

**NORTH EAST  
SCOTLAND  
COLLEGE**



**Board of Management  
Meeting of 20 February 2017**





## **NOTICE OF MEETING**

A meeting of the Board of Management will take place at 1400 hours on Monday 20 February 2017 in Room G10 at Aberdeen City Campus.

### **MEMBERS OF THE BOARD OF MANAGEMENT**

Mr. D Anderson  
Ms. A Bell  
Ms. S Cormack  
Mr. D Duthie  
Mr. J Gall  
Mr. I Gossip  
Prof. J Harper  
Mr. J Henderson  
Ms. C Inglis  
Ms. S Masson  
Mr. R McGregor  
Ms. L McIntyre  
Mr. K Milroy (Chair)  
Mr. D Russell  
Ms. A Simpson  
Mr. A Smith  
Ms. K Wetherall

### **IN ATTENDANCE**

Mr. J Davidson, Vice Principal – Learning & Quality  
Mr. R Scott, Vice Principal – Finance  
Ms. P May, Secretary to the Board of Management  
Ms. C Mackie, Minute Secretary

### **IN ATTENDANCE FOR AGENDA ITEM 2**

Mr. C Sutherland, InfoSec  
HMI. Ms. M R Livingstone, Education Scotland

### **IN ATTENDANCE FOR AGENDA ITEM 9.1**

Mr. P Baxter, Gardiner & Theobald  
Mr. S MacKenzie, BDP



## **20 February 2017**

### **Agenda**

#### **1 Apologies for absence**

#### **2 Presentations (no papers)**

- Information Security
- New Quality Arrangements

#### **3 Declarations of any Potential Conflicts of Interest in relation to any Agenda Items**

#### **4 Minute of previous meeting**

- 4.1 Minute of the meeting of 24 January 2017 (paper enclosed)

#### **5 Matters arising from previous meeting**

- 5.1 To be raised at the meeting

#### **6 Report to the Board by the Regional Chair (paper enclosed)**

#### **7 Report to the Board by the Principal (paper enclosed)**

#### **8 Reports by Regional Chair and Committee Chairs**

- 8.1 Meetings of Standing and Ad Hoc Committees (paper enclosed)
- 8.2 Report by the Governance Steering Group (paper enclosed)
- 8.3 Report by Investment and Project Committee (paper enclosed)

#### **9 Matters for decision**

- 9.1 Estates Development Strategy – Outline Business Case (paper to follow)
- 9.2 Course Fee Policy (paper enclosed)
- 9.3 Equal Pay Statement and Policy 2017 (paper enclosed)
- 9.4 Aberdeen Skills and Enterprise Training Limited - Memorandum of Understanding (paper enclosed)
- 9.5 Banking Arrangements (paper enclosed)

#### **10 Matters for discussion**

- 10.1 Key Performance Indicators 2015-16 (paper enclosed)
- 10.2 Indicative Funding Allocation, AY2017-18 (paper enclosed)
- 10.3 Equality Outcomes 2017-21 (paper enclosed)
- 10.4 Senior Independent Member (paper enclosed)
- 10.5 The Future of North East Scotland College Students' Association (paper enclosed)

#### **11 Matters for information**

- 11.1 Staff Equalities (paper enclosed)
- 11.2 The Prevent Duty (paper enclosed)
- 11.3 Draft Outcome Agreement 2017-18 (paper enclosed)

#### **12 Summation of Business and Date of Next Meeting**

#### **Reserved Items of Business**

#### **13 Matters for discussion**

#### **14 Summation of Reserved Items of Business**



## **Draft Minute of Meeting of 24 January 2017**

The meeting commenced at 1340 hours.

**PRESENT** – D Anderson, A Bell, S Cormack, D Duthie, J Gall, I Gossip, J Harper, J Henderson, R McGregor, L McIntyre, K Milroy (Chair), A Russell, A Simpson, K Wetherall.

**IN ATTENDANCE** – N Cowie, J Davidson, A Menzies, R Scott, P May, C Mackie

### **1. Apologies for Absence**

Apologies were received from A Smith.

### **2. Declarations of any Potential Conflicts of Interest in relation to any Agenda Items**

In relation to the declaration of potential conflicts of interest, Mr Duthie and Mr Gossip declared an interest by virtue of their role as Directors of ASET in relation to the reserved item of business.

### **3. Minute of Previous Meeting**

The meeting of 05 December 2016 was approved

### **4. Matters arising from previous meetings**

Ms McIntyre provided an update on the current EIS claim.

Ms McIntyre provided an update on the Collab Group in relation to the Apprenticeship Levy and the current uncertainty of how this would be applied. It was agreed that it would be beneficial to consult with key regional stakeholders and partners to clarify the College's position regarding the Levy as a key provider in the region.

### **5. Presentation by the Principal**

Members received a presentation, "Towards Excellence", from Ms McIntyre on initial observations in her role as Principal so far and possible future developments "to make a good college great".

Following the presentation, Members agreed that the proposed notion of differentiating between campuses while retaining an overall cohesiveness should be explored further.

It was agreed that issues highlighted in the presentation should also be explored further at the Board's mid-year Planning Event in May to clarify the ask of the Board and its Committees in addressing priorities for the College.

Ms McIntyre suggested that the Board may wish to consider holding a workshop on resilience.

Members confirmed that they supported the proposed direction of travel.

### **6. Summation of Business and date of next Meeting**

The Secretary gave a summation of business conducted. The next meeting of the Board of Management is scheduled to take place on Monday 20 February 2017 at Aberdeen City Campus.

## **Reserved Items of Business**

### **7. Matter for Decision**

#### **7.1 ASET – EPIT Group**

### **8. Summation of Reserved Item of Business**

The Secretary gave a summation of the reserved item of business.

The meeting concluded at 1510 hours.





## Report to the Board by the Regional Chair

### 1. Introduction

- 1.1 The purpose of this paper is to update the Board of Management on recent developments in the FE sector.

### 2. Chair of Colleges Scotland

- 2.1 At the end of January, Colleges Scotland announced that the Regional Chair has been appointed as the new Chair of Colleges Scotland.
- 2.2 A key part of the role will be to drive forward Colleges Scotland's priorities for 2017, including the vision for a more joined up learner experience for post-16 education and supporting government policies such as reducing inequalities, gender balance, widening access and Developing the Young Workforce.

### 3. Good Governance Steering Group

- 3.1 Steering Group members have agreed that the remaining recommendations of the Scottish Government's Good College Governance Task Group should be incorporated into the Group's workplan for 2017-18. The draft workplan will be considered at the Group's next meeting.

### 4. ASET Governance

- 4.1 The Regional Chair will attend a meeting of the Board of Directors of ASET on 23 February 2017 to continue discussions on proposed changes to existing governance arrangements for the College company. The matter is then expected to be referred to the College Board of Management for consideration at the Board Meeting scheduled for 14 March 2017.

### 5. Aberdeenshire Community Planning Partnership Board

- 5.1 The Regional Chair attended the most recent meeting of the Board held on 14 December 2016.

### 6. Colleges Scotland – Learning and Skills Journey Seminar

- 6.1 This seminar held on 26 January 2017 at City of Glasgow College, focused on the recently published "The Learning and Skills Journey Think Piece" and was aimed at key stakeholders who fund, influence and deliver education for 16-24 year olds in Scotland. NESCol's Principal, Liz McIntyre, was a key speaker at the event.
- 6.2 A copy of the Think Piece, which sets out its vision for a new coherent and equitable learning framework for learners aged 16 and over, and a record of the discussions held can be accessed online at - <http://collegesscotland.ac.uk/Briefings-and-Publications/think-pieces.html>

### 7. Attendance at Meetings

- 7.1 The Regional Chair has attended various meetings since the last Board Meeting, including:
- Good Governance Steering Group
  - Colleges Scotland Board Meetings
  - CDN Board Secretary Network Event
  - SCDI Annual Lecture.

### 8. Recommendation

- 8.1 It is recommended that the Board note the contents of this report.

**Ken Milroy**  
Regional Chair



## Report to the Board by the Principal

### 1 Introduction

- 1.1 The purpose of this report is to provide the Board of Management with information relating to recent developments.

### 2 National Bargaining

### 3 Investors in People (IIP)

- 3.1 In November 2015 we were assessed against the new IIP standards and achieved accreditation at Silver. We have now opted for smaller annual visits building to a final audit at the end of three years (2018). This is easier to manage from a budget perspective and allows us to have regular independent feedback on our progress. Although we are being visited annually we can only upgrade our accreditation to Gold (should we meet the standard) at the end of the three year period. Our first annual assessment commenced in September with an online questionnaire. This was completed by 31.7% of staff. The results indicated that we had improved performance against all indicators. The biggest improvement had been on recognising and rewarding high performance although this remains our lowest scoring indicator. Should Members wish to read the full report, a copy can be accessed in the HR Committee papers section of the Board of Management Members' area of AbNet.
- 3.2 IIP have provided tabulated information which provides a benchmark against the education sector generally. The table shows that we are behind on each of the elements but have closed the gap since our last audit. It is important to note that the other organisations used for benchmarking include a cross section of education institutions across the UK and not the Further Education Sector in Scotland which has undergone a period of significant change in recent years. Therefore we should not be unduly concerned that we appear to be behind on benchmarking data. We should, however aim to match or exceed the benchmark by the end of the audit period (2018).
- 3.3 The IIP site visit took place 20 and 21 November 2016. 23 staff were interviewed during the visit. A full report is available. However in summary, staff spoken to are feeling "engaged, positive and have greater optimism than a year ago." There is a feeling that communication has improved and staff are feeling well informed. Leaders are seen as being more visible. The anxieties of a year ago have not been realised. Staff have seen a number of positive things happening and this has led to them feeling more confident. Overall trust has developed and this needs to be retained. Staff commented that they were looking forward to the arrival of the new Principal. The report indicated that those interviewed feel that we have come out of the merger and last few years OK and they are looking forward to building on this. Staff are keen to use their creativity as we move forward. There were also positive comments made about:
- Staff Excellence Awards
  - Visions and Values roll out
  - Social opportunities
  - Fitness facilities
  - Learning opportunities for family
  - Formal and informal processes for managing mental health as well as the knowledge and understanding of related issues.

3.4 The report also indicated that the resilience of staff is being stretched and that we need to be aware of this. Recommendations for future work included:

- Continuing the development of leaders
- Keeping communication strategies fresh
- Developing reward and recognition strategies
- Updating and refreshing Performance Review
- Improving employee engagement
- Implementing better methods of succession planning.

3.5 We will be meeting IIP again in January for a forward planning meeting. This will enable us to finalise a new action plan for the forthcoming year.

#### **4 OHSAS 18001 Health and Safety Management System**

4.1 OHSAS 18001, Occupational Health and Safety Assessment Series, (officially BS OHSAS 18001) is an internationally applied British Standard for occupational health and safety management systems. Its purpose is to help organisations put in place management systems for measuring occupational health and safety performance. The College has held full OHSAS 18001 certification since 2009 and post-merger the standard was maintained for NESCol in 2013.

4.2 To continue as a certificated 18001 organisation, the College must successfully demonstrate continual improvement during 2 day audits every six months. The College's health and safety management system was audited on 08 and 09 February 2017, the conclusion was all areas were found to be strong and fully compliant.

#### **5 Healthy Working Lives Gold Award**

5.1 The College has successfully retained its Healthy Working Lives Gold Accreditation awarded by the Scottish Centre for Healthy Working Lives. The vision of this organisation is that whatever people want to do for a living they should have the opportunity to work in ways that allow them not only to sustain, but also to improve their health and wellbeing. Retaining this award means that we continue to demonstrate our on-going commitment to improving the health, safety and wellbeing of our employees, and positive health, safety and wellbeing culture at the highest level.

#### **6 Community Planning Partnerships (CPP) Update**

6.1 For some time the College has been centrally involved in the work of Community Planning Aberdeen (CPA). This work continues to progress well with CPA's Management Group having already gained CPA Board approval for publishing, 10 months in advance of the statutory deadline, its Local Outcome Improvement Plan (LOIP). The LOIP is a higher level plan developed along key themes, three of which the College is centrally involved. These are:

- Inclusive economic growth;
- Children are respected, included and achieving, and
- Digital skills and education

6.2 The College is also working closely with other CPA partners and Aberdeen City Council Locality Managers to finalise Locality Plans for three areas of the City that have been identified as having high levels of social, economic and educational disadvantage. The areas are:

- Locality 1 – Torry
- Locality 2 – Middlefield, Mastrick, Cummings Park, Northfield and Heathryfold
- Locality 3 – Seaton, Tillydrone and Woodside

- 6.3 At the time of writing this report the College's Vice Principal (Business Services) is due to meet with CPA partners and Locality Managers to finalise the College's contribution to the Locality Plans.
- 6.4 Progress with Aberdeenshire Community Planning (ACP) is less well advanced. As a consequence of a CPP review of membership, College representatives have now been invited to, and have attended, meetings for both Aberdeenshire Community Planning's Board and its Management Executive. Whilst work in earnest has still to commence on the ACP's LOIP and Locality Plans the CPP has identified and agreed its three key themes. These are:
- Reducing child poverty;
  - Changing Aberdeenshire's relationship with alcohol; and
  - Cohesive and connected communities.
- 6.5 ACP anticipates that the LOIP and Locality Plans will be developed fully throughout this year and will be formally approved and published in September 2017.

## **7 Recommendation**

- 7.1 It is recommended that the Board note the contents of this report.

**Liz McIntyre**  
Principal



## **Meetings of Standing and Ad Hoc Committees**

### **1. Introduction**

- 1.1 The purpose of this paper is to assist the Board of Management to consider the business conducted at meetings of the Board's Committees.

### **2. Background**

- 2.1 The Board's Governance Manual states that "Minutes of meetings of Committees of the Board shall be presented to the next available meeting of the Board".
- 2.2 The inclusion of this item of business as part of the agenda of meetings of the Board of Management provides the Chair and Committee Chairs the opportunity to bring matters considered at meetings of standing and ad hoc committees to the attention of Members and to afford Members the opportunity of asking the Chair and Committee Chairs for further information on business that has been transacted.
- 2.3 The draft minutes of meetings held since the last meeting of the Board of Management have been circulated to Members under separate cover.
- 2.4 Members have the opportunity to discuss matters designated as 'reserved items of business' as a separate item in this agenda.

### **3. Recommendation**

- 3.1 It is recommended that the Board consider business conducted at meetings of the Board's Committees.

**Liz McIntyre**  
Principal





## Report by the Governance Steering Group

### 1 Introduction

- 1.1 The purpose of this paper is to advise the Board of Management of matters considered by the Governance Steering Group.

### 2 Background

- 2.1 The remit of the Governance Steering Group is "To support the Board of Management in maintaining high standards of governance."
- 2.2 The Group's membership is as follows: Ken Milroy, Ann Bell, Doug Duthie and Pauline May.
- 2.3 To date, the Governance Steering Group has met on three occasions during AY2016-17 – 16 August and 24 October 2016, and 01 February 2017.

### 3 Business Conducted by the Steering Group

- 3.1 The business conducted at the meeting of 01 February included:
- The Board's External Effectiveness Review
  - NESCol Board and Committee Practice and Processes
  - A review of the Group's Outstanding Actions.

