6637: Mobile: 07818003526

**From:** (redacted)  
**Sent:** 03 July 2015 11:03  
**To:** John Kemp; (redacted)  
**Cc:** (redacted)  
**Subject:** RE: Glasgow Clyde College

Thanks, John

Can you put your note on SFC paper?

Just so we are all clear, a hard copy of redacted report and redacted accompanying document were given to the GCRB interim chair yesterday.

(redacted)  
**College Policy Team** | Colleges, Young Workforce and SFC Sponsorship Division | Advanced Learning and Science  
Directorate | **The Scottish Government**  
5 Atlantic Quay, 150 Broomielaw, Glasgow G2 8LU  
(redacted)

#collegesforscotland

**From:** John Kemp [<mailto:jkemp@sfc.ac.uk>]  
**Sent:** 03 July 2015 10:58  
**To:** (redacted)  
**Cc:** (redacted)  
**Subject:** RE: Glasgow Clyde College

(redacted),

Atlantic Quay, 150 Broomielaw, Glasgow G2 8LU  
[www.gov.scot](http://www.gov.scot)



Here is the note as requested.

Before you send the documents to GCRB we need to resolve the issue of the Brodies comments (which are marked legally privileged). This is not an issue for Clyde board members (as they are the client) but may be for GCRB. We will try to resolve quickly with DLA.

John

John Kemp

**Director of Access, Skills and Outcome Agreements**

Stiùiriche: Cothrom, Sgilean agus Aontaidhean Buileachaidh

0131 313 6637: Mobile: 07818003526

**From:** (redacted)

**Sent:** 03 July 2015 10:02

**To:** John Kemp; (redacted)

**Cc:** (redacted)

**Subject:** RE: Glasgow Clyde College

Hi John

A note that is clearly from the SFC.

This how we propose to introduce it (as a footnote).

The SFC has redacted certain parts of its report and its accompanying document **Report of Fact Finding Exercise to Support the Scottish Funding Council's Review of Processes, Procedures and Governance at Glasgow Clyde College**. This accompanying document and a paper from SFC explaining the redactions are both attached.

(redacted)

**College Policy Team** | Colleges, Young Workforce and SFC Sponsorship Division | Advanced Learning and Science

Directorate | **The Scottish Government**

5 Atlantic Quay, 150 Broomielaw, Glasgow G2 8LU

(redacted)

#collegesforscotland

**From:** John Kemp [<mailto:jkemp@sfc.ac.uk>]

**Sent:** 03 July 2015 10:01

**To:** (redacted)

**Cc:** (redacted)

**Subject:** RE: Glasgow Clyde College

(redacted),

The paper is with our lawyer at the moment. Should have it soon. Do you want it as a letter, or just a note you can append?

John

Atlantic Quay, 150 Broomielaw, Glasgow G2 8LU  
[www.gov.scot](http://www.gov.scot)



John Kemp  
**Director of Access, Skills and Outcome Agreements**  
Stiùiriche: Cothrom, Sgilean agus Aontaidhean Buileachaidh  
0131 313 6637: Mobile: 07818003526

**From:** (redacted)  
**Sent:** 03 July 2015 07:52  
**To:** (redacted)  
**Cc:** John Kemp; (redacted)  
**Subject:** RE: Glasgow Clyde College

Hi (redacted)

We will send the redacted SFC report and its accompanying document out today. These will issue to the members of the Glasgow Clyde Board in hard copy. Will we also send the electronic versions to Martin Fairbairn ((redacted)) for onward hard copy distribution to the members of the GCRB.

We are waiting for a further SFC paper that explains the redactions, which we will enclose with our covering letter.

We will make clear that the papers are sent in strictest confidence.

(redacted)  
**College Policy Team** | Colleges, Young Workforce and SFC Sponsorship Division | Advanced Learning and Science  
Directorate | **The Scottish Government**  
5 Atlantic Quay, 150 Broomielaw, Glasgow G2 8LU  
(redacted)

[#collegesforScotland](#)

**From:** (redacted)  
**Sent:** 02 July 2015 16:27  
**To:** (redacted)  
**Cc:** John Kemp; (redacted)  
**Subject:** RE: Glasgow Clyde College

Thank you!

**From:** (redacted)  
**Sent:** 02 July 2015 16:26  
**To:** (redacted)  
**Cc:** John Kemp; (redacted)  
**Subject:** RE: Glasgow Clyde College

Hi (redacted)

Will do. Don't know yet.



