

College Governance Implementation Plan

Governance Decision	Impacts on	Deliverables	Lead	Supported By	Timescales
1. Chairs of the assigned colleges chairs (incorporated) are to be remunerated at a rate determined by the Scottish Ministers.	<ul style="list-style-type: none"> Regional and Assigned College Chairs Regional strategic bodies Regional Colleges Assigned incorporated college boards Scottish Funding Council 	<ul style="list-style-type: none"> Review the current pay arrangements for regional college chairs against the Scottish Government's Pay Policy Technical Guide for 2019. 	SG	SFC	Complete
		<ul style="list-style-type: none"> Report back to GGSG. 	SG	GGSG	Complete
		<ul style="list-style-type: none"> Consider whether assigned college (incorporated) chairs should be Ministerial appointed. 	SG	SFC	Complete
		<ul style="list-style-type: none"> Develop a business case (determining affordability by consulting with RSBs and regional colleges) prior to primary legislation. 	SG	SFC	TBA
		<ul style="list-style-type: none"> Report back to GGSG. 	SG	GGSG	TBA
		<ul style="list-style-type: none"> Propose amendments the Further and Higher Education (Scotland) Act 1992. 	SG	SFC	TBA
		<ul style="list-style-type: none"> Consult on amendments to the Act. 	SG	SFC	TBA
		<ul style="list-style-type: none"> Develop new Pay Guidance on passing of the amendments to Act. 	SG	SFC	TBA
		<ul style="list-style-type: none"> Consult on new Pay Guidance 	SG	SFC	TBA
		<ul style="list-style-type: none"> Issue new Pay Guidance. 	SG	SFC	TBA
		<ul style="list-style-type: none"> Sector to fully implement changes. 	ALL		TBA
2. Trade Union nominees will be added to the boards of the incorporated colleges, the GCRB and the Lanarkshire Board, in addition to the elected staff representatives.	<ul style="list-style-type: none"> Trade Unions Regional strategic bodies Regional colleges Incorporated assigned colleges Scottish Funding Council 	<ul style="list-style-type: none"> Establish a working group to prepare boards and ensure an effective implementation and report back to GGSG. 	GGSG	CS	Complete
		<ul style="list-style-type: none"> Review various legals around the proposed implementation to ensure the various Acts are considered and aligned. 	SG	OSCR	Complete
		<ul style="list-style-type: none"> Discuss the impacts of the changes on board compositions directly with GCRB and Lanarkshire board. 	SG	SFC	Complete
		<ul style="list-style-type: none"> Discuss with the impacts of the changes directly with UHI. 	SG	SFC	Complete

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		<ul style="list-style-type: none"> Review current board/RSB compositions considering the increase in staff members and the changes to the remuneration of assigned college chairs. Provide guidance around compositions - minimum and maximum numbers. 	SG	SFC	Complete
		<ul style="list-style-type: none"> Review/amend existing guidance or the code and/or develop new guidance (quorum on board committees, conflict of interests, time off for public duties, accountability and conduct, committee remits). 	CDN	Board Secretaries Network	Complete
		<ul style="list-style-type: none"> EIS/UNISON to develop principles around a nominations process. 	EIS/UNISON	SG	Complete
		<ul style="list-style-type: none"> Develop guidance around a nominations process and consult with trade unions and boards. 	CDN	Board Secretaries	Ongoing
		<ul style="list-style-type: none"> Consider strengthening as part of the Induction Training Programme how to manage conflict of interests (OSCR's involvement from a charities trustee perspective - Duties and Accountabilities) 	CDN	OSCR	Complete
		<ul style="list-style-type: none"> Amend both the 1992 Act and the 2005 Act by Subordinate legislation (including consultation process). 	SG	SFC	TBA
		<ul style="list-style-type: none"> Sector to fully implement the changes. 	ALL		TBA