### 4 Actions

- 4.1 The following summarises actions which are being progressed following the meeting of the Governance Steering Group:
- 4.1.1 External Effectiveness Review**
- Meeting between Governance Steering Group and panel members to be arranged to agree remit and approach to the Review
  - Mapping exercise of key evidence against the Code of Good Governance Criteria, the Governance and Leadership section of the new Quality Framework and the outcomes of the recent Corporate Governance Audit to be undertaken.
- 4.1.2 Board and Committee Practice and Processes**
- Consideration to be given to renaming the Board of Management as the Regional Board
  - Discussions to be held with Committee Chairs regarding frequency of meetings
  - Proposed new format for agenda, minutes, papers and action logs to be developed and trialled
  - College's new intranet to be utilised to help develop and support new Board practices
  - Consideration to be given to how the programme of Board Visits can be refreshed
  - Possibility of inviting external observers to Committee meetings to be explored.
- 4.1.3 Board Vacancy**
- The recruitment process to fill the current vacancy on the Board of Management to commence shortly following the Group's review of the Board's Skills Matrix and Recruitment & Selection Policy.

**4.1.4 Equality and Inclusion**

- Information on the key stakeholders the College currently engages with in relation to equality and inclusion issues to be collated
- The Board's Equality and Diversity Champion to also attend, as appropriate, the College's Inclusiveness Committee in addition to the Equality and Diversity Strategy Group.

**4.1.5 Succession Planning**

- Discussion on succession planning to be included on the agenda for the Board's May Planning Event.

**4.1.6 Joint Event with Dundee & Angus College**

- Arrangements for joint event with the Board of Dundee and Angus College to be developed. Possible agenda items include: sharing of governance good practice; reclassification; the apprenticeship levy; and partnership working with the local authorities, including Community Planning Partnerships arrangements.

**5 Recommendation**

- 5.1 It is recommended that the Board note the contents of this paper.

**Doug Duthie**  
Governance Steering Group Chair

**Pauline May**  
Secretary to the Board of Management

## **Report by the Investment and Project Committee**

### **1. Introduction**

- 1.1 The purpose of this paper is to assist the Board of Management to consider the work of the Investment and Project Committee.

### **2. Background**

- 2.1 The Investment and Project Committee has been delegated authority and responsibility for the fulfilment of the Board's Estates Development Strategy.
- 2.2 The Committee is required, under its terms of reference, to report to meetings of the Board of Management on the business that it conducts.

### **3. Business Conducted by the Committee**

- 3.1 Since the last meeting of the Board of Management, the Committee has met on one occasion – on 24 January 2017.
- 3.2 The business conducted at the meeting of 24 January was concerned with the project to redevelop engineering technologies training facilities at the Fraserburgh Campus.
- 3.3 Mr Milroy will provide an oral report to this meeting on the business conducted at the meetings of the Committee.
- 3.4 The next meeting of the Committee is scheduled to take place on 14 March 2017.

### **4. Recommendation**

- 4.1 It is recommended that the Board consider the information provided on the work of the Investment and Project Committee.

**Liz McIntyre**  
Principal



**Estates Development Strategy – Outline Business Case**

**Paper to follow**



## **Course Fee Policy**

### **1. Introduction**

- 1.1 The purpose of this paper is to provide an update to the Board of Management on the College's Course Fee Policy.

### **2. Background**

- 2.1 This Policy was referred, in January 2017, to the Board by the Finance and General Purposes and the Learning & Teaching and Student Services Committees.
- 2.2 At these earlier meetings the Committees sought clarification on whether, after further consideration of the Scottish Funding Council's (SFC) National Fee Waiver Policy, it was appropriate for the College – particularly in the context of the College's commitment to access and inclusion, to charge non-advanced students a pro-rata amount of the course fee associated with their studies should they withdraw early from their studies.

### **3. College Policy and Practice**

- 3.1 Policy within the College, over many years, has been that full-time, non-advanced students who withdrew from their studies prematurely could be liable for a percentage of the associated course fees.
- 3.2 Older College Fee-related policies cite that the College could invoice students (advanced and non-advanced) if they were to leave prior to the date that would constitute 50% of the completion of their course.
- 3.3 Over time the charging of students in this way has become established practice within the College. However, whilst both policy and practice has evolved over time, current College policy and practice dictates that a non-advanced student could be charged a pro-rata amount of the associated course fees should they withdraw from College prior to the relevant, 'cut-off' date of 01 November.

### **4. SFC National Fee Waiver Policy**

- 4.1 SFC National Fee Waiver Grant Policy 2016-17 does not stipulate that colleges cannot charge non-advanced, full-time students for course fees, or a proportion thereof, if they were to leave the college before the relevant date (01 November).
- 4.2 However, on further scrutiny of SFC Guidance the College believes that charging non-advanced, full-time students, should they leave before the relevant date, for course fees may run contrary to the spirit of National Policy. It is also the College's view that such an approach is contrary to the College's commitments to access and inclusion.

### **5. Revised Course Fee Policy**

- 5.1 Accordingly, the College's revised Course Fee Policy, attached as Appendix 1, has been amended to reflect changes that may adversely impact on non-advanced learners.
- 5.2 The key changes are detailed as tracked changes within the revised document.

5.3 Essentially, the revised Course Fee Policy has been rewritten to follow some basic and underlying principles:

- Where a non-advanced student is known to be eligible for fee waiver they shall not be charged any fee should they withdraw before the end of their course;
- Where a non-advanced student has indicated that they believe they could be eligible for fee waiver they shall not be charged any fee should they withdraw at any time before the end of their course;
- If any doubt remains about the eligibility or potential eligibility of the non-advanced student to fee waiver then the College will seek to extend the benefit of doubt to the student and not seek to charge her or him any course fee amount.

## **6. The Invoicing of Students (2016-17)**

6.1 For 2016-17 the College has charged approximately £16,156.00 to non-advanced students who withdrew from the College prior to the relevant date. A further amount totalling £14,112.00 has been charged to non-advanced students who withdrew after the relevant date or have not provided sufficient documentation to allow the College to claim Fee Waiver.

6.2 Action relating to the pursuance of these monies is currently on hold pending the approval of the revised Course Fee Policy.

6.3 In 2015-16 the College wrote off approximately £15,000 which had been charged to non-advanced students who had left the College before the relevant date.

6.4 It is proposed that:

- All invoices issued for 2016-17 to non-advanced students for outstanding course fees are rescinded with immediate effect;
- All non-advanced students who have paid in full, or in part, any invoice issued for course fees in 2016-17 should be fully refunded. In total, this amounts to approximately £3,500;
- All non-advanced students who are impacted by the two previous proposals will receive a letter explaining, sensitively, the decisions made. The letter will also extend an opportunity for the former student to contact the College in order to discuss and reconsider undertaking learning at NESCol.

## **7. Recommendation**

7.1 It is recommended that the Board approve the revised Course Fee Policy and the related proposals contained in this paper should they so be minded.

**Liz McIntyre**  
Principal

**Neil Cowie**  
Vice Principal Business Services



# Course Fee Policy



Agenda Item 9.2  
Appendix 1

Ref: FA1.1

## Course Fee Policy

Review Date: January 2018

## 1.0 Introduction

- 1.1. This document sets out the Board of Management's policy on course fees. It does not apply to provision of ASET, the College's training company which is subject to separate arrangements.
- 1.2. Where the policy refers to individuals entering into a contract with the College it is understood where an employer or sponsor undertakes the responsibility for the fee the contractual responsibility relating to the fee equally applies.

## 2.0 Course Fee Structure

- 2.1. The course fee is a single payment which is normally the full price of the course. The course fee (if chargeable) will be paid on booking, or prior to enrolment. Some courses involve other payments in excess of the course fee for example students who have the option of entering for an additional external examination, or on occasion for course materials.
- 2.2. The course fee typically comprises fees for tuition, assessment/examination, registration, remediation, re-assessment and in most, but not all courses, course materials. For some courses, students are required to bring their own materials.
- 2.3. There will normally be no more than one opportunity for reassessment of any combined outcome included in the course fee, except in exceptional circumstances.

## 3.0 Full-Time Course Fees (Home & European Union Students)

- 3.1. In the case of full-time students entitled to have the course fee paid on their behalf by the Scottish Funding Council (SFC) (for non-advanced students) or the Student Awards Agency for Scotland (SAAS) (for advanced level students) or Skills Development Scotland (for students on National training programmes), the fee rate payable to the College is set by the relevant agency.
- 3.2. The course fees are paid by SFC ~~for non-advanced students~~ subject to the student physically attending a class after 1 November. If a non-advanced student withdraws on or before 1 November and is eligible for fee waiver then no charge will be made to the student. If a non-advanced student has indicated that they should be

eligible for a fee waiver but has failed to provide the relevant documentation then the College will take all reasonable steps to confirm whether or not the student is eligible for fee waiver. Unless confirmation is held to confirm that the student is not eligible for fee waiver then no charge will be made to the student. ;

The course fees are ~~and~~ paid by SAAS {for advanced students} subject to the student physically attending a class on or after 1 December. If the student withdraws from the course without attending after ~~these~~ this relevant date~~s~~ then the College will charge a pro-rata amount of the course fee to the student.

- 3.3. In the case of other students entitled to pay the “home” fee (i.e. who fulfil residential and other requirements) but not entitled to have the fee paid on their behalf, the College adopts the same fee rate as paid by the agencies.

3.4 The College will not make a charge against any full-time student who withdraws within the first 4 weeks of the course.

### 4.0 Full-Time Course Fees (Overseas Students)

- 4.1. The Board of Management will consider any guidance from the SFC in setting fee rates to be charged to overseas students.

### 5.0 Full Time Course Fees (Rest of the UK (RUK) Students)

- 5.1 The Board of Management will consider any guidance from SAAS or SFC in setting fee rates to be charged to RUK students.

### 6.0 Fees for Part-time Courses

- 6.1. Each year the Board shall establish base tuition fee rates for vocational and non-vocational provision which is within the level of activity funded by SFC, and also for non-commercial activity not funded by SFC.
- 6.2. These rates shall be used as a guide when calculating rates for non-full time provision.
- 6.3. The College has discretion to charge a higher rate than base tuition fee rates, e.g. on the basis of higher demand or for specialist courses where appropriate.

- 6.4. Where courses do not attract SFC funding these will be charged as a minimum on a full cost recovery basis.

### 7.0 Employer Related Fees

The Board of Management sets fees, on an annual basis, for employer related activity. However, College Senior Management may have the discretion to vary the fees to employers as the volume of proposed activity or commercial pressures dictate.

### 8.0 Provision for School Pupils

- 8.1. Within the funding limits set by the Scottish Funding Council groups of pupils from schools will have course fees waived in the following circumstances:
- 8.1.1 pupils from a school taught in College for part of their programme on a regular basis (e.g. on a school-link programme), within the parameters of the agreement in place at the time with the Local Authority
  - 8.1.2 pupils taught by a College member of staff delivering a College course in a school; and in accordance with and within the parameters detailed within the agreement in place at the time with the Local Authority
  - 8.1.3 pupils undertaking a brief visit or a short programme at the College (such as the College Experience programme);
  - 8.1.4 pupils undertaking an open learning course
  - 8.1.5 where a pupil attends College individually to undertake a vocationally relevant programme that cannot be taken at school (provided that the pupil's Head Teacher has given written permission for the pupil's attendance at College.) This includes "Christmas Leaver" and "Exceptional Entrant" students undertaking full-time programmes at the College.
- 8.2 Beyond the limits of SFC funded activity and in accordance with the agreement in place at the time with the Local Authorities a fee will be charged to the Local Authority for groups of school pupils participating in activity additional to the agreed level and a fee per student will be chargeable in relation to delivery of certain courses where activity levels fall below agreed limits.

- 8.3. Beyond the limits of SFC funded activity and the agreement in place at the time with the Local Authorities, other provision for school pupils will be made on the basis of the fee income covering at least the full economic cost of delivery.
- 8.4. Individual pupils will be required to pay course fees in the following circumstances:
  - 8.4.1. where a pupil over 16 years attends a vocational evening class without permission from the relevant Head Teacher.
  - 8.4.2. where a pupil attends a programme run by the College during school holiday periods (e.g. Easter and Summer programmes) or at the weekend.
- 8.5. The College does not normally accept applications from individuals aged under-16 for any activity out with the agreed School / College Link programme.

### 9.0 Provision for College Students

- 9.1. Subject to approval by the relevant Director of Curriculum where full-time students of the College undertake additional part-time, twilight, evening or distance learning courses as an integral or pre-planned part of the mainstream programme agreed by the College, no additional fee will be charged. However, if a full-time student undertakes an additional non full time course because of personal preference, the student will normally be required to pay the relevant fee for the course. In specific curriculum areas and subject to the approval of the relevant Director of Curriculum, however, the fee may be waived, and credits only claimed.
- 9.2. Subject to the approval of the relevant Director of Curriculum in the case of students whose native language is not English and who have achieved the required IELTS level for the course but who still require some language support to assist them with academic discourse in order to be successful in their Programme of Study, an element of language support may be provided without additional fee (although the student may require to complete additional enrolment documentation). This additional support will not take the form of an entire language programme but will be targeted support for identified areas of difficulty which may be provided through open or online learning, through attending drop-in sessions or on occasions through attending a timetabled class arranged to meet this

need.

### 10.0 Remission of Fees

- 10.1 Entitlement to remission of fees is governed by the SFC Fee Waiver and Grant Policy and reference should be made to that where feasible in considering fee remission.
- 10.2 The Principal has discretion to designate certain dedicated programmes aimed at hard-to-reach categories of students, as fee exempt.
- 10.3 Fee waiver normally covers tuition, registration, examination/assessment and course materials, however where the cost of delivery outweighs the income expected from fee waiver then the Principal has the right not to offer fee remission for these courses.
- 10.4 A limit be imposed on the amount of provision on which an individual is entitled to fee waiver in any one Academic Year. This limit will reflect the grant-in-aid funding rules set by SFC and reference should be made to those in operation at the time of considering fee waiver.
- 10.5 Where a course is run exclusively for those with a recognized learning difficulty (Dominant Programme Group 18 courses), and into which additional support is integrated, all the participants are normally entitled to fee remission without the need for any evidence (apart from the existence of an Individual Learning and Support Plan). However, where a sponsoring group routinely receives or has acquired funds for the purpose of payment for training, a fee may be levied, especially where the cost of making the provision exceeds the income that will be generated.

### 11.0 Refund of Course Fees

- 11.1 In booking onto a College course, an individual enters into a contract. On the College's side, the contractual obligation is to provide the training as described – with the overriding caveat that this is subject to availability of resources and acceptable student numbers. On the individual's side, booking onto a course, or accepting a place on a full-time course, is making a commitment to undertake the education or training programme.
- 11.2 Any individual booking onto a College course in effect reserves a place. This may, in the situation of restricted numbers result in a place being denied to another. If the individual subsequently does not enroll on the course then

this will lead to a reduction in income.

- 11.3 As such, the College will not normally automatically refund a fee paid where the reason is a change of mind of the individual who has accepted/booked a place.
- 11.4 For the purposes of fee refunds, the College does not differentiate between students on the basis of national origin and does not automatically differentiate between those from the European Union (or European Economic Area) and those from other locations. However, the College is bound to recognise the public policy issues relating to the issue of visas to individuals for the sole purpose of studying in the UK and, where relevant, this recognition is reflected in the specific circumstances of refunds.
- 11.5 In circumstances where a refund of course fees is to be made in respect of a student, unless authorised otherwise, the College will normally pay the refund directly to the entity or individual who made the payment of the fee to the College.