(redacted)

College Policy Team | Colleges, Young Workforce and SFC Sponsorship Division | Advanced Learning and Science  
Directorate | **The Scottish Government**  
5 Atlantic Quay, 150 Broomielaw, Glasgow G2 8LU

(redacted)

#collegesforscotland

**From:** (redacted)

**Sent:** 02 July 2015 16:24

**To:** (redacted)

**Cc:** John Kemp; (redacted)

**Subject:** Glasgow Clyde College

Hi (redacted)

Can you please let me know what SG decides to do with the reports? It's just that DLA has a response waiting to send to Brodies and they are specifically asking about distribution and publication of the report. I need to know what SG is planning to do on both in order to advise DLA.

Many thanks

(redacted)

(redacted) | **Scottish Funding Council | Comhairle Maoinachaidh na h-Alba**

(redacted)

Senior Financial Analyst | Sgrùdaire-Stiùiridh Ionmhais

Learning, Governance and Sustainability | Buidheann Ionnsachaidh, Riaghlaidh & Seasmhachd

### Email 17

**From:** Laurence Howells [mailto:lhowells@sfc.ac.uk]

**Sent:** 09 September 2015 18:06

**To:** Cross M (Michael); John Kemp

**Cc:** (redacted)

**Subject:** Re: Draft letter to Clyde

Michael

Yes of course! Thanks very much ... Let's see what happens next!

Laurence

Laurence Howells

Chief Executive

Scottish Funding Council

0131 313 6579

\*\* Sent from SFC Blackberry \*\*

**From:** [Michael.Cross@gov.scot](mailto:Michael.Cross@gov.scot) [<mailto:Michael.Cross@gov.scot>]  
**Sent:** Wednesday, September 09, 2015 05:57 PM  
**To:** John Kemp  
**Cc:** Laurence Howells; (redacted)  
**Subject:** RE: Draft letter to Clyde

John, Laurence, (redacted)

Thanks for this. Laurence and I had a word, and I've discussed with (redacted). We suggest:

*"Given .... Our permission is conditional on the following:*

- confirmation that the full board has fully considered the case for expenditure on legal services and is satisfied that it is consistent with their obligations both as members of the board of management - including compliance with the FM with the SFC and the value for money principle set out therein - and as charitable trustees;*
- that any legal advice received is considered by the full board and that its consideration is duly documented;*
- expenditure of no more than £ .... (we suggest you put a limit on this);*
- submission of estimates on receipt and the detail of the final amounts to be invoiced;*
- that the legal advice is limited to those matters on which the board has been invited to respond by the Scottish Government - that is the matter set out in the annex to the Cabinet Secretary's letter together with any proposals for Board action if the Board consider that is warranted;*
- none of this action compromises the Government's deadline for a response;*

Comment overnight and speak first thing in the morning?

Michael

**From:** John Kemp [<mailto:jkemp@sfc.ac.uk>]  
**Sent:** 09 September 2015 15:17  
**To:** Cross M (Michael)  
**Cc:** Laurence Howells; (redacted)  
**Subject:** Draft letter to Clyde

Dear Michael,

Attached is a draft letter to Clyde College should they seeks our permission for legal advice following receipt of your letter. Clearly, we cannot finalise the letter until we actually have a request. Grateful for any views.

John

John Kemp

**Director of Access, Skills and Outcome Agreements**  
Stiùiriche: Cothrom, Sgilean agus Aontaidhean Buileachaidh  
0131 313 6637: Mobile: 07818003526

## Email 18

**From:** (redacted)  
**Sent:** 18 August 2015 20:46  
**To:** (redacted)  
**Cc:** (redacted) John Kemp; Cross M (Michael); (redacted)  
**Subject:** RE: Novel and contentious expenditure  
**Importance:** High

(redacted)

Below this email I've copied the email sent to (redacted) tonight following our conversation this afternoon. In this you will see I have stressed the need for prior approval and asked for more detail so that we can consider the request. However, without clear guidelines (which don't exist) any decision will be a matter of judgement. Leaving aside any employment law spend, there can be no VFM case to support a publicly funded college taking legal advice to challenge the SFC/SG. So we need a strategic solution here and I know that's complex. In the meantime, the approach will be to stress the need for prior approval, require detailed information on any proposed spend and in so doing try and bring some sense to this and, if nothing else, slow the rate of spend. Thoughts on a better approach would be greatly appreciated. As (redacted) mentions, we both feel this needs to be escalated up the line.

(redacted)

Dear (redacted)

I thought it would be helpful to summarise what we discussed/agreed this afternoon in relation to the BDO internal audit report and the College's recent request for approval of an additional (redacted) legal costs.