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3. <i>College Sector Board Appointments: Ministerial Guidance 2014</i> will be refreshed and updated.	<ul style="list-style-type: none"> Scottish Funding Council Regional strategic bodies Regional college boards Assigned college boards Scottish Funding Council 	<ul style="list-style-type: none"> Review current Ministerial Guidance. 	SG	SFC	Complete
		<ul style="list-style-type: none"> Establish working group of GGSG to review and recommend amendments to the current Guidance. 	GGSG		N/A
		<ul style="list-style-type: none"> Report back to the GGSG. 	SG	GGSG	Complete
		<ul style="list-style-type: none"> Update Ministerial Guidance to include: <ul style="list-style-type: none"> improving succession planning co-opting members board vacancies advertised on the CDN website Gender Representation of Public Board Act 2018. 	SG/ Public Appointments Team		TBA
		<ul style="list-style-type: none"> Consult on the updated Ministerial Guidance. 	SG		TBA
		<ul style="list-style-type: none"> Issue new Ministerial Guidance, alongside revised Code. The revised code could be issued without the guidance. 	SG		TBA
		<ul style="list-style-type: none"> Sector to fully implement. 	ALL		TBA
4. Colleges Development Network to embed teamwork within the induction training of board members.	<ul style="list-style-type: none"> College sector board members Scottish Funding Council 	<ul style="list-style-type: none"> CDN to review training needs prior to AY 2019/20. 	CDN		Complete
		<ul style="list-style-type: none"> Report back to the GGSG on outcome of review. 	CDN	GGSG	Complete
		<ul style="list-style-type: none"> Roll out training. 	CDN		Complete

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5. Develop guidance for the SFC and colleges to follow in relation to any specific reviews undertaken by SFC of colleges under section 7C(7) of the Act (which relate to reviewing statutory criteria for a body to remain eligible for funding).	<ul style="list-style-type: none"> Regional strategic bodies Regional college boards Assigned college boards Scottish Funding Council 	<ul style="list-style-type: none"> Scope out potential guidance, taking into account the role of the RSB. 	SG	SFC	TBA
		<ul style="list-style-type: none"> Report back to GGSG 	SG/SFC	GGSG	TBA
		<ul style="list-style-type: none"> Draft Ministerial Guidance 	SG	SFC	TBA
		<ul style="list-style-type: none"> Report back to GGSG 	SG	SFC	TBA
		<ul style="list-style-type: none"> Consult on the Ministerial Guidance 	SG	SFC	TBA
6. Introducing the ability of SFC to attend the board meetings of assigned colleges.	<ul style="list-style-type: none"> Regional strategic bodies Regional college boards Assigned college boards Scottish Funding Council 	<ul style="list-style-type: none"> Scope out potential guidance around what this legislation change aims to achieve, taking into account the role of the RSB and the removal of assigned colleges as fundable bodies. 	SG	SFC	TBA
		<ul style="list-style-type: none"> Report back to the GGSG 	SG	GGSG	TBA
		<ul style="list-style-type: none"> Seek approval from the Scottish Funding Council for permission to remove assigned colleges from Schedule 2 of the 2005 Act (fundable body status). 	SG	SFC	TBA
		<ul style="list-style-type: none"> SFC to issue their decision. 	SFC		TBA
		<ul style="list-style-type: none"> Issue a removal of assigned colleges from Schedule 2 by Order (subordinate legislation) and Introduce a Power in Schedule 2 by Order (primary legislation) to allow the Scottish Funding Council to attend the board meetings of assigned colleges. 	SG	SFC	TBA
		<ul style="list-style-type: none"> Sector to fully implement. 	ALL		TBA