### **12.0 Circumstances of Refunds**

All requests for a refund must be received by the end of the Academic Year which the course applied for ends in e.g. if the course is due to finish in April 2017, then any refund request must be received by 31 July 2017.

#### **12.1 Refunds because of cancellation of a course by the College**

- 12.1.1 Where the College decides to cancel a course, fees paid for the course will be refunded automatically and in their entirety.
- 12.1.2 Where the College cancels a course which is a mandatory component of a Group Award and no alternative is provided by the College thereby preventing the student achieving the Group Award the College will refund the fees for the other elements of the Group Award where the student has already booked and paid the fee and has elected not to undertake these elements of the course.

#### **12.2 Refunds because of other circumstances**

- 12.2.1 For all cases, except where payment of the fee was part of a process that enabled the student to gain entry to the

UK for the purpose of study – for which see paragraph 12.2.2 or the course is a distance learning provision – for which see paragraph 12.2.3

a) Up to fourteen calendar days before the commencement of the course the fee paid will be refunded in its entirety on request to the College by submission of form Student Refund Request Form RR2, enclosing proof of payment with supporting written evidence where appropriate.

b) If the refund request is received less than fourteen days before the commencement of the course, up to 25% through the course, or 1 November in the case of a fulltime FE course, or 1 December in the case of a fulltime HNC or HND, the refund of the fee will be reduced proportionately subject to a minimum of 10% of the fee being retained.

c) This is only available for the following circumstances

- The individual was unable to attend because of medically certificated illness
- The individual had to move away from the area to a distance which made the completion of the course impossible (e.g. because of job relocation)
- The individual was unable to commence or complete attendance at College because of legal constraints, for example inability to obtain/maintain/renew a visa; imprisonment; requirement to undertake jury or military service.

d) For reasons other than those stated above, no refund will be made other than in exceptional circumstances and at the discretion of the Vice Principal, Business Services on the basis of supporting written evidence supplied by the Student.

12.2.2 Where payment of the fee was part of a process to gain entry to the UK for the purpose of study refunds will only be considered in following circumstances

- The individual was required to remain in or return to her/his country of origin because of medically certificated illness
- The individual had to move away from the UK making completion of the course impossible (eg because of job or partner/spouse's relocation)



- The individual was able to commence or complete attendance at College because of legal constraints, for example inability to obtain/maintain/renew a visa; imprisonment; requirement to undertake jury or military service

a) Up to fourteen days before commencement of the course the fee will be refunded in its entirety on request by submitting form RR2.

b) Less than fourteen days before the commencement of the course, up to 25% through the course, or 1 November in the case of a fulltime FE course, or 1 December in the case of a fulltime HNC or HND, the refund of the fee will be reduced proportionately subject to a minimum of 10% of the fee being retained.

12.2.3 To suit the circumstances of distance learning provision, the following arrangements have been adopted:

a) Up to the point at which the process of appointing a tutor is completed the fee will be refunded in its entirety on request to the College by submission of Form RR2 (Student Refund Request Form) enclosing Proof of Payment with supporting written evidence where appropriate, conditional on any materials already supplied being returned in their entirety and in an unused condition.

b) Once the process of appointing a tutor is complete, a percentage of the course fee proportional to the amount of the course not completed at the time of the claim for refund, subject to a limit of 90% of the course fee, will be refunded in the following circumstances:

- the individual was unable to undertake the course because of medically certificated illness which prevented study
- the individual was unable to undertake study because of legal constraints.

c) For reasons other than those stated above, no refund will be made other than in exceptional circumstances and at the discretion of the Vice Principal – Business Services on the basis of supporting written evidence supplied by the student.

### 13.0 Appeals Process

An appeal may be made to the Principal in writing within

10 days of the refund decision being made. All appeals must include supporting written evidence supplied by the student.

Status:	Draft
Approved By:	To be considered by Board of Management
Date of Version:	January 2017
Responsibility for Policy:	Vice Principal, Business Services
Responsibility for Implementation:	Vice Principal, Business Services, Head of Organisational Services, Student Information and Funding Manager, Administration and Examinations Manager, Credit Control Manager, .Directors of Curriculum, Information and Advice Manager, Assistant Accountant
Responsibility for Review:	Head of Organisational Services
Review Date:	January 2017
EIA Date:	January 2017

## Equality Impact Assessment (EIA) Form

### Part 1. Background Information. (Please enter relevant information as specified.)

<b>Title of Policy or Procedure. Details of Relevant Practice:</b>	Course Fee Policy FA1.1
<b>Person(s) Responsible.</b>	Vice Principal – Business Services
<b>Date of Assessment:</b>	12 December 2016
<b>What are the aims of the policy, procedure or practice being considered?</b>	The aim of the policy is to set out where course fees apply, where a refund is applicable and where fee waiver can be applied for.
<b>Who will this policy, procedure or practice impact upon?</b>	This will impact on applicants, students, employers, sponsors and schools.

### Part 2. Public Sector Equality Duty comparison (Consider the proposed action against each element of the PSED and describe potential impact, which may be positive, neutral or negative. Provide details of evidence.)

<b>Need</b>	<b>Impact</b>	<b>Evidence</b>
<ul style="list-style-type: none"> <li>Eliminating unlawful discrimination, harassment and victimisation.</li> </ul>	<p><b>Negative</b></p> <p>Course fees are applied in accordance with SFC national policy and Government policy. This means that students who do not meet the residency requirements will pay a higher rate of fee compared to those who do. Refer to SFC Guidance</p>	<p>SFC and Government Guidance documents and National Policies.</p>
<ul style="list-style-type: none"> <li>Advancing Equality of Opportunity</li> </ul>	<p><b>Negative</b></p> <p>Course fees are applied in accordance with SFC national policy. This means that students who do not meet the residency requirements will pay a higher rate of fee compared to those who do.</p>	<p>SFC and Government Guidance documents and National Policies</p> <p>Student Services application assessments.</p>

<ul style="list-style-type: none"> <li>• <b>Promoting Good relations</b></li> </ul>	<p><b>Positive</b></p> <p>Course fee refunds are considered where a student has to leave a course due to medical reasons. Course fee refunds are also considered where a student resident outwith Scotland has to leave the area, or is no longer able to remain in the area due to legal restrictions.</p>	<p>RR2s.</p>
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**Part 3. Action & Outcome** (Following initial assessment, describe any action that will be taken to address impact detected)

**No action taken as negative impacts attributable to SFC National Policy and Government policy.**

<b>Sign-off, authorisation and publishing *</b>	
Name:	Linda Taylor
Position:	Head of Organisational Services
Date:	12 December 2016

*\*Please note that an electronic sign-off is sufficient*

## **Equal Pay Statement and Policy 2017**

### **1. Introduction**

- 1.1 The purpose of this paper is to provide the Board of Management with an opportunity to consider the College's Equal Pay Statement and Policy.

### **2. Background**

- 2.1 Under the Equality Act 2010 and the Public Sector Equality Duty, the College is required to publish an Equal Pay Statement/Policy.
- 2.2 The proposed Statement and Policy, attached as Appendix 1, was considered and endorsed by the Human Resources Committee held on 24 January 2017.

### **3. Recommendation**

- 3.1 It is recommended that the Board consider and, if so minded, approve the Equal Pay Statement and Policy.

**Liz McIntyre**  
Principal

**Elaine Hart**  
Vice Principal Human Resources



## **Equal Pay Statement and Policy: 2017**

### **Statement**

North East Scotland College is committed to the principle of equal pay for work of equal value for all its employees. The College believes that staff should receive equal pay for work that is rated as equivalent and of equal value regardless of: age; disability; ethnicity/race; gender reassignment; marital/civil partnership status; pregnancy; religion or belief (including no religion or belief); sex (gender); sexual orientation.

### **Definitions and Legislative Framework**

The law relating to equal pay is governed by the Equality Act 2010, including the (Specific Duties) (Scotland) Regulations 2012.

“Work rated as equivalent” is defined as work which has achieved the same/or similar number of points under the College job evaluation scheme.

“Work of equivalent value” is defined as work which is not similar but is broadly of equal value under headings such as skills and decisions when compared using the College job evaluation scheme.

### **Objectives and Values**

Our objectives are to eliminate unfair, unjust and unlawful practices and to operate fair and just remuneration practices for staff across all protected characteristics. We will monitor pay statistics annually and take appropriate remedial action should the need arise.

The College has implemented a transparent pay and grading system and uses the FEDRA job evaluation system (specifically designed for the FE and HE sectors) to ensure that its grading and pay outcomes are equitable and free from bias.

To ensure a fair system of pay, the College works in partnership with recognised staff representatives and consults with the Local Joint Negotiating Committees. The College has signed the National Recognition and Procedures Agreement and as such will abide by the outcome of National Collective Bargaining.

The values of the College are embedded in its Equality & Diversity Policy and are implemented via the College's Equality Outcomes. The College will work to reduce any horizontal and vertical occupational segregation and gender pay gap which currently exist, by means which are detailed in its Equality Outcomes.

### **Complaints**

The College commits to responding promptly to any grievances or complaints on Equal Pay.

### **Responsibilities**

The College's Senior Management and Board have a responsibility to promote an ethos and culture that reflects the commitments in this statement and policy.

### **Monitoring and Review**

This Equal Pay Statement and Policy will be reviewed and monitored by the Vice Principal HR to ensure that it remains effective.





## **Aberdeen Skills and Enterprise Training Limited - Memorandum of Understanding**

### **1. Purpose of this Report**

- 1.1. The purpose of this report is to enable the Board of Management to consider the scheduled review of the operation of the Memorandum of Understanding established between the Board of Management and Aberdeen Skills and Enterprise Training Limited (ASET), its wholly owned subsidiary company.

### **2. Background to the Memorandum**

- 2.1. The Board of Management of Aberdeen College, at its meeting on 17 August 1998, first adopted a Memorandum of Understanding between the Board and its subsidiary company, which was also adopted by the Board of Directors of ASET.
- 2.2. The operation of the Memorandum is reviewed annually by the Board of Management (now of North East Scotland College) and the Board of Directors of ASET.
- 2.3. The purpose of the Memorandum is to define the relationship between the College and the Company. The document, given as an appendix. to this paper, details:
  - the obligations of both parties;
  - the scope of the Company's activity;
  - financial arrangements;
  - the adoption of the College's financial and other relevant regulations by the Company;
  - the management structure of the Company; and,
  - actions of ASET requiring prior approval of the Board of Management.
- 2.4. The Memorandum is due for review in February 2017.

### **3. Review by the Board of Directors of ASET**

- 3.1. The Board considered the Memorandum at its meeting on 26 January 2017 and decided to defer review until decisions have been taken on aspects of the Company's governance that are currently under discussion.
- 3.2. The Board decided to propose to the Board of Management that the Memorandum continue to operate in its current form until decisions noted in 3.1 above have been taken, at which point both Boards would review the Memorandum.
- 3.3. The current Memorandum is attached as Appendix 1 to this paper.

### **4. Recommendation**

- 4.1. It is recommended that the Board of Management agree that the Memorandum continue to operate in its current form until decisions have been taken on aspects of the Company's governance, at which point both the Board of Management and the Board of Directors of ASET would review the Memorandum.

**Liz McIntyre**  
Principal

**Roddy Scott**  
Vice Principal Finance





# Memorandum of Understanding

between the  
Board of Management  
of North East Scotland College  
and Aberdeen Skills and Enterprise Training  
Limited (ASET).

Document status: Revision draft version: approved by the Board of Directors of ASET; for consideration by the Board of Management

Date first established: August 1998

Date of version: February 2016

Responsibility for document: Board of Management and Board of Directors of ASET

Responsibility for implementation: Board of Management and Board of Directors of ASET

Responsibility for review: Board of Management and Board of Directors of ASET

Date for review: February 2017

## **1. Purpose of the Memorandum**

1.1. The purpose of this memorandum is to define the relationship between the Board of Management of North East Scotland College and Aberdeen Skills and Enterprise Training Limited.

## **2. Definitions**

2.1. 'Board' or 'Board of Management' or 'College' means the Board of Management of North East Scotland College.

2.2. 'ASET' means Aberdeen Skills and Enterprise Training Limited.

2.3. 'Directors' or 'Board of Directors' means the Board of Directors of Aberdeen Skills and Enterprise Training Limited.

2.4. 'Nominated Officer' means a senior manager of North East Scotland College as designated by the Board from time to time.

## **3. Governance**

3.1. The Board of Directors shall consist of a majority of Directors who are Members of the Board of Management.

3.2. A Member of the Board of Management shall hold the Office of Chair of the Board of Directors.

3.3. A Director, who is a Member of the Board of Management, shall resign from the office of Director when he/she ceases to be a Member of the Board of Management.

## **4. Obligations of ASET to the Board**

4.1. To be accountable to the Board through the Chair of the Board of Directors.

4.2. To provide management information to the Board to enable the Board to maintain a clear understanding of the Company's financial and operational position.

4.3. To adopt the Board's operational policies and procedures such as those on quality assurance, finance, health and safety, human resources and procurement. The Directors shall consult with the Nominated Officer to ensure compliance with the Board's operational policies and procedures.

## **5. Obligations of North East Scotland College to ASET**

5.1. To co-operate with College Schools in identifying commercial education and training opportunities for College and ASET programmes of Study.

5.2. To promote efficient use of College academic, administrative and material resources to maximise efficiency.

## **6. ASET Scope of activity**

6.1. To maximise commercial income to the College through marketing an agreed range of courses to commercial clients.

6.2. To develop and market a range of appropriate Business and Industry related knowledge and skill based programmes employing Industry standard resources wherever possible

6.3. To expand business opportunities through the development of qualifications, training materials and other educational and training activities utilising the skills available

within the Company and the College for which there is a demonstrable demand but which are outwith the range of North East Scotland College existing provision.

## **7. Scope of activity**

- 7.1. To make use of the academic resources of North East Scotland College by identifying and exploiting commercial training opportunities.
- 7.2. To develop business and generate income from activities outwith the range of College activities.

## **8. Financial Arrangements**

- 8.1. ASET shall establish and maintain a gift aid arrangement with the Board of Management. ASET is required to return all profits to the Board, or to any another charity as the Board might require, by means of gift aid. Any amendment to this requirement will require the prior approval of the Board.
- 8.2. ASET will operate its own bank accounts without requiring the Board to act as guarantor.
- 8.3. Loan arrangements, i.e. borrowings from or loans to third parties, may only be undertaken by ASET if the Company's Directors have first obtained approval from the Board of Management. The Directors shall consult with the Nominated Officer in considering such arrangements.
- 8.4. ASET shall comply with the framework provided by the Financial Regulations adopted by the Board.

## **9. Human Resources Arrangements**

- 9.1. ASET shall comply with the framework provided by the Human Resources Policies adopted by the Board.

## **10. Actions of the Directors requiring the approval of the Board**

- 10.1. Appointment of Directors may only be undertaken if the Company's Directors have first obtained approval from the Board of Management.
- 10.2. Acquisition or disposal of assets of more than £25,000 in value.
- 10.3. The Company's annual business plan (for the forthcoming three years) and the annual revenue and capital budgets.
- 10.4. The Directors' annual report and financial statements at the Company's annual general meeting.

## **11. Review**

- 11.1. This memorandum will be reviewed annually by the Directors of ASET and the Board of Management prior to the preparation of the Company's business plan and budget.