### BDO report

It is a week since I received an email from Brodies advising that the College was in contact with BDO to secure a copy of the report for the SFC. At this stage it seemed likely that SFC would be asked by BDO to sign a confidentiality statement. You indicated that you are involved in ongoing discussions with BDO and that in addition to there being a requirement for a confidentiality statement it seemed likely that the report would have some content redacted. You also indicated that the College has asked Brodies for advice on the release of the BDO to the SFC (and the SG as part of their wider request for information). We discussed that the process by which auditors seek to use a confidentiality statement to cover the release of reports to the SFC is one we are familiar with. However, this is the first occasion I have seen legal opinion being sought on such a matter and struggle to understand why the Board consider such advice necessary.

At this stage you are unable to say when the SFC will get the BDO report, but you confirmed that the Board is willing for it to be shared. You explained that that only

the Chair of the Audit Committee and yourself had a copy of the BDO report. It had been tabled at the special Board meeting on 30 July, but copies returned at the end of the meeting.

#### Additional legal costs (redacted)

We discussed your request (email to me 7 August) and my response (email 14 August) and that I needed a response to the questions I had raised – copied below :

*“If this expenditure has been incurred in advance of the required prior approval I would be grateful if you could explain the circumstances leading to this position, clarifying who at the College instructed Brodies to undertake this work. It would also be helpful to understand why the Board felt it necessary to have Brodies prepare its response to the Scottish Government’s letter of 30 July.”*

In your email of 7 August you stated that the additional legal costs related to advice deemed necessary to respond to correspondence from the SG. However, today you indicated that some of the (redacted) is attributable to advice connected with the release of the BDO report. As indicated above, the need for legal advice on this matter is surprising, but the key point on this, and all proposed spending on legal services, is that a detailed request is provided to the SFC in advance of the College committing expenditure and that prior approval from SFC is essential (in all cases except on employment matters associated with the ongoing disciplinary case involving the Principal.) My email of 30 July set out this condition.

So, in relation to the request for the additional (redacted) spend we agreed you would provide:

- A response to the questions in my email of 14 August; and
- Details of the make-up of the (redacted) split between (1) response to the correspondence from the SG; (2) relating to the release of the BDO report. The detail should also show clearly what (of the (redacted)) has already been incurred and that which is still estimated. **The current position is that SFC has not provided approval for any part of the (redacted) proposed.**

#### Legal costs to date

You confirmed that the estimated costs stood at (redacted) ((redacted) confirmed in your email of 29 July plus the proposed (redacted)). I would be grateful if you could provide detail of the total (redacted) split between costs associated with the disciplinary and other. In the case of ‘other’, please detail the subject of the spend and the specific amount (e.g. responding to correspondence from SG dated XXXX, £YYYY).

If you have any questions on the above please let me know.

Kind regards

(redacted)

**From:** (redacted)  
**Sent:** 18 August 2015 18:08  
**To:** (redacted)  
**Cc:** (redacted) John Kemp; [Michael.Cross@scotland.gsi.gov.uk](mailto:Michael.Cross@scotland.gsi.gov.uk); (redacted)  
**Subject:** Re: Novel and contentious expenditure

(redacted),

We had a brief discussion in which (redacted) provided some background. I was clear that from an SG Finance point of view, we would expect these types of costs to fall within the 100k ministerial agreement space and also novel and contentious - requiring additional SFC sign-off. I was also concerned about the fact that a public body was effectively using a substantial amount of public money to query advice from another public body. This clearly offers very poor value for money and in my opinion breaches the SPFM around best value/sound financial management etc.

We also discussed the fact that it appeared to be the Board exerting undue pressure on the exec team to spend which appears to take the Board far beyond its remit.

I suggested that (redacted) be clear about this position and the guidance in the SPFM when he talks to the acting Principal and that I would support escalation in the form of a clearly and strongly worded letter reiterating the SG's policy and SPFM wording around value for money and use of public funds that could be sent by senior SG/SFC colleagues or DFM/Cab Secretary. The letter should also be clear about delegated limits around incurring these sort of costs and that any further spend required senior SFC review and sign-off (supported by a clear financial case) although we would have a clear expectation of these costs coming to a close.

It would also be useful to reiterate the SG/SPFM position on value for money/use of public funds. The workshop on 9 Sep might be a useful forum as most FDs will be attending? We can discuss further.

Hope that helps,

(redacted)

**From:** (redacted)  
**Sent:** Tuesday, August 18, 2015 05:45 PM  
**To:** (redacted)  
**Cc:** (redacted); John Kemp <[jkemp@sfc.ac.uk](mailto:jkemp@sfc.ac.uk)>; Cross M (Michael); (redacted)  
**Subject:** RE: Novel and contentious expenditure

(redacted), (redacted)

Can you please do a note of what you've discussed and agreed, copy Michael and (redacted). Thanks.