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7. Further investigate allowing the Auditor-General for Scotland the ability to conduct economy, efficiency and effectiveness reviews with the non-incorporated colleges that are not part of a local authority.	<ul style="list-style-type: none"> UHI Argyll College Sabhal Mor Ostaig West Highland College Newbattle Abbey College Scottish Funding Council Audit Scotland 	<ul style="list-style-type: none"> Consultation with the affected colleges and UHI, examine the potential impact on the independent status of non-incorporated colleges and ONS reclassification as well as consider the dependency on alignment with potential other changes to the Public Finance and Accountability Act. 	SG - Policy/ Finance Teams	Audit Scotland	TBA
		<ul style="list-style-type: none"> Ministerial decision. 	SG		TBA
		<ul style="list-style-type: none"> Report back to the GGSG. 	SG	GGSG	TBA
		<ul style="list-style-type: none"> Amend the Public Finance and Accountability Act 2000 by Order to allow for the AGS to conduct 3E examinations - <i>this action is still to be determined and is within the remit of Finance, not College Policy.</i> 	SG Finance		TBA
		<ul style="list-style-type: none"> Ability now available to Audit Scotland. 	Audit Scotland		TBA
8. Allow for appointing bodies to suspend members they appoint in line with other Scottish public bodies.	<ul style="list-style-type: none"> Scottish Government Regional Strategic Bodies 	<ul style="list-style-type: none"> Examine how this would work in principle and how different this would be from dismissal. Also, how this would tie into the review of the Charities and Trustees Investment (Scotland) Act 2005. 	SG		TBA
		<ul style="list-style-type: none"> Report back to the GGSG. 	SG	GGSG	TBA
		<ul style="list-style-type: none"> Amend the 1992 Act by Primary legislation. 	SG		TBA
		<ul style="list-style-type: none"> Develop new Board Member Suspension Guidance on passing of the amendments to Act. 	SG		TBA
		<ul style="list-style-type: none"> Consult on the Board Member Suspension Guidance. 	SG		TBA
		<ul style="list-style-type: none"> Issue Board Member Suspension Guidance. 	SG		TBA
		<ul style="list-style-type: none"> Sector to fully implement the changes. 	ALL		TBA

Membership and Remit of the Good Governance Steering Group

Constitution

1. The Good Governance Steering Group (GGSG) is an advisory body with no executive powers. However, it is authorised by the Scottish Government/Scottish Funding Council (SFC) to investigate any activity and to seek any relevant information it requires in support of its duties.
2. The Steering Group is authorised to obtain independent professional advice if it considers this necessary.
3. A member of staff from Colleges Scotland will provide secretariat support to the group.

Membership

4. The Steering Group should be chaired by a Regional Chair.
5. The Steering Group membership will normally comprise of:
 - Four regional/assigned college chairs
 - Four college principals*
 - Two college board secretaries
 - Representation from STUC
 - A representative from NUS Scotland
 - A representative from Scottish Government
 - A representative from SFC
 - A representative from Colleges Scotland
 - A representative from College Development Network
 - A representative from OSCR

** It was agreed to widening the membership to include a senior member of staff who is responsible for ensuring a board meets its financial and institutional obligations within either a college or regional strategic body.*

6. The Steering Group may include co-opted members approved by GGSG who shall have a vote and count towards quorum.

Quorum

7. The quorum of the Steering Group is one third of members rounded up to the nearest whole number.

Frequency of Meetings

8. Steering Group members shall determine how often the group shall meet. This will normally be a total of four times per year during:
 - January
 - May
 - August
 - October

Duties

9. The specific duties of the Steering Group shall be to:
 - a) Work within an agreed framework to:
 - **Shape and influence** government policy on college governance and make recommendations.
 - **Consult** with students, staff, members of governing bodies and other key stakeholders when appropriate.
 - **Implement** good practice guidance, frameworks and models to support regional colleges, assigned colleges and regional strategic bodies.
 - b) Keep abreast of governance issues affecting Scotland's colleges.
 - c) Have awareness of other public sector governance arrangements in Scotland.
 - d) Develop, publish and monitor a workplan which includes Task Group recommendations for the group.
 - e) Report annually on progress of the workplan to the Scottish Government, SFC and stakeholders.
 - f) Ensure the *Code of Good Governance for Scotland's Colleges* remains fit for purpose and is reviewed at appropriate intervals.
 - g) Respond to Parliamentary business/committees where appropriate.
 - h) Respond to consultations as a collective when appropriate.
10. The Steering Group shall undertake any other duties as directed by the Scottish Government and SFC.

Updated: September 2019