## Equality Impact Assessment (EIA) Form

### Part 1. Background Information. (Please enter relevant information as specified.)

<b>Title of Policy or Procedure. Details of Relevant Practice:</b>	Memorandum of Understanding between the Board of Management of North East Scotland College (NESCol) and Aberdeen Skills and Enterprise Training Limited (ASET)
<b>Person(s) Responsible.</b>	Board of Management of North East Scotland College and Board of Directors of ASET
<b>Date of Assessment:</b>	1 February 2016
<b>What are the aims of the policy, procedure or practice being considered?</b>	The purpose of this memorandum is to define the relationship between the Board of Management of North East Scotland College and Aberdeen Skills and Enterprise Training Limited.
<b>Who will this policy, procedure or practice impact upon?</b>	Members of the Board of Management of NESCol and the Board of Directors of ASET.

### Part 2. Public Sector Equality Duty comparison (Consider the proposed action against each element of the PSED and describe potential impact, which may be positive, neutral or negative. Provide details of evidence.)

Need	Impact	Evidence
<ul style="list-style-type: none"> <li>Eliminating unlawful discrimination, harassment and victimisation.</li> </ul>	<ul style="list-style-type: none"> <li>No impact identified</li> </ul>	n/a
<ul style="list-style-type: none"> <li>Advancing Equality of Opportunity</li> </ul>	<ul style="list-style-type: none"> <li>No impact identified</li> </ul>	n/a
<ul style="list-style-type: none"> <li>Promoting Good relations.</li> </ul>	<ul style="list-style-type: none"> <li>No impact identified</li> </ul>	n/a

**Part 3. Action & Outcome** (Following initial assessment, describe any action that will be taken to address impact detected)

<ul style="list-style-type: none"> <li>No action identified</li> </ul>
--

<b>Sign-off, authorisation and publishing</b>	
Name:	Board of Management
Position:	
Signature:	
Date:	22 February 2016
Where will impact be published?	College Website



## **Banking Arrangements**

### **1. Introduction**

- 1.1. The purpose of this paper is to request the Board to authorise the Vice Principal (Finance) and Financial Controller (External Affairs) as 'primary security contacts', i.e. 'users', of the bank automated clearing system (BACS).

### **2. Government Banking Service**

- 2.1. On 01 April 2014, North East Scotland College was reclassified as a 'public body'. Consequently the College is required to use the Government Banking Service, which is operated by the Royal Bank of Scotland (RBS). The transition to the Service will take place on 01 April 2017.
- 2.2. One of the final stages in the process of setting up banking arrangements with RBS is to establish a BACS facility under the auspices of the Bank to allow automated processes to be used to pay suppliers and staff. A similar facility operates under the current banking relationship with Clydesdale Bank plc.

### **3. BACS/BACSTel IP Service**

- 3.1. RBS requires the Board to pass a resolution in terms set by the Bank to designate two 'primary security contacts' to operate the BACS facility.
- 3.2. The form of the resolution required by RBS is given in the appendix to this paper.

### **4. Recommendation**

- 4.1. It is recommended that the Board:
  - 4.1.1. authorise the Vice Principal (Finance) and Financial Controller (External Affairs) as 'primary security contacts' in respect of the bank automated clearing system (BACS)
  - 4.1.2. adopt the draft resolution that has been supplied by RBS; and,
  - 4.1.3. authorise Mr Milroy, as Chair of the meeting, and Principal McIntyre to sign such documentation that RBS might require in relation to BACS.

**Liz McIntyre**  
Principal

**Roddy Scott**  
Vice Principal Finance



# BACS/BACSTEL-IP Services Appendix A

Excerpt Minute, Unincorporated Body

## Excerpt from Minute of Meeting of the Members/Committee

of (Name of organisation) \_\_\_\_\_ ("the Organisation")

held at (address) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

on (DD/MM/YYYY)

Having considered:

(a) the BACS/BACSTEL-IP Services Application Form (as appropriate);  
(b) BACS/BACSTEL-IP Services Customer Terms and Conditions; and  
(c) the Business Customer Agreement for the TrustAssured Service, together with the "Terms and Conditions", it was resolved:

1. that the Terms and Conditions be hereby approved and adopted by the Organisation as the terms on which the Organisation shall use the BACS/BACSTEL-IP Services; and

2. that (Insert names of each of those signing Section 6 of the application form (6. Customer agreement))

1.

2.

be and is/are hereby authorised (1) to sign on behalf of the Organisation the BACS/BACSTEL-IP Services Application Form(s) for the BACS/BACSTEL-IP Services ("the Agreement"), a copy of which was produced to the Meeting; and (2) to deliver the Agreement to the Bank together with this Excerpt members/Committee Minute; and (3) from time to time at their discretion to add to or remove from the arrangements covered by the Agreement such accounts of the Organisation as they shall determine; and (4) from time to time to appoint such persons as they shall determine as Primary Security Contacts in addition to or in substitution for the persons referred to in resolution 3 below and also at their discretion to terminate any appointment as a Primary Security Contact; and (5) from time to time and in accordance with and subject to such directions as the Organisation may from time to time stipulate and on behalf of the Organisation to enter into and to bind the Organisation to such variations of the Agreement or the terms of the BACS/BACSTEL-IP Services or other contracts or documents relating to the BACS/BACSTEL-IP Services as they shall consider appropriate and in the interests of the Organisation provided that the Bank shall be entitled to assume that any such act performed by the persons hereby authorised complies with all the requirements of the members/Committee and this paragraph; and

3. that the Organisation permits

(Insert names of each of those signing Section 5 of the application form (5. Primary Security Contacts))

1. MUIR WILSON

2. RODERICK SCOTT

(the "Primary Security Contacts") to operate on the Organisation's Account(s) kept with the Bank to access and to use the BACS/BACSTEL-IP Services; and

4. that the persons named as Primary Security Contacts under or pursuant to these resolutions are each authorised to receive on behalf of the Organisation the security devices referred to in the Terms and Conditions, and

5. that these resolutions do not in any way limit or affect the existing authorities to the Bank for operations on the Organisation's account(s).

I certify that the above is a true excerpt from the recorded minutes of the Organisation.

Signature of Chairman

Name \_\_\_\_\_

Date \_\_\_\_\_



## Key Performance Indicators 2015-16

### 1. Introduction

- 1.1. The purpose of this report is to provide the Board of Management with the final Key Performance Indicators [KPI's] for 2015-16.

### 2. Background

- 2.1. The Scottish Funding Council [SFC] has published KPI data on Scotland's colleges teaching activity for the past fourteen years. These reports are available from the SFC website at [www.sfc.ac.uk](http://www.sfc.ac.uk). Each college is required to publish their own results on their websites.
- 2.2. The College monitors its programmes to ensure that they are relevant to both students and employers, offering qualifications from awarding bodies including the Scottish Qualifications Authority [SQA] and City & Guilds, to ensure that the qualifications gained are respected and recognised nationally and internationally.
- 2.3. Where student performance is below its expectation the College reviews its programmes, teaching methods, recruitment and support that is given to students to see where improvements can be made.
- 2.4. The College continually monitors the percentage of students achieving their awards on each programme and where a student fails to achieve the award, it examines the reasons for not being successful or why a student has left their programme early.
- 2.5. The report provides the College overview of four key performance indicators for academic year 2015-16. These are Early Withdrawal, Further Withdrawal, Partial Success and Complete Success. It examines them by levels of programme, subject area, and the student characteristics such as age, disability, and gender.
- 2.6. The main results for North East Scotland College in 2015-16 are:
  - 77.3% of Further Education (FE) full-time students completed their studies in the year with 67.4% achieving their award. (This is 2% above the national average.)
  - 86.1% of Higher Education (HE) full-time students completed their studies with 77.1% achieving their award. (This is 5% above the national average.)
  - Students aged between 18 – 24 are more likely to be successful with 74.9% achieving their awards.
  - The highest success rates for FE programmes longer than 160 hours were achieved in Media, Nautical Studies, and Languages & ESOL with over 80% achieving their awards.
  - The highest success rates for HE programmes longer than 160 hours were achieved in Construction with 87% achieving their awards.
  - Male success rates were slightly higher in FE programmes of more than 160 hours [0.1%] and female success rates were higher in HE programmes of more than 160 hours [7.2%].
  - The success rate for learners sponsored by their employers is high at 80%.
  - The success rate for learners with a disability is 63% and is 2% lower than the rate for the college sector.

2.7. The KPI data can be found in more detail in Appendix 1 of this report.

**3. Recommendation**

3.1. It is recommended that the Board note the information provided in this report.

**Liz McIntyre**  
Principal



# KPI DATA

KEY PERFORMANCE INDICATORS

2015 - 16

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## Executive Summary

The Scottish Funding Council [SFC] has published Key Performance Indicators [KPIs] on Scotland's colleges teaching activity for the past fourteen years. These reports are available from the SFC website at [www.sfc.ac.uk](http://www.sfc.ac.uk). Each college will also publish their own results on the websites. The purpose of the indicators is to inform North East Scotland College's [NESCol's] Board of Management, the communities it serves, and stakeholders about the performance of the college.

NESCol's vision is to be a college that transforms lives with the most important priority being student success. The aim is to deliver inspirational teaching always. It monitors its programmes to ensure they are relevant to both students and employers, offering qualifications from awarding bodies including the Scottish Qualifications Authority [SQA] and City & Guilds, to ensure that the qualifications gained are respected and recognised nationally and internationally. Where student performance is below its expectation the College reviews its programmes, teaching methods, recruitment and the support that is given to students to see where improvements can be made.

The College continually monitors the percentage of students achieving their awards on each programme and where a student fails to achieve the award, it examines the reasons for not being successful or why a student has left their programme early.

The College follows four nationally recognised performance indicators and these are:

1. Early Withdrawal
2. Further Withdrawal
3. Completed: Partial Success
4. Completed: Successful

An explanation of each of these is provided in the next section of this report.

The report provides the College overview of these four key performance indicators for academic year 2015-16. It examines them by levels of programme, subject area, and the student characteristics such as age, disability, and gender.

The main results for North East Scotland College in 2015-16 are:

- 77.3% of Further Education full time students completed their studies in the year with 67.4% achieving their award. (This is 2% above the national average.)
- 86.1% of Higher Education full time students completed their studies with 77.1% achieving their award. (This is 5% above the national average.)
- Students aged between 18 – 24 are more likely to be successful with 74.9% achieving their awards.
- The highest success rates for FE programmes longer than 160 hours were achieved in Media, Nautical Studies, and Languages & ESOL with over 80% achieving their awards.
- The highest success rates for HE programmes longer than 160 hours were achieved in Construction with 87% achieving their awards.
- Male success rates were slightly higher in Further Education programmes of more than 160 hours [0.1%] and female success rates were higher in Higher Education programmes of more than 160 hours [7.2%].
- The success rate for learners sponsored by their employers is high at 80%.
- The success rate for learners with a disability is 63% and is 2% lower than the rate for the college sector.

## Guide to Performance Indicators

### Withdrawal

There are 2 performance indicators which measure the number of students who withdraw from their course. Measurements are made at 2 points in the session – at the student funding point (1st November or once 25% of the course has elapsed) and after the whole course has elapsed.

#### **Early Withdrawal = $10 / 100 = 10\%$**

This measurement indicates the % of students who have withdrawn from the course before 1 November or 25% of the duration of the course.

Number of students withdrawn prior to student funding point x 100

Number of students who enrolled on the course

e.g. if 100 students enrolled and 10 withdrew by the student funding point then the Early Withdrawal rate would be 10%

#### **Further Withdrawal = $15/100 = 15\%$**

This measurement indicates the % of students who attended after the student funding point but withdrew from the course before the official end date.

Number of students withdrawn after student funding point and prior to end of course

x 100

Number of students who enrolled on the course

e.g. if a further 15 students withdrew after the student funding point but prior to the end of the course then the Further Withdrawal rate would be 15%

### Attainment

There are 2 performance indicators which measure students' success. The first measures those who completed the course but did not gain all the units to gain the qualification. The other measures those who enrolled and achieved the full qualification.

**Completed: Partial Success = 20/100 = 20%**

This measurement indicates the % of students who have completed the course but did not gain all the units to gain the qualification.

$$\frac{\text{Number of students who completed course but did not gain full qualification} \times 100}{\text{Number of students who enrolled on the course}}$$

e.g. if 20 of the students in this example completed the course but only achieved some of the units required for the qualification then Completed: Partial Success rate would be 20%

**Completed: Successful = 55 / 100 = 55%**

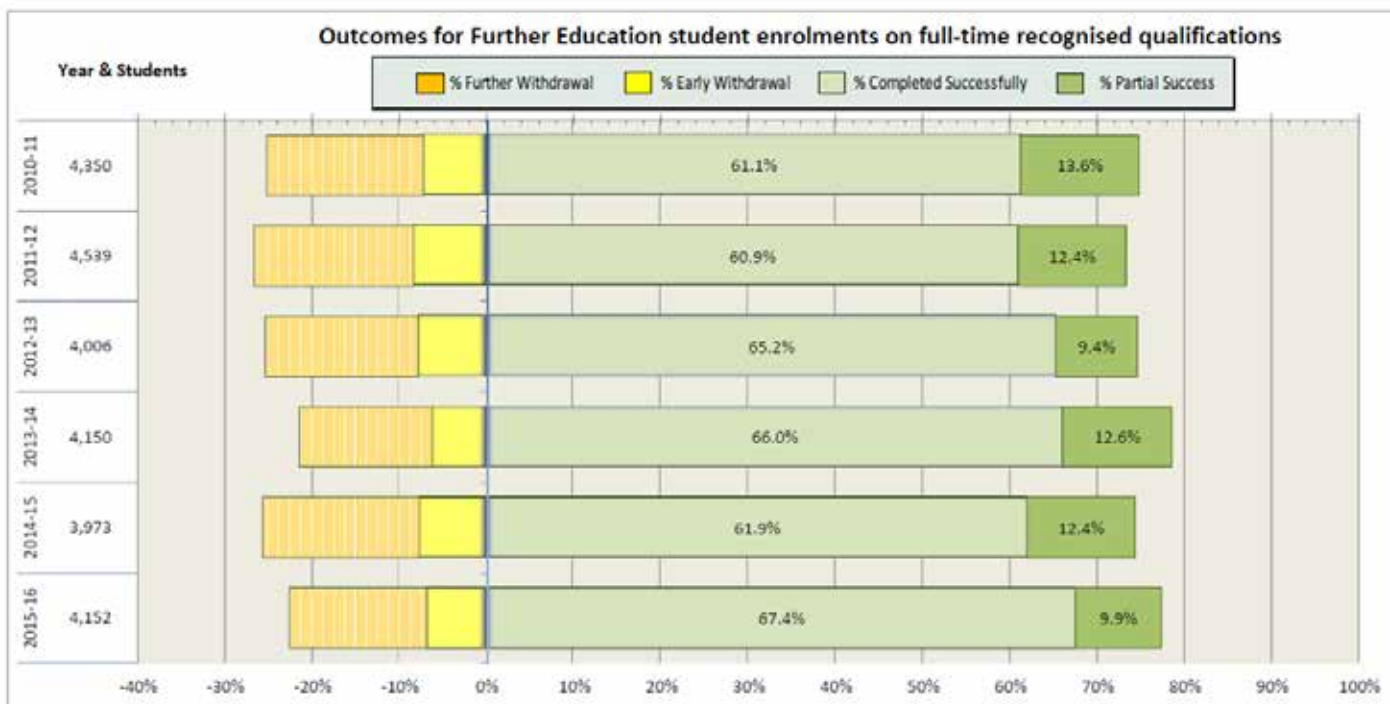
This measurement indicates the % of students who enrolled and completed the course and gained all the units to gain the qualification.