(redacted)

(redacted)

**Head of College Policy** | Colleges & Adult Learning: Funding & Policy Division | Employability, Skills and Lifelong Learning Directorate | The Scottish Government – 6<sup>th</sup> Floor, 5 Atlantic Quay, 150 Broomielaw, Glasgow G2 8LU

(redacted)

**From:** (redacted)  
**Sent:** 18 August 2015 09:04  
**To:** (redacted)  
**Cc:** (redacted) John Kemp  
**Subject:** RE: Novel and contentious expenditure

Hi (redacted)

Am not in the office today but can we have a word on the phone just before 12 or earlier? I would like to speak with you before I call the College re a recent request for approval of more spend, though I think they have actually already made the commitment! Can you call me on (redacted).

Thanks

(redacted)

**From:** (redacted)  
**Sent:** 17 August 2015 19:15  
**To:** (redacted)  
**Cc:** (redacted)  
**Subject:** Re: Novel and contentious expenditure

(redacted),

Sorry - in meeting all day today and not much better tomorrow but I'll try to grab some time to discuss. I'm at SFC from 12 tomorrow - maybe a few minutes before that? Per the spfm any body would need high level SG approval prior to spending over (redacted) on consultancy fees - I think legal falls into that category. I agree that this is in the novel and contentious space at any rate and we can discuss further handling tomorrow.

(redacted)

**From:** (redacted)  
**Sent:** Friday, August 14, 2015 01:18 PM  
**To:** (redacted)  
**Cc:** (redacted)  
**Subject:** Novel and contentious expenditure

Hi (redacted)

Grateful for your advice on the following matter which is both urgent and extremely sensitive.

There is an ongoing issue involving Clyde College which has resulted in significant legal costs being incurred ((redacted)). These costs relate to an ongoing employment matter and the College Board taking advice on its responses to various pieces of correspondence from SFC and SG. You will immediately begin to see the sensitivities and why we need to try and contain further spending of public money where it can reasonably be avoided. To this end I wrote the College on 30 July

stating that I considered such expenditure to fall into the category of novel and contentious and therefore (per our FM and the SPFM) requiring prior approval from SFC for any further spending.

I am now looking for urgent guidance on how SG would determine whether to approve such expenditure so that I might apply a consistent approach in this situation.

If it's easier perhaps we can have a word on Monday when you are back from leave.

Thanks

(redacted)

### Email 19

**From:** (redacted)

**Sent:** 22 July 2015 09:09

**To:** Cross M (Michael)

**Cc:** Laurence Howells; John Kemp; (redacted)

**Subject:** RE: Counsel's advice

Sorry Michael. Please find attached to this email.

(redacted)

**From:** [Michael.Cross@scotland.gsi.gov.uk](mailto:Michael.Cross@scotland.gsi.gov.uk) [<mailto:Michael.Cross@scotland.gsi.gov.uk>]

**Sent:** 22 July 2015 09:06

**To:** (redacted)

**Subject:** RE: Counsel's advice

(redacted)

Nothing attached?

M

**From:** (redacted)

**Sent:** 21 July 2015 17:57

**To:** Cross M (Michael)

**Cc:** Laurence Howells; John Kemp; (redacted)

**Subject:** Counsel's advice

Michael

Please find attached a note of our meeting with Counsel. You will see from the note that Counsel was reviewing the remit and addressing criticisms levelled at us by GCC about the way we were planning to carry out the review. Our QC was robust in terms of the lawfulness of the basis of the review and the terms of reference were amended after our consultation to reflect the QC's comments. He was involved in revising the remit and commented on the final version that went to the College.

If you think a formal written opinion would be more helpful, please let me know and we will see what we can do. Our QC is on holiday until 4 August.

If you have any further queries, please contact me.

Kind regards

(redacted)

(redacted) | **Scottish Funding Council | Comhairle Maoinachaidh na h-Alba**

(redacted)

Senior Financial Analyst | Sgrùdaire-Stiùiridh Ionmhais

Learning, Governance and Sustainability | Buidheann Ionnsachaidh, Riaghlaidh & Seasmhachd

### Email 20

**From:** Laurence Howells [mailto:lhowells@sfc.ac.uk]

**Sent:** 18 September 2015 12:06

**To:** McKechnie A (Aileen); Cross M (Michael); (redacted)

**Cc:** Alice Brown; John Kemp; (redacted)

**Subject:** IN CONFIDENCE - meeting with George Chalmers and Elaine Proudfoot

Dear All

I met this morning (redacted) and (redacted) with (redacted) from AoC on the telephone.

I was resolute in keeping the meeting to discuss solely the matter in hand which is the identification of a potential interim principal for the college.