$$\frac{\text{Number of students who completed course and gained full qualification} \times 100}{\text{Number of students who enrolled}}$$

e.g. if the 55 remaining students completed the course and achieved the qualification then the Completed: Success rate would be 55%

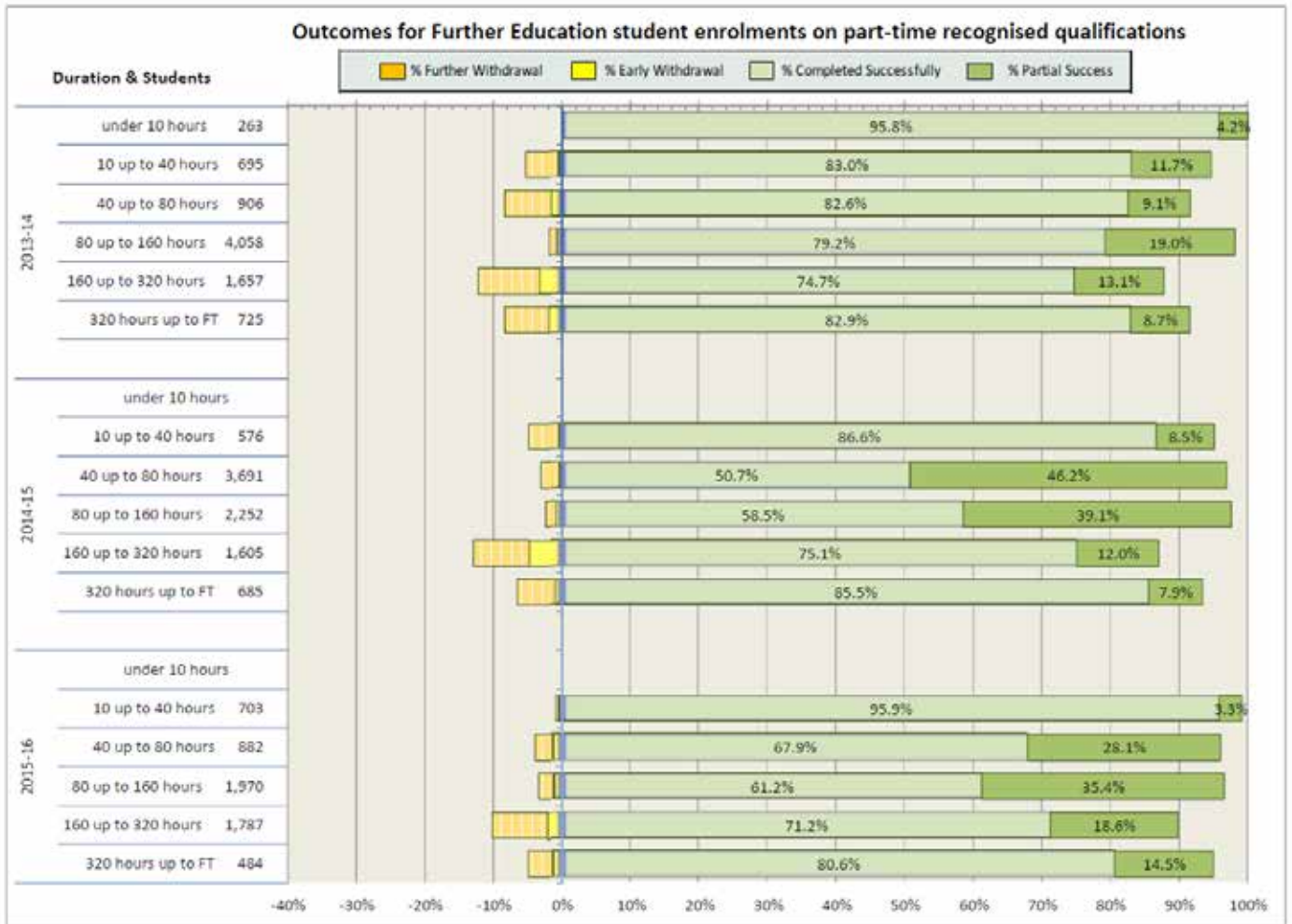
(Centre devised qualifications require 70% of units to be achieved for Completed: Success but national awards require all credits of the qualification to be achieved for Completed: Success)

North East Scotland College



This chart *Outcomes for Further Education student enrolments on full time recognised qualifications* from 2010-11 to 2015-16 provides an overview of the success rates and the withdrawal rates for these students at North East Scotland College over time.

The success rate for full time further education students is 2% above the sector average, however there has been a decline in the previous year compared with the high rate achieved in 2013/14. The College recognises that for many students and for many programmes the achievement rate has been very good and the College will focus on what actions it needs to further enhance its achievements in the coming year.

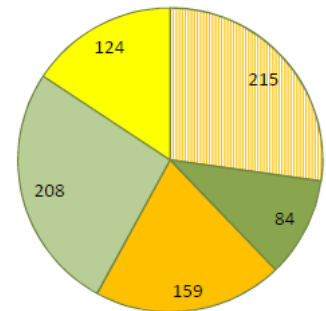


This chart *Outcomes for Further Education student enrolments on part time recognised qualifications* from 2013-14 to 2015-16 provides an overview of the success rates and the withdrawal rates for these students at North East Scotland College over the last three years.

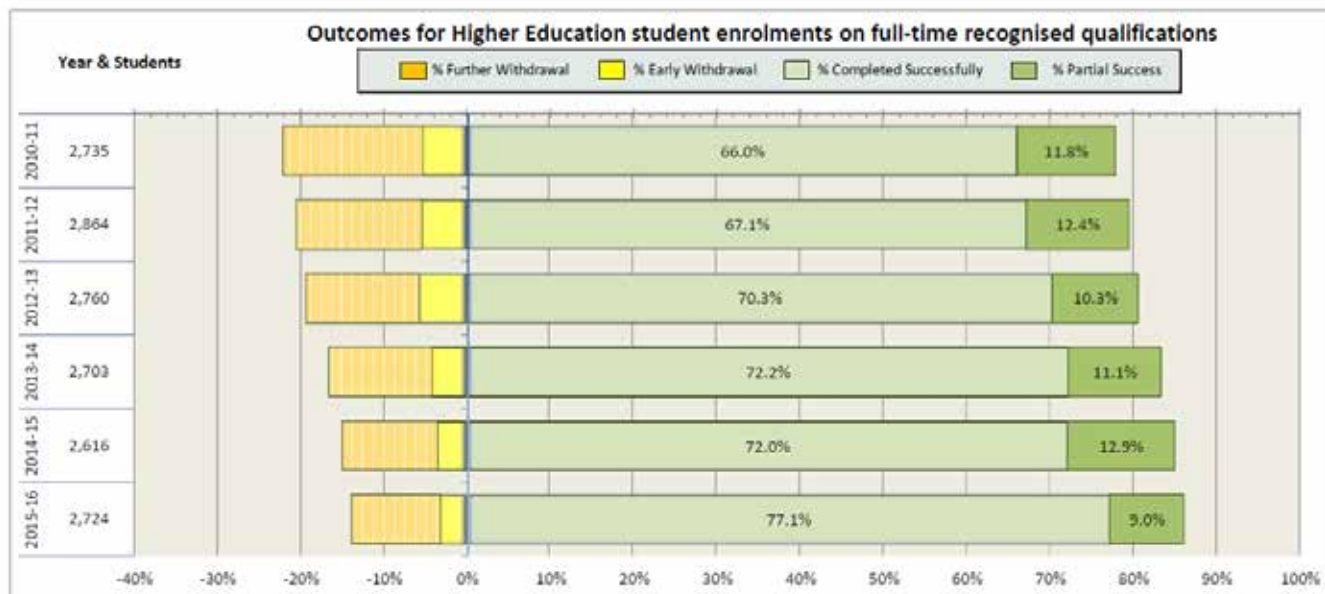
The data is divided further based on the number of hours studied by the students. Courses of less than 40 hours have excellent levels of success and very low withdrawal rates. In the majority of categories the success rate was higher than the previous academic year.

**Level of achievement for students completing an FE course of 160 hours or more who did not achieve 'full' success  
(An overview of the 'completed partial success' group above)**

- Number of students who complete their course without gaining any units / credits
- Number of students completing their course achieving up to 25% of planned units
- Number of students completing their course achieving 25 to 50% of planned units
- Number of students completing their course achieving 50 to 75% of planned units
- Number of students completing their course achieving at least 75% of planned units



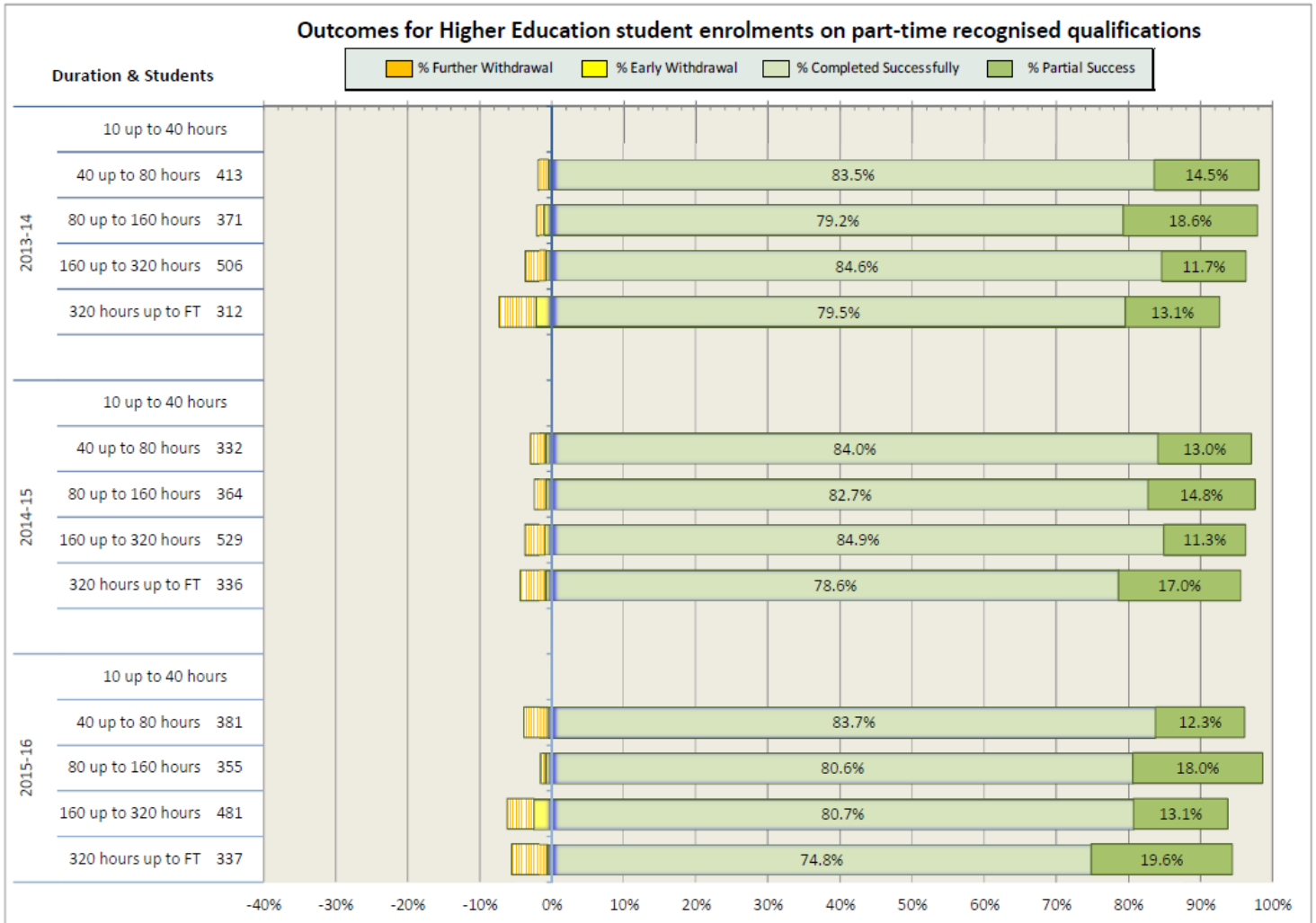
The chart above provides more detailed information on those students enrolled on FE programmes in 2015- 16 who completed with partial success (as shown in the previous two charts). It excludes students with fewer than 160 hours of study. It shows that 42% of these students gained at least 50% of their units with 26% gaining at least 75% of the units on their programme. It should be noted that a high proportion of students who achieve partial success continue their studies into the next academic year, when they complete their qualification successfully.



This chart *Outcomes for Higher Education student enrolments on full time recognised qualifications* from 2010-11 to 2015-16 provides an overview of the success rates and the withdrawal rates for higher education students at North East Scotland College over time.

The pass rate for HE programmes is 77.1%; the highest achieved in the last 5 years and 5% above the sector average. The College continues to outperform the sector. A total of 86.1% completed irrespective of their final result with withdrawal rates decreasing from the previous year.

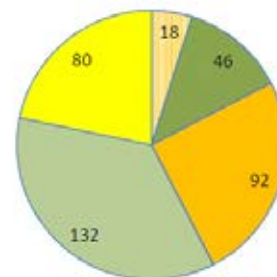




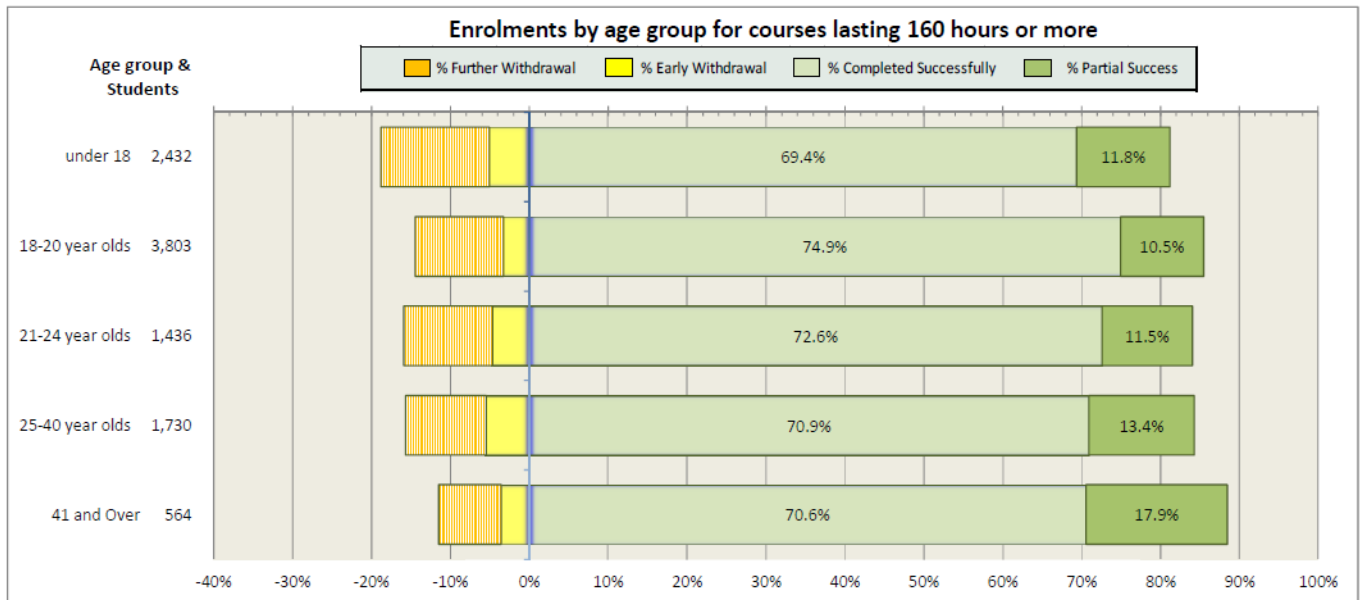
The above chart *Outcomes for Higher Education student enrolments on part time recognised qualification* shows that the highest success rate was those students studying between 40 – 8- hours. The lowest pass rate was for those studying over 320 hours at 74.8%. The partial success rate is higher for part time students than their full time counterparts. This is due in part to employed students taking longer to complete their programmes than anticipated.