We discussed the nature of any assignment with the college and therefore the likely characteristics of the candidates with (redacted). The two Board members posed a series of questions to (redacted) about the process and his experience. We then discussed CV's from 4 potential candidates and identified 2 from that list as being very strong. We agreed that since one of the candidates happened to be in Glasgow on Monday that (redacted) and (redacted) would try to meet him informally and (redacted) is going to set that up (unfortunately I cannot take part in that meeting).

We agreed that if this assignment went ahead communications needed to be handled very carefully. We agreed that that would be particularly important in relation to the senior management team. (redacted) invited me to the college to meet him and the senior management team to discuss this and I agreed to do so subject to a suitable date being found. If this meeting goes ahead I will be careful to ensure it is limited to this topic and this topic alone.

(redacted) asked me again whether I would fund the cost of an interim. I declined to commit to do so, reiterating my position that I have very little funding available and have to prioritise very carefully. However, I judged it best not to give a straight 'no' at this point.

Laurence

### Email 21

**From:** (redacted)

**Sent:** 28 August 2015 12:21

Atlantic Quay, 150 Broomielaw, Glasgow G2 8LU  
www.gov.scot





**To:** Director of Advanced Learning and Science  
**Cc:** (redacted)  
**Subject:** Letter from Laurence Howells re Glasgow Clyde College

Dear Aileen

Please find attached a letter I am sending on behalf of Laurence. A hard copy will follow in the mail.

Best regards  
(redacted)

(redacted)  
PA to Chief Executive / Neach-cuideachaidh pearsanta don Àrd-Oifigear  
Scottish Funding Council / Comhairle Maoineachaidh na h-Alba

(redacted)

## Email 22

**From:** Laurence Howells [<mailto:lhowells@sfc.ac.uk>]  
**Sent:** 21 April 2015 17:27  
**To:** McKechnie A (Aileen); Cross M (Michael); (redacted)  
**Cc:** Alice Brown; (redacted) John Kemp; Martin Fairbairn  
**Subject:** FW: Glasgow Colleges' Regional Board - SFC's requirements and secondment

Dear All  
Please see the below.  
Laurence

**From:** (redacted)  
**Sent:** 21 April 2015 16:30  
**To:** Laurence Howells  
**Cc:** (redacted)  
**Subject:** RE: Glasgow Colleges' Regional Board - SFC's requirements and secondment

**Email sent on behalf of** (redacted)

Dear Laurence

Thank you for your letter.

The Board are pleased you have agreed to the recruitment of the Executive Director and we will now take action to move this process forward.

The Board remains of the view that the secondment of Martin Fairbairn should not be linked to any other conditions. On these matters we have sought mediation from the Permanent Secretary to assist in this regard. We intend to await his response.

You will appreciate you have created a difficult situation for the Board by removing, for reasons best known to yourself, the Acting Head of the Board who was our accountable officer. The Board is however very keen to improve the relationship with the SFC but in any partnership, goodwill, common sense and reason have to prevail.

The Board currently feels that you are holding up important work and undermining the progress and achievements of the past 12 months.

We look forward to seeing Martin on Thursday.

Regards

(redacted)

(redacted)

**From:** Laurence Howells [<mailto:lhowells@sfc.ac.uk>]

**Sent:** 17 April 2015 16:46

**To:** (redacted)

**Cc:** (redacted)'DirectorofAdvancedLearningandScience@scotland.gsi.gov.uk'; (redacted)

**Subject:** Glasgow Colleges' Regional Board - SFC's requirements and secondment

Dear (redacted),

Please find attached a letter from our Chief Executive Laurence Howells.

Kind regards

(redacted)

(redacted)

PA to Professor Alice Brown CBE, Chair  
& Martin Fairbairn, Senior Director

Scottish Funding Council

Tel: (redacted)

### Email 23

From: Laurence Howells [<mailto:lhowells@sfc.ac.uk>]

Sent: 21 April 2015 17:28

To: Cross M (Michael); McKechnie A (Aileen); (redacted)

Subject: FW: Investigation timetable

Dear All

See below - sorry I hadn't seen when I spoke earlier.

Laurence

-----Original Message-----

From: (redacted)

Sent: 21 April 2015 17:10

To: (redacted)

Cc: (redacted)Laurence Howells; Martin Fairbairn; John Kemp; (redacted)

Subject: FW: Investigation timetable

Hi (redacted)

Please see the email below. I thought you should know the information below as I think you have your interview with (redacted) tomorrow.

Kind regards  
(redacted)

-----Original Message-----

From: Laurence Howells  
Sent: 21 April 2015 17:03  
To: Martin Fairbairn; (redacted); John Kemp; (redacted)  
Subject: FW: Investigation timetable

To see.