**Level of achievement for students completing an HE course of 160 hours or more who did not achieve 'full' success  
(An overview of the 'completed partial success' group above)**

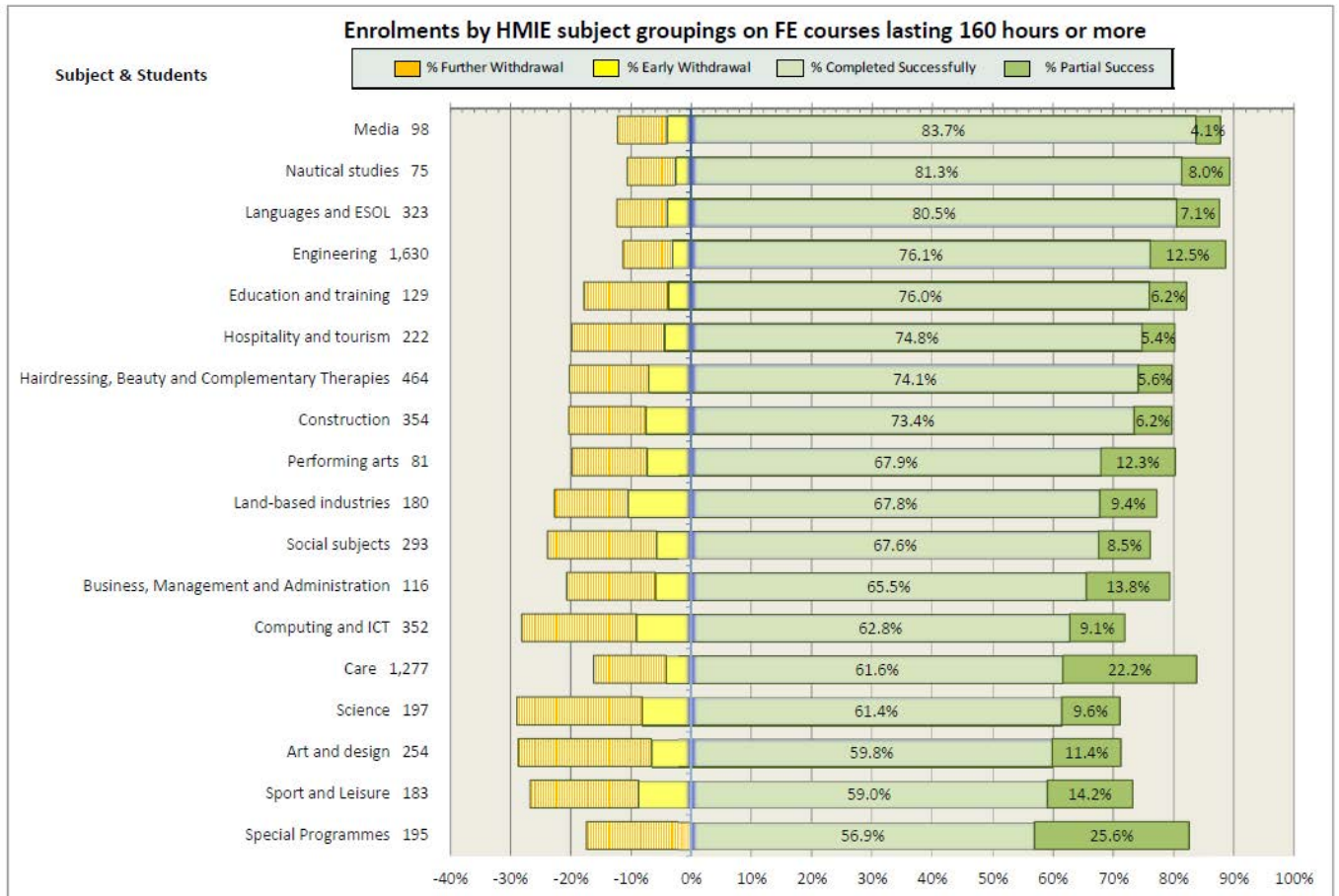
- Number of students who complete their course without gaining any units / credits
- Number of students completing their course achieving up to 25% of planned units
- Number of students completing their course achieving 25 to 50% of planned units
- Number of students completing their course achieving 50 to 75% of planned units
- Number of students completing their course achieving at least 75% of planned units



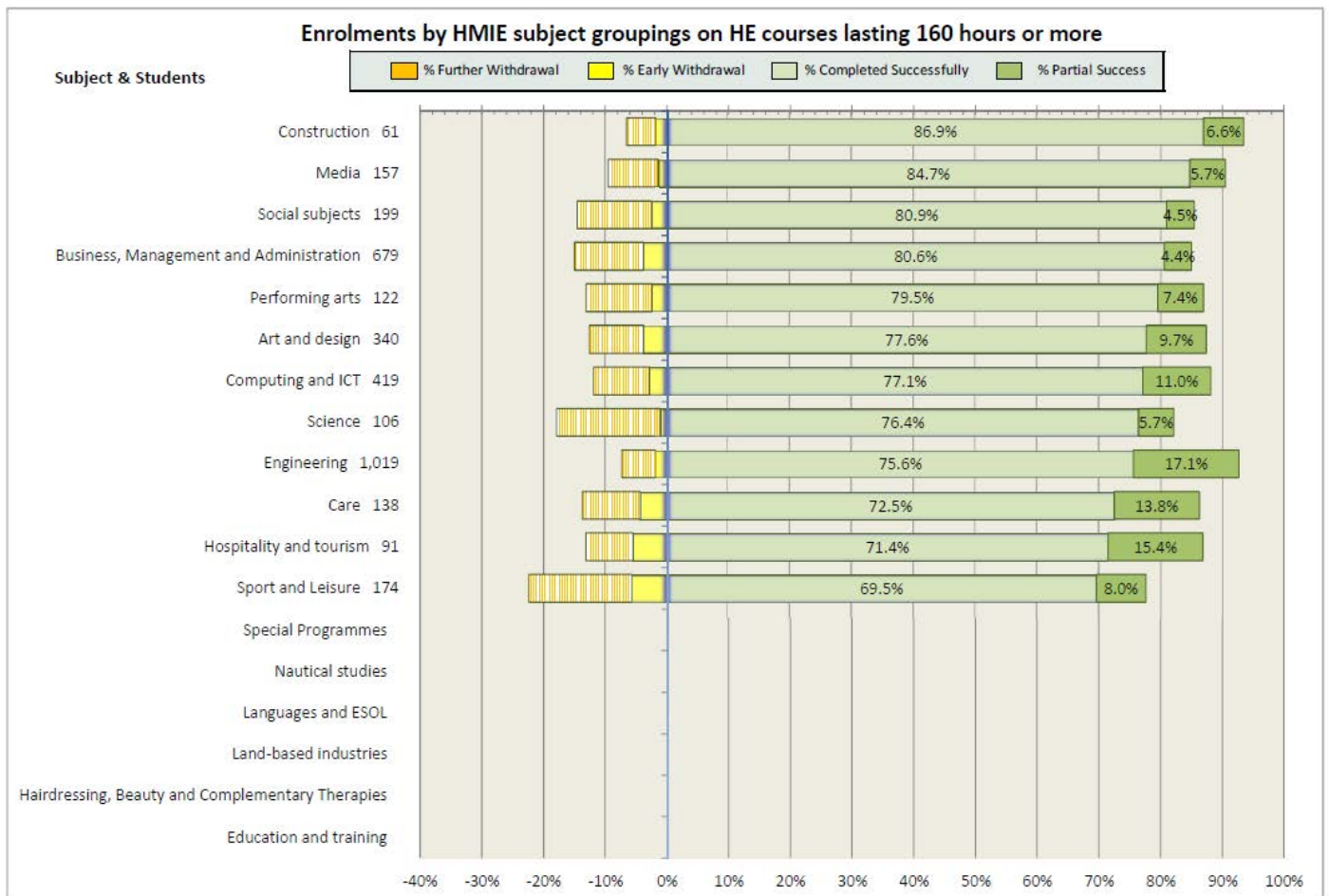
This chart provides more detailed information for the 368 students enrolled on HE programmes in 2015-16 who completed with partial success. It shows that 58% of these students gained at least 50% of the units they enrolled on, with 36% gaining at least 75% of the units on their programme. It should be noted that a high proportion of students who achieve partial success continue their studies into the next academic year, when they complete their qualification successfully.



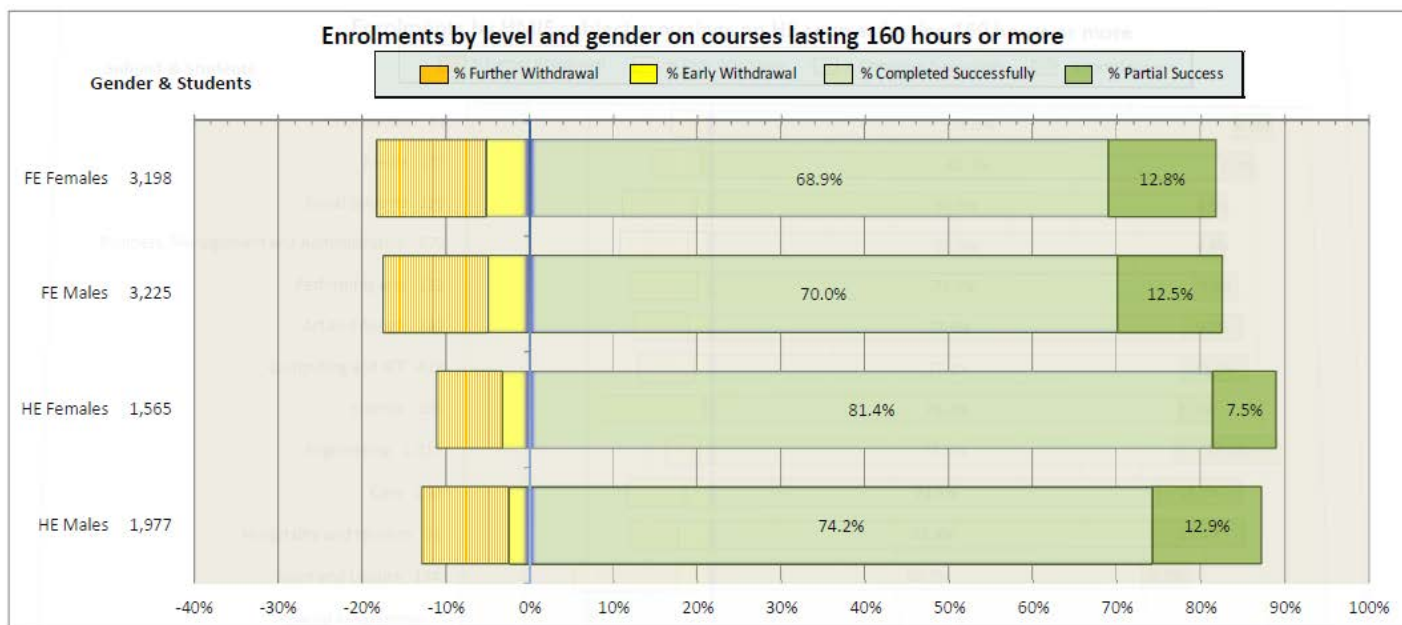
Those students who are in the age group 18-20 year olds were the highest to successfully complete their studies at 72.6%. The chart above show that students who are under 18 were the least likely to complete successfully than those in the older age groups although the difference was only 1%.



Eight of our FE subject areas achieved rates above 70% with Media being the highest at 83.7%. Both Nautical Studies and Language & ESOL achieved high success rates above 80%. Special Programmes had the lowest success rate at 56.9%



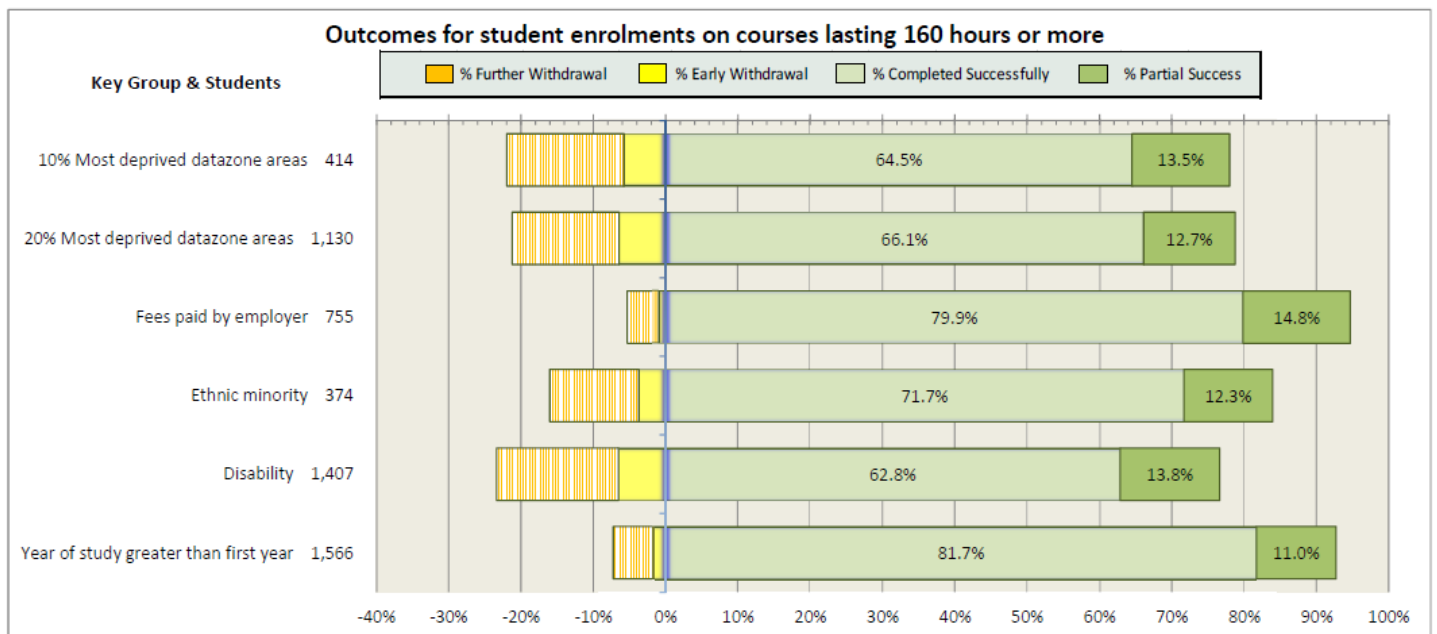
Four of our HE subject areas achieved rates above 80% with Construction the being the highest at 86.9%. Media, Social Subjects and Business, Management & Administration achieved high success rates above 80%. Sport and Leisure had the lowest success rate at 69.5%



Female student success rates are higher than their male counterparts at HE level with 81.4% successful in completing their course. This was a difference of 7.2%. Male success rates are slightly higher than their female counterparts at FE level with 70.0% successful in completing their course - a difference of 0.1%. For both FE and HE, the success rates for both males and females is higher than the sector average; the female success rate for further education programmes is 5% above the sector.