-----Original Message-----

From: (redacted)  
Sent: 21 April 2015 16:55  
To: Laurence Howells  
Subject: Fwd: Investigation timetable

Hi Laurence

The Investigation report has been completed and has been delivered to the Board appointee charged with reviewing and responding to its recommendations. As a witness I have no role in that process but I have been told to expect a decision today.

Kind regards  
(redacted)

## Email 24

**From:** Director of Advanced Learning and Science  
**Sent:** 02 July 2015 18:16  
**To:** John Kemp (jkemp@sfc.ac.uk)  
**Cc:** Lawrence Howells (lhowells@sfc.ac.uk); (redacted) Director of Advanced Learning and Science  
**Subject:** IMMEDIATE - OFFICIAL SENSITIVE - CLYDE

John

We did not manage to issue the report this evening. It will now be tomorrow. We are refining our cover letter; and have agreed to issue redacted versions of both reports. To explain the redactions, please provide a letter from SFC outlining the grounds for the redactions. It's important that the report is understood to be SFC's and that the redactions are made equally by SFC. You may wish to clear this letter with your legal advisers.

It would be good to receive this mid-morning.

Many thanks

Aileen

**Aileen McKechnie | Director of Advanced Learning & Science | Scottish Government**

5 Atlantic Quay | Broomielaw | Glasgow | G2 8LU  
[aileen.mckechnie@scotland.gsi.gov.uk](mailto:aileen.mckechnie@scotland.gsi.gov.uk) | ☎0300 244 1264



**Email 25**

**From:** Director of Advanced Learning and Science

**Sent:** 03 August 2015 07:56

**To:** Lawrence Howells (lhowells@sfc.ac.uk); Alice Brown - SFC (abrown@sfc.ac.uk)

**Cc:** Cross M (Michael); Director of Advanced Learning and Science

**Subject:** FW: Letter from Aileen McKechnie - Sections 12(6) and 24 of Further and Higher Education (Scotland) Act 1992

Laurence, Alice

Please find attached the letter which issued the Chair of GCC on Thursday. We will respond formally to the SFC report in due course. In the meantime, we have no plans to alert anyone to the status of the report at this time.

Aileen

**Aileen McKechnie | Director of Advanced Learning & Science | Scottish Government**

5 Atlantic Quay | Broomielaw | Glasgow | G2 8LU  
[directorofadvancedlearningandscience@scotland.gsi.gov.uk](mailto:directorofadvancedlearningandscience@scotland.gsi.gov.uk) | ☎0300 244 1264



**I AM AN ALLY**

---

**From:** Director of Advanced Learning and Science

**Sent:** 30 July 2015 16:40

**To:** (redacted)

**Cc:** (redacted)

**Subject:** Letter from Aileen McKechnie - Sections 12(6) and 24 of Further and Higher Education (Scotland) Act 1992

Dear (redacted)

Please find attached letter and attachment from Aileen McKechnie.

Kind Regards

(redacted)

(redacted)

*PA to Aileen McKechnie  
Director of Advanced Learning and Science  
Scottish Government  
DG-Learning & Justice  
6th Floor, 5 Atlantic Quay  
150 Broomielaw  
Glasgow G2 8LU  
Tel: (redacted)  
Email: (redacted)*

## **Email 26**

**From:** Director of Advanced Learning and Science

**Sent:** 17 August 2015 22:22

**To:** Lawrence Howells (lhowells@sfc.ac.uk); Alice Brown - SFC (abrown@sfc.ac.uk); Alice Brown

**Cc:** Director of Advanced Learning and Science; (redacted)

**Subject:** OFFICIAL SENSITIVE - GCC

Laurence, Alice

Many thanks for your time today to discuss matters relating to Glasgow. We agreed there was a duty of care issue in relation to the current executive management team at Clyde College – you offered to (a) look into the provision of Board Secretary services to the college; and (b) look into the provision of an interim principal (via AOC for suggestions). We discussed the ‘accountable officer’ issue – I’d be pleased to have further advice on the position here.

We noted that the spend on legal and audit fees by the college was now in excess of (redacted)– and that you’d offer further advice on the position as you understood it in relation to the cap that had been placed on college spend in relation to legal fees; and your ability to request sight of the audit report in relation to your own Accountable Officer responsibilities.

We noted that there was, thus far, no apparent resolution to the progress of the disciplinary procedure.

We discussed key individuals of standing and impartiality whom we might call on to assist – you’ll both give this further thought.

We discussed comms’ handling going forward and agreed to keep in close touch with developments on this matter.

All best,

Aileen

**Aileen McKechnie | Director of Advanced Learning & Science | Scottish Government**

5 Atlantic Quay | Broomielaw | Glasgow | G2 8LU  
[directorofadvancedlearningandscience@scotland.gsi.gov.uk](mailto:directorofadvancedlearningandscience@scotland.gsi.gov.uk) | ☎0300 244 1264



**I AM AN ALLY**

**Email 27**

**From:** Director of Advanced Learning and Science

**Sent:** 18 September 2015 09:00

**To:** Lawrence Howells (lhowells@sfc.ac.uk)

**Cc:** John Kemp (jkemp@sfc.ac.uk); Cross M (Michael); Director of Advanced Learning and Science; (redacted)

**Subject:** RE: Request for Approval of Fees

Laurence

Thanks for sight. You may wish to be aware that we received correspondence from Brodies today, in relation to (a) the leak of the Cabinet Secretary's letter of 9 September to TESS; and (b) confirmation of the process by which Ministers would utilise their powers under the Act. You may wish to consider whether such a request complies with the strictures in your email below, particularly that copied here:

“that the legal advice is limited to the services set out in your email and only in relation to the matters on which the board has been invited to respond by the Scottish Government – that is the matter set out in the annex to the Cabinet Secretary's letter of 9 September together with any proposals for Board action if the Board considers any such action is warranted;”

I hope this note is helpful.

Aileen

**Aileen McKechnie | Director of Advanced Learning & Science | Scottish Government**

5 Atlantic Quay | Broomielaw | Glasgow | G2 8LU  
[directorofadvancedlearningandscience@scotland.gsi.gov.uk](mailto:directorofadvancedlearningandscience@scotland.gsi.gov.uk) | ☎0300 244 1264



I AM AN ALLY

**From:** McKechnie A (Aileen)  
**Sent:** 15 September 2015 10:40  
**To:** Director of Advanced Learning and Science  
**Subject:** Fw: Request for Approval of Fees

Aileen McKechnie  
Director of Advanced Learning and Science, Scottish Government  
5 Atlantic Quay, Glasgow, G2 8LU  
Tel: 0300 244 1264

**From:** Laurence Howells [<mailto:lhowells@sfc.ac.uk>]  
**Sent:** Tuesday, September 15, 2015 10:35 AM  
**To:** (redacted); John Kemp <[jkemp@sfc.ac.uk](mailto:jkemp@sfc.ac.uk)>; (redacted)  
**Cc:** McKechnie A (Aileen); Cross M (Michael)  
**Subject:** FW: Request for Approval of Fees

Dear All  
Please note.  
Laurence

**From:** Laurence Howells  
**Sent:** 15 September 2015 10:35  
**To:** (redacted)  
**Subject:** RE: Request for Approval of Fees

Dear (redacted)

Thank you for your email below confirming the legal advice provided by Brodies to the Board by way of preparation and briefing for the Board's meeting with the Cabinet Secretary on Monday 14<sup>th</sup> September, 2015.

I note an outcome of this meeting is agreement from the Cabinet Secretary to an extension until Friday of this week for the college to reply to her earlier letter. As a consequence you are now seeking SFC approval to incur additional expenditure to cover legal support from Brodies to review the Board's draft response and provide additional information in dealing with the legal issues.

I refer again to our concerns expressed previously about the level of expenditure on legal fees incurred by the college and the management of that process. However, I have reviewed the details you provided and consider that, in the interests of the Board having access to swift and proper advice on this matter in order to respond to the Cabinet Secretary as requested, we are prepared to once again allow you to commit the designated expenditure of (redacted) plus VAT.



Our permission is dependent as previously on the following:=-

- confirmation that the full board has fully considered the case for expenditure on legal services and is satisfied that it is consistent with their obligations both as members of the board of management – including compliance with the FM with the SFC and the value for money principle set out therein - and as charitable trustees;
- that any legal advice received is considered by the full board and that its consideration is duly documented;
- expenditure of no more than (redacted) plus VAT for the services set out in your email;
- submission of a detailed record of the final amounts to be invoiced;
- that the legal advice is limited to the services set out in your email and only in relation to the matters on which the board has been invited to respond by the Scottish Government – that is the matter set out in the annex to the Cabinet Secretary's letter of 9 September together with any proposals for Board action if the Board considers any such action is warranted;
- none of this action compromises any deadline for response set by the Government;

My email of 11<sup>th</sup> September gave permission to commit expenditure in the first instance for the purposes outlined but noted that it was dependent on the college fulfilling the conditions outlined. For the purposes of clarity we note that although Brodies did not attend the meeting with the Cabinet Secretary you state that the full allocation of (redacted) plus VAT was incurred for this work. I am concerned that this may again show a lack of control in the use of legal services on the part of the Board. I would be grateful for an explanation along with your submission of a detailed record of the final amounts to be invoiced. **I would be grateful if you could also emphasise to the Board and to Brodies that I expect the limits of my authorisation to be strictly adhered to for this further legal work.** Please could you specifically confirm that you have done so.