There are gender differences in the choices that people make in their chosen subjects with males more likely to choose Engineering, Construction, and Computing, while women are more likely to select Hairdressing, Beauty Therapy and Care.

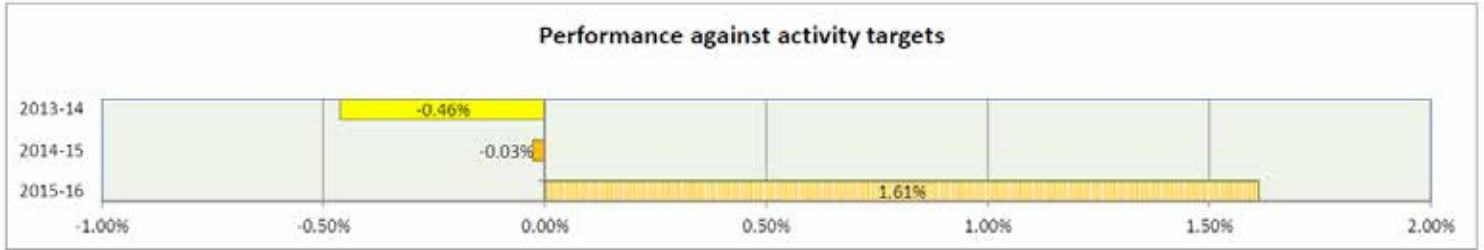
The College has in place an action plan to try to address gender inequality issues.



The chart above groups students into different categories depending on where they live, who has paid their fees, their ethnicity, whether they have declared a disability and whether they are at college for a second or subsequent year. Students from an ethnic minority achieve their qualifications at the same rate as the college population as a whole whereas students with a disability achievement rates are below the average.

Students who are sponsored by an employer was 79.9% - 4.2% below the sector average, while the success rate for students who return for a second or subsequent year of study is very high at 81.7% which is 0.4% above the sector average. Students often return for the next level of course in their chosen subject area or may be following a two or three-year programme such as an apprenticeship.

From the data contained within this report deprivation and poverty appear to be a big barrier to success with the learner success rate below the sector average of 65.7%.



The Scottish Funding Council's annual grant to the college sector allows courses to be provided free to eligible students. In return, the Scottish Funding Council expects the colleges to provide an agreed level of activity. This activity is measured in Credits, with each Credit equating to 40 hours of study. In 2015/16 North East Scotland College was required to deliver 136, 514 Credits. This graph shows that it delivered 101.61% of this target. The College manages its activity through careful curriculum planning and monitoring of activity.



## Indicative Funding Allocation, AY2017-18

### 1. Introduction

- 1.1. The purpose of this paper is to provide information to the Board of Management on the initial funding allocation AY2017-18 that was announced by the Scottish Funding Council on 10 February 2017.

### 2. Background

- 2.1. Under the system of financial accountability and management applying from 01 April 2014, the amount that boards of management are authorised to spend is limited to the amount of the institution's grant allocation for the (fiscal) year. In other words, a college is required to balance income and expenditure.

### 3. Current Year Budget

- 3.1. The Board of Management, at its meeting on 19 July 2016, considered and set the College budget for the academic year ending 31 July 2017 (AY2016-17). (The budget for the fiscal year to 31 March 2017 was derived from that budget.)
- 3.2. In setting a budget that was arithmetically balanced the Board recognised that the underlying budgetary gap at that time was some £1,800,000 and that further work was necessary during the year to achieve a balanced outturn by reducing the gap between income and expenditure.
- 3.3. As reported to the Board's Finance and General Purposes Committee in January 2017, the forecast outturn position is now that the College will achieve an operating balance for the academic year to 31 July 2017 and for the fiscal year to 31 March 2017. This is a result of the College's success in reducing costs and additional allocations of grant that were not known or foreseen at the time the budget was set.
- 3.4. The Board receives regular projections of the College's financial position over the coming 3 years based on knowledge of the (then) current operating position and best estimates of factors likely to impact on the College's finances.
- 3.5. In January 2017, the projection for the next 3 academic years was that the College would be in deficit each year:

Academic year 2017-18	£1,698,000
Academic year 2018-19	1,328,000
Academic year 2019-20	2,244,000

- 3.6. These projections are indicative estimates and not the product of a full budgetary process. They are forecast based on continuing to deliver our service as we do at present and are stated before mitigating actions.

#### 4. Funding Announcement

4.1. The SFC has announced allocations to the College for the next academic year. These are summarized below and shown against initial and latest allocations for the current academic year.

Grant	AY2017-18 (indicative)	+/- AY2016-17 (latest)	+/- AY2016-17 (indicative)
Teaching grant	£30,772,472	+£648,754	+£1,087,331
Student support	8,215,780	-645,479	+£631,689
Capital maintenance	1,664,311	-381,176	+412,943

4.2. The increased allocation for teaching and fee waiver grant consolidates some of the 'one-off' additional grants that the College has received this year and goes some way towards addressing anticipated cost pressures. The SFC has set the price of a credit at £224.10 for 2017-18 compared with £218.06, an increase of 2.8%.

4.3. Whilst the allocations for student support and capital maintenance are higher than initial allocations in 2016, they represent cuts from current levels of funding.

4.4. The measured volume of funded activity (measured in 'credits') to be delivered by the College in return for these grant allocations is the same in AY2017-18 as it was in AY2016-17.

4.5. The simplified funding formula introduced 2 years ago will, over time, address some of the historic inequalities in the funding methodology that the SFC uses to allocate grant to colleges. The College benefits from this due to its relative efficiency compared with other colleges. The financial effect in 2017-18 is that the College will receive £297,580 more than would have been the case under the historic funding model.

#### 5. Next Steps

5.1. The funding announcement is, on the face of it, better than expected, but there remains a need to continue to establish financial resilience for the College.

5.2. The funding announcement requires further analysis. It is intended that a draft budget for AY2017-18 be presented to the Board of Management for consideration in June 2017.

5.3. No information is available at the time of writing on the basis on which final grant allocations will be made for 2017-18.

#### 6. Recommendation

6.1. It is recommended that the Board note the information provided in this paper.

**Liz McIntyre**  
Principal

**Roddy Scott**  
Vice Principal Finance

## **Equality Outcomes 2017-21**

### **1. Introduction**

- 1.1 The purpose of this paper is to consult with the Board of Management on the College's Equality Outcomes for 2017-21.

### **2. Background**

- 2.1 The Public Sector Equality Duty has General and Specific Duties.
- 2.2 The General Duty requires Public Authorities, in the exercise of their functions, to have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct.
  - Advance equality of opportunity between people who share a relevant protected characteristic and those who do not.
  - Foster good relations between people who share a protected characteristic and those who do not.

These are known as the "3 Needs".

- 2.3 The Specific Duty requires Public Authorities to:
- Report on mainstreaming the equality duty
  - Publish equality outcomes and report progress
  - Gather and use employee information
  - Publish gender pay gap information
  - Publish statements on equal pay

- 2.4 The College is due to publish all of the above by 30 April 2017.

### **3. Equality Outcomes**

- 3.1 An equality outcome is defined as a result which you aim to achieve in order to further one or more of the needs mentioned in the General Equality Duty.
- 3.2 The College currently has a set of Equality Outcomes which will be reported on at the Board Meeting due to be held on 14 March 2017.
- 3.3 Attached at Appendix 1 are the proposed new Equality Outcomes for 2017-2021. These are currently out for consultation with key internal and external stakeholders. These are:

#### **Equality Outcome 1**

The College's gender pay gap will be reduced by addressing the causes of gender inequality to create a more equal and balanced workforce with men and women being more equally represented at all levels in the organisation.

#### **Equality Outcome 2**

The attainment gap for students with disabilities will be reduced by ensuring an inclusive and accessible learning environment which will enable them to maximise their chances of attaining the skills, knowledge and qualifications needed to achieve their full potential and progress to further/higher education or employment.

**Equality Outcome 3**

Opportunities will be created in targeted curriculum areas to address gender imbalance and stereotyping. The College will aim to eliminate the barriers to subject choice and thereby enable all students to maximise their education and employment opportunities.

**Equality Outcome 4**

The College and its Regional partners will work together to reduce inequality and remove barriers to attainment and employment across all protected characteristics to meet the aspirations of community planning regionally.

- 3.4 These outcomes have been set using all the data, evidence and information currently available. They are intended to be high level outcomes, the impact of which can be measured.

**4. The Next Steps**

- 4.1 The Equality Outcomes are subject to final endorsement by the Board at its meeting of 14 March 2017, along with the College's Equalities Mainstreaming Report. They will be delivered via an Action Plan.
- 4.2 Once finalised they will be published on the NESCol website.
- 4.3 The Equality and Diversity Strategy Group will lead on taking forward the actions as identified and will report back through the Standing Committees and to the Board as appropriate.

**5. Recommendation**

- 5.1 It is recommended that the Board consider the information in this paper.

**Liz McIntyre**  
Principal

**Elaine Hart**  
Vice Principal Human Resources

## DRAFT EQUALITY OUTCOMES 2017-21

### Equality Outcome 1

*The College's gender pay gap will be reduced by addressing the causes of gender inequality to create a more equal and balanced workforce with men and women being more equally represented at all levels in the organisation.*

#### Evidence

The College has an overall gender pay gap of 14% (mean) and a part-time pay gap of 23% (mean), which are caused by occupational segregation. In particular, there is a clear predominance of female staff grouped in lower support staff grades (1-5), mainly undertaking administrative roles. The majority of male staff are group at Lecturer Grade 4.

More women than men work part-time (in both lecturing and support roles). The majority of part-time women work in support roles, with a cluster working in the lowest paid support grades. At senior grades, very few staff work part-time.

### Equality Outcome 2

*The attainment gap for students with disabilities will be reduced by ensuring an inclusive and accessible learning environment which will enable them to maximise their chances of attaining the skills, knowledge and qualifications needed to achieve their full potential and progress to further/higher education or employment.*

#### Evidence

Based on the data available the disability attainment gap is the most consistent difference across all schools and therefore suggests a real imbalance that needs to be addressed by the College. Attainment gaps for other protected characteristics are not quite as clear and are perhaps influenced by other factors. Therefore there needs to be an on-going commitment to analyse and address other significant attainment gaps at local levels but to focus on disability as the main outcome.

#### Sex – Outcomes for Full time Students in 2015-16

	<i>No of Enrols</i>	<i>% Enrols</i>	<i>Early W'drawal</i>	<i>Further W'drawal</i>	<i>Partial Success</i>	<i>Success</i>
Male	3265	47%	5.5%	14.9%	11.1%	68.4%
Female	3620	53%	5.5%	12.9%	8.0%	73.7%

Females are more likely to be completely successful than males in all schools.

### Disability - Outcomes for Full time Students in 2015-16

<i>Group</i>	<i>Enrols</i>	<i>% Enrols</i>	<i>Early W'drawal</i>	<i>Further W'drawal</i>	<i>Partial Success</i>	<i>Success</i>
No disability	5846	84%	5.1%	13.2%	9.0%	72.7%
Declared Disability	1098	16%	7.6%	17.9%	12.3%	62.4%

Students with a declared disability are less likely to complete successfully 72.7%:62.4%

### Age - Outcomes for Full time Students in 2015-16

<i>GROUP</i>	<i>ENROLS</i>	<i>% ENROLS</i>	<i>Early W'drawal</i>	<i>Further W'drawal</i>	<i>Partial Success</i>	<i>Success</i>
<16	33	0%	6%	21%	15%	58%
16-19	3937	57%	5%	14%	11%	70%
20-24	1506	22%	6%	14%	9%	71%
>24	1409	20%	7%	12%	6%	74%

Complete success rates rise with age group overall. There are very small numbers of students under 16 so data is unreliable but suggests they are more likely to withdraw in some areas.

### Sexual Orientation – Outcomes for Full time Students in 2015-16

<i>Group</i>	<i>Enrols</i>	<i>% Enrols</i>	<i>Early W'drawal</i>	<i>Further W'drawal</i>	<i>Partial Success</i>	<i>Success</i>
Heterosexual	5537	80%	5%	13%	9%	72%
Gay Man	72	1%	7%	17%	1%	75%
Gay Woman	56	1%	9%	18%	4%	70%
Bisexual	126	2%	7%	21%	12%	60%
Other	140	2%	6%	21%	11%	63%
PNTS	951	14%	7%	15%	11%	68%

A significant proportion of students (14%) prefer not to state their sexual orientation. All other groups are more likely than heterosexuals to withdraw from courses.

Ethnicity - Outcomes for Full time Students in 2015-16

<b>Group</b>	<b>No. Enrolled</b>	<b>No. Enrolled %</b>	<b>Early W'drawal</b>	<b>Further W'drawal</b>	<b>Partial Success</b>	<b>Complete Success</b>
Scottish	4905	71%	6%	15%	10%	69%
British	292	4%	5%	8%	12%	75%
English	232	3%	6%	12%	10%	73%
Polish	473	7%	3%	11%	7%	80%
Any other White	633	9%	5%	9%	7%	79%
All Other	349	6%	4%	13%	10%	74%

**Of the 20 ethnic groups represented, only 5 have enrolments greater than 1%, with 78% Scottish, English or British and a further 16% Polish or other white background.**

In general, success rates for Scottish students are slightly lower than those in other groups.

**Equality Outcome 3**

*Opportunities will be created in targeted curriculum areas to address gender imbalance and stereotyping. The College will aim to eliminate the barriers to subject choice and thereby enable all students to maximise their education and employment opportunities.*

Evidence:

**The Scottish Government** is working to reduce and remove the barriers faced by women and men in Scotland across a range of social and economic spheres and has set out its gender equality objectives.

Aims and Milestones

<b>Aim</b>	<b>Milestone</b>
By 2021, increase by 5% the minority gender share in each of the 10 largest and most imbalanced 'super classes' among 16-24 year olds.	Increase by 4.2% by 2019-20
By 2030, no subject has an extreme gender imbalance (75:25)	50% reduction in the number of college subjects in this category by 2025
By 2030, the gap between male and female participation in undergraduate study is reduced from 15.4% gap to 5%	We will look to have reduced this gap to 13.6% in 2019-20.