Laurence Howells

**From:** (redacted)  
**Sent:** 14 September 2015 16:57  
**To:** Laurence Howells  
**Subject:** RE: Request for Approval of Fees

Dear Laurence,

Following your approval of (redacted) plus VAT for legal support for the Board of Management to prepare for and met with the Cabinet Secretary I can confirm that a meeting did take place today Monday 14<sup>th</sup> September.



Legal advice was provided by way of preparing and briefing and then having debrief with the Board as planned, however there was no legal presence at the meeting itself. Confirmation of the requirements as set out below will be provided in due course. The full allocation of (redacted) plus VAT was incurred for this work.

Having met with the Cabinet Secretary the Board have been given an extension until Friday of this week to reply to the letter from the Cabinet Secretary. The Board will be leading on the drafting of the reply but would wish legal support to review this and provide additional information dealing with the legal issues as highlighted in my email of Friday.

The estimated fee for the work of reviewing the Board's draft and preparing a covering letter is (redacted) plus VAT and I would seek SFC approval to incur this level of expenditure to allow the response to the Cabinet Secretary to be completed. Given the timescale I would be grateful if you could confirm as soon as possible if we can proceed to secure legal advice.

Kind regards

(redacted)

(redacted)

Phone: (redacted)

E-mail: (redacted)

Web: [Glasgow Clyde College](#)



**From:** Laurence Howells [<mailto:lhowells@sfc.ac.uk>]

**Sent:** 11 September 2015 16:43

**To:** (redacted)

**Subject:** RE: Request for Approval of Fees

Dear (redacted)

Thank you for your email below.

As you are aware, we have expressed concerns previously about the level of expenditure on legal fees by the College and process by which they have been managed. However, in the interests of the Board having access to swift and proper advice on this matter, we are prepared to allow you to commit expenditure in this instance. Our permission is dependent on the following:

- confirmation that the full board has fully considered the case for expenditure on legal services and is satisfied that it is consistent with their obligations both as members of the board of management – including compliance with the FM with the SFC and the value for money principle set out therein - and as charitable trustees;
- that any legal advice received is considered by the full board and that its consideration is duly documented;
- expenditure of no more than (redacted) plus VAT (but see below);
- submission of a detailed record of the final amounts to be invoiced;
- that the legal advice is limited to the services set out in your email and only in relation to the matters on which the board has been invited to respond by the Scottish Government – that is the matter set out in the annex to the Cabinet Secretary’s letter of 9 September together with any proposals for Board action if the Board considers any such action is warranted;
- none of this action compromises any deadline for response set by the Government;

I note that you are proposing that your solicitors would attend the meeting with the Cabinet Secretary. You will, of course, need to confirm with Scottish Government that they are happy for them to attend. In the event that your solicitors do not attend then the maximum amount of this approval of (redacted) plus VAT would be reduced accordingly.

I note that you may contact me again in the event the Board considers further legal support is needed in replying to the Scottish Government.

Laurence Howells

**From:** (redacted)  
**Sent:** 11 September 2015 15:31  
**To:** Laurence Howells  
**Subject:** Request for Approval of Fees

Dear Laurence,

**Request for Approval of expenditure to support the Board in responding to the Cabinet Secretary’s letter dated 9 September**

The Board has asked for legal support in attending a meeting with the Cabinet Secretary and / or drafting a response to her letter. My understanding is that legal support is required because of two aspects . Firstly the letter states that the Cabinet Secretary does not accept the explanations that Brodies have given and a response to or further clarification of this may be required. Secondly , there are several references to legislative provisions in the letter and the Board may want advice about how those operate.

Brodies have estimated a fee of (redacted) plus VAT for initial support to the Board to include, briefing the Board and preparation for and attendance at an agreed meeting with the Cabinet Secretary on Monday of next week. I am seeking approval for the College to incur this expenditure.

If following the meeting it is felt that a detailed response to the letter is required which needs legal support a further request and estimated costs will be provided to SFC for approval

I would be grateful if you could let me know if the fee to support the meeting is approved to allow arrangements to be put in place for Monday.

Kind regards

(redacted)

(redacted)

Phone: (redacted)

E-mail: (redacted)

Web: [Glasgow Clyde College](http://www.glasgowclydecollege.ac.uk)