The SFC has identified the following subject areas in Colleges with severe imbalances (greater than 75% of one gender)

<b>Female under-representation</b>
<b>Construction</b>
<b>Building/Construction Operations</b>
<b>Building Services</b>
<b>Engineering/Technology</b>
<b>Mechanical Engineering</b>
<b>Electrical Engineering</b>
<b>IT: Computer Science/Programing/Systems</b>
<b>Vehicle Maintenance/Repair</b>
<b>Male under-representation</b>
<b>Child Care Services</b>
<b>Hair/Personal Care Services</b>

SFC will ask colleges to develop their own Gender Action Plans (GAPS) to outline the actions they will undertake to address the aims of the plan, with a specific focus on actions to enhance the key five themes. This will be done annually through the outcome agreement process and the first round of GAPS are expected by July 2017.

NESCol has been part of the ECU Attracting Diversity in Student Recruitment Project. As part of this project we have identified two key areas of gender imbalance to focus on, Men into Care and Women into Computing. The other areas identified by the SFC are also areas of gender imbalance in the College.

NESCol Data

Gender Balance of students on Full time programmes in 2015-16

ALL SCHOOLS		
	<b>No of Enrols</b>	<b>% Enrols</b>
Male	3265	47%
Female	3620	53%
Creative Industries, Computing and Business Enterprise		
	<b>No of Enrols</b>	<b>% Enrols</b>
Male	1251	43%
Female	1633	57%



Engineering, Science and Technologies		
	<i>No of Enrols</i>	<i>% Enrols</i>
Male	1399	86%
Female	234	14%
Service Industries		
	<i>No of Enrols</i>	<i>% Enrols</i>
Male	606	26%
Female	1749	74%

Sex distribution is relatively even across the college (47% male to 53% female) but this masks significant imbalance in the Schools and individual courses. Engineering Science and Technologies (EST) is heavily male dominated, whilst Service Industries (SI) is heavily female dominated. Creative Industries, Computing and Business Enterprise (CICB) has a less extreme predominance of females.

#### **Equality Outcome 4**

*The College and its Regional partners will work together to reduce inequality and remove barriers to attainment and employment across all protected characteristics to meet the aspirations of community planning regionally.*

Evidence:

NESCol is a lead partner with Community Planning Aberdeen and Community Planning Aberdeenshire in the delivery of Local Outcome Improvement Plans and Locality Plans and this outcome is intended to demonstrate our commitment to working regionally with our community planning partners to deliver a curriculum that meets the needs of the local communities we serve.



## Senior Independent Member

### 1 Introduction

- 1.1 The purpose of this paper is to provide the Board of Management with information on the understanding and development of the role of the Senior Independent Member.

### 2 Role of the Senior Independent Member

- 2.1 The role of the Senior Independent Member (SIM) is described in general terms in the sector's Code of Good Governance:

“A14. The board must appoint one of the non-executive members to be the senior independent member to provide a sounding board for the chair and to serve as an intermediary for the principal, other board members and the board secretary when necessary (see Annex 1 for the definition of 'non-executive'). The senior independent member should also be available where contact through the normal channels of chair, principal or secretary has failed to resolve an issue or for which such contact is inappropriate. Further information on the role of the senior independent member can be found in The Guide for Board Members in the College Sector.”

“D24. The board must agree a process for evaluating the effectiveness of the board chair and the committee chairs. The evaluation of the board chair should normally be led by the vice-chair/senior independent member.”

- 2.2 Until now, few colleges have had cause to make use of their SIMs, except with regard to the Chair appraisal process. In some instances, the post has been explicitly linked with that of the Vice Chair while in others a conscious decision has been taken to differentiate the post from that of the Vice Chair/Chair of Audit etc in order to protect its independence from the Chair.

### 3 Current Implementation of the Role

- 3.1 On 07 December 2016 the College Development Network held a Networking Event to assist in more clearly understanding the role, how it was being implemented in other colleges and how it may be developed. Nearly all colleges were represented at the Event, as was the Scottish Funding Council.

- 3.2 It was noted in discussion that the roles currently undertaken by SIMs included:

- Organising the Chair's appraisal including coordinating Board Member views, providing feedback to the Chair (orally and/or in writing). Some SIM's are doing this in conjunction with the Vice Chair, others are doing it themselves and others hold both roles in any case
- Addressing any issues with the Chair that are raised with the SIM by board members, the Principal or senior staff
- Drawing matters to the attention of the Board if they are not mentioned by the Chair
- Acting as a link to the rest of the Board for the Board Secretary if he/she is concerned about a Chair's decision on the information provided to the Board
- Sounding board/confidante for the Chair, individual Board Members, Principal and in some cases SMT
- Hearing appeals over the removal of a Board Member
- Ex officio Vice Chair or Remuneration Chair.

- 3.3 It was agreed that it would be helpful to have a common understanding of the role of the SIM in order to inform their appointment process, ensure that postholders understand what is expected of them and that other Board Members and the Board Secretary know what they can expect from the postholder.

#### **4 Attributes of a SIM**

4.1 It was agreed that when appointing a SIM, Boards should give careful consideration to the personal attributes required of that postholder. The following attributes were suggested:

- Seen as having personal integrity and being independent of the Chair and Principal
- Experienced in and knowledgeable of the requirements of good governance and collective responsibility
- Respected by all Board Members and able to engage constructively with all concerned
- Ability to consider matters calmly and constructively, striking an appropriate balance between support and challenge.

4.2 It was agreed that it should be for each Board to decide whether the SIM also holds other senior roles e.g. Vice Chair, Chair of Audit but, in doing so, Boards must satisfy themselves that any additional roles will not undermine the individual's ability to fulfil the role of SIM – the role of SIM is set out in the Code of Good Governance and is therefore a condition of grant. When appointing the SIM, Boards may wish to give consideration to how long the appointment should last.

#### **5 Proposed SIM Role Description**

5.1 The Senior Independent Member is appointed by the Board as a whole to provide advice and guidance to the Board Chair, as required and on its members' behalf, in order to support good standards of corporate governance and the maintenance of collective responsibility. Situations in which that advice and guidance may be required include:

- a) Leading the annual appraisal of the Board Chair, alone or in conjunction with the Vice Chair including ensuring
  - i. All Board Members have an opportunity to express their views on the Chair's performance over the last year and areas for development over the coming 12 months
  - ii. The Chair is given the opportunity to understand and discuss the collective views with the SIM
  - iii. An annual development plan is agreed with the Chair and the SIM ensures the Board is informed of its content
  - iv. If required, the SIM facilitates the provision of information from the appraisal process to the Chair's appointing body (Scottish Government or the Regional Strategic Body).
  
- b) Intervening with the Chair, on behalf of the Board, if Board Members, the Board Secretary or senior staff are concerned that the Chair's actions are undermining good standards of corporate governance and the maintenance of collective responsibility, including if the Chair
  - i. Is unable to fulfil the responsibilities set out in the letter of appointment
  - ii. Fails to make pertinent information available to the Board as a whole
  - iii. Undermines the collective responsibility of the Board as a whole
  - iv. Acts in a manner which brings the Board into disrepute, including failing to address personal conflicts of interest
  - v. Is unable to work with the Principal to ensure that the staff of the organisation provide the Board with the service required, including adequate sources of information and assurance and delivery of performance.
  
- c) Acting as a sounding board for the Chair in pursuit of good standards of corporate governance and collective responsibility.

5.2 Should a SIM ever have serious concerns about the propriety, regularity or governance of the college, and these cannot be resolved satisfactorily with the Chair, they should inform the Scottish Funding Council or, in the case of an assigned college, the relevant Regional Strategic Body.

## **6 Role of the SIM in Chair's Appraisal**

6.1 It was clear from the discussions that took place that the process undertaken by the Vice Chair as SIM at North East Scotland College to appraise the Chair is robust and indeed more developed than in some Colleges. It does not appear necessary to alter this process although, as already reported, the inclusion of an individual report from the Principal would be added to future appraisals.

## **7 Development of the Role**

7.1 It was requested that further Networking Events be scheduled in order to discuss the development of the role and to share common good practice or experiences. To date no further events have been intimated.

## **8 Recommendation**

8.1 It is recommended that the Board note and discuss the information provided in this paper.

**Doug Duthie**

Vice Chair & Senior Independent Member



## The Future of North East Scotland College Students' Association

### 1. Purpose

- 1.1 The purpose of this paper is to update the Board of Management on the work that has been carried out into the future of the Students' Association (SA) and the way forward that has been agreed by the SA Trustee Board.

### 2. Background

- 2.1 The Learning & Teaching and Student Services Committee has received various reports over the last year regarding the future of the SA and the continuance of its status as an unincorporated charity, separate to the College.

- 2.2 Following an independent review conducted by the National Union of Students in April 2016 on behalf of the SA Trustee Board, a Joint Review Group (JRG), consisting of representatives from the College Board, the SA Trustee Board, College management, the SFC, the NUS and the SA was set up.

- 2.3 The JRG considered the following specific recommendations from the NUS Review:

- The SA should consider the advantages and disadvantages of its charitable status, and whether losing its charitable status would be of longer term benefit.
- The SA should open discussions with the college about whether any of its functions could be integrated into college systems for greater efficiency without significant loss of autonomy.
- The funding model for the association should be reassessed and its level of funding should be increased to a minimum of £100,000.

- 2.4 The JRG completed its work in January 2017 and made the following recommendation:

"Based on the report from the NUS and this further research the recommendation is that the charitable status of the SA is dissolved"\*

*\* Subsequent legal advice is that the SA is not dissolved but request to be removed from the Scottish Charities Register*

### 3. Removal of Charitable Status of the SA

- 3.1 At its meeting on 08 February 2017, the SA Trustee Board considered the recommendations of the NUS Scotland Report, dated April 2016, and the report of the Joint Review Group, dated 10 January 2017. It also fully considered the advantages and disadvantages of remaining as an unincorporated charity. The issues and difficulties of remaining an unincorporated charity being noted as follows:

- Isolation and lack of partnership working with the College
- An inability to focus on the true purpose of a Students' Association i.e. student representation and engagement and deliver the framework
- Unnecessary costs associated with running a small business, including accountancy costs totalling £18,000 2015-16 and Employer Liability Insurance at a cost of £1,800
- A heavy legal and administrative burden of running a Trustee Board and being answerable to OSCR
- Ambiguous legal status – this causes a number of difficulties in terms of the employment of sabbatical officers and the risks the SA might face in terms of legal claims against it
- A need to rely on generating commercial income which again significantly detracts from the role of the SA to be the student voice
- The high costs of the running the SA in this way mean that the block grant provided by the College is insufficient.

3.2 The Trustee Board also noted that the College had made the following commitment to the Trustees, signed by the Principal:

“Commitment from North East Scotland College to the Trustee Board of the Student Association on the cessation of Charitable Status:

- To hold the Association's assets in trust for the purposes of the Association to enable it to function democratically and represent the interests of its student members;
- To allocate a budget for the functions and activities of the Association based on an operational plan and to ensure its ongoing sustainability; and
- To provide appropriate levels of support from College support services to assist the Association in delivering the functions and activities of the Association and enable the delivery of the agreed Student Association Operational Plan.”

3.3 Legal advice was also considered and it was agreed that the best option was to apply to OSCR to have the existing SA removed from the charities register and adopt a new constitution for the non-charitable SA.

3.4 Therefore, in the best interests of the SA going forward, the SA Trustee Board passed the following resolutions:

- (i) That the whole of the assets and undertaking of the Association be transferred (for nil consideration) with effect from 01 April 2017 to the College on the basis that the said assets and undertaking of the Association be held by the College in trust for the purposes of the Association.
- (ii) That an application for removal from the Scottish Charity Register, in accordance with section 18 of the Charities and Trustee Investment (Scotland) Act 2005, be submitted to OSCR in due course.

3.5 The Trustee Board also agreed the Action Plan attached as Appendix 1 to this paper.

#### **4 Assets and Liabilities**

4.1 As noted above, all assets must be held in trust by the College for the purposes of the Association.

4.2 The current assets are as follows:.

- Reserves: £16,057.26
- Current Account: £18,990.80 (boosted by one off Pension fund refund Dec 2016 of £7,481.14)

NB: accounting is in academic not financial year.

4.3 It should be noted that the SA still has to pay substantial accountancy and audit costs this financial year. Among other major outgoings are printer lease and printer costs, conferences, travel expenses and NUS Affiliation Fees.

4.4 Given the above, the SA will be exercising extreme budgetary caution. Strict budget control has been maintained within the parameters of the budget forecast previously provided to the Learning & Teaching and Student Services Committee with no anticipated major overspends.



4.5 Liabilities could be as follows:

- Fees related to early termination of printer contracts (last quoted as £3849.11 plus VAT)
- Any remaining debts to bus companies in respect of tickets sold at point of dissolution
- Outstanding payment to auditors/accountants at point of change
- Any legal fees incurred during process of dissolution
- Early termination of Insurances.

## **5 Next Steps**

5.1 Attached as Appendix 1 is an action plan to remove the charitable status and move the SA forward.

5.2 It is worth reminding the Board of the following:

5.2.1 The Framework for Strong and Effective Students' Associations in Scotland. An overview of the Framework is attached as Appendix 2. A full copy can be found at: <http://www.saframework.co.uk/>. This Framework is the key driver for the SA going forward.

5.2.2 The legal obligations of the Board with regard to the proper running of the College's SA. Attached as Appendix 3 is an overview of this legislation which falls under the 1994 Education Scotland Act and the Post-16 Education (Scotland) Act 2013.

5.3 Key to developing a strong and effective SA for NESCol is the development and implementation of a Partnership Agreement, along with a Strategic Plan. Work has already commenced on the Strategic Plan and we will be working with the support of SPARQS to develop our partnership agreement.

5.4 A draft budget will be prepared for consideration by the Learning & Teaching and Student Services Committee and also as part of the College's normal budgetary procedures.

5.5 The SA will also need to become fully integrated into College support functions.

## **6 Conclusion**

6.1 The removal of the SA from the Scottish Charities Register has significant advantages and will enable the SA to use its resources effectively to fulfil its primary function of being the representative and democratically elected voice of our students.

6.2 Changing the way the SA is structured and operated will mean that the Board will be able to fully fulfil its legal obligations and the College, the SA and ultimately our students will be able to reap the benefits of true partnership working.

## **7. Recommendation**

7.1 It is recommended that the Board note the contents of this paper.

**Liz McIntyre**  
Principal

**Elaine Hart**  
Vice Principal Human Resources



**Action Plan (Updated 8 February 2017)**

Action	Date
Seek approval from SA Trustee Board to dissolve	8 February 2017
Apply to OSCR to remove SA from the Scottish Charities Register (28 days) During this period: <ul style="list-style-type: none"> <li>• Identify assets and liabilities and undertake legal requirements.</li> <li>• Develop and appoint to Student Association Engagement Coordinator role</li> <li>• Re-profile budget spend from 1/4/17 to 31/7/17</li> <li>• Prepare draft budget for 17/18</li> </ul>	w/c 13 February 2017
SA removed from Charities Register by	31 March 2017
Constitute new NESCol SA	1 April 2017
Re-write Constitution and Schedules Develop Strategic Plan Develop Partnership Agreement	By 30 June 2017





**Framework**  
for the Development of Strong and Effective  
College Students' Associations in Scotland

**nus** scotland  
National Union of Students

**Colleges**  
Scotland

[www.saframework.co.uk](http://www.saframework.co.uk)  
Scottish Funding Council  
The Scottish Funding Council  
www.scottishfundingcouncil.gov.uk

The way in which your students' association and college work together enables students to represent themselves and create change.

### Principles

How well are the five Principles embedded in the culture of the students' association and the college?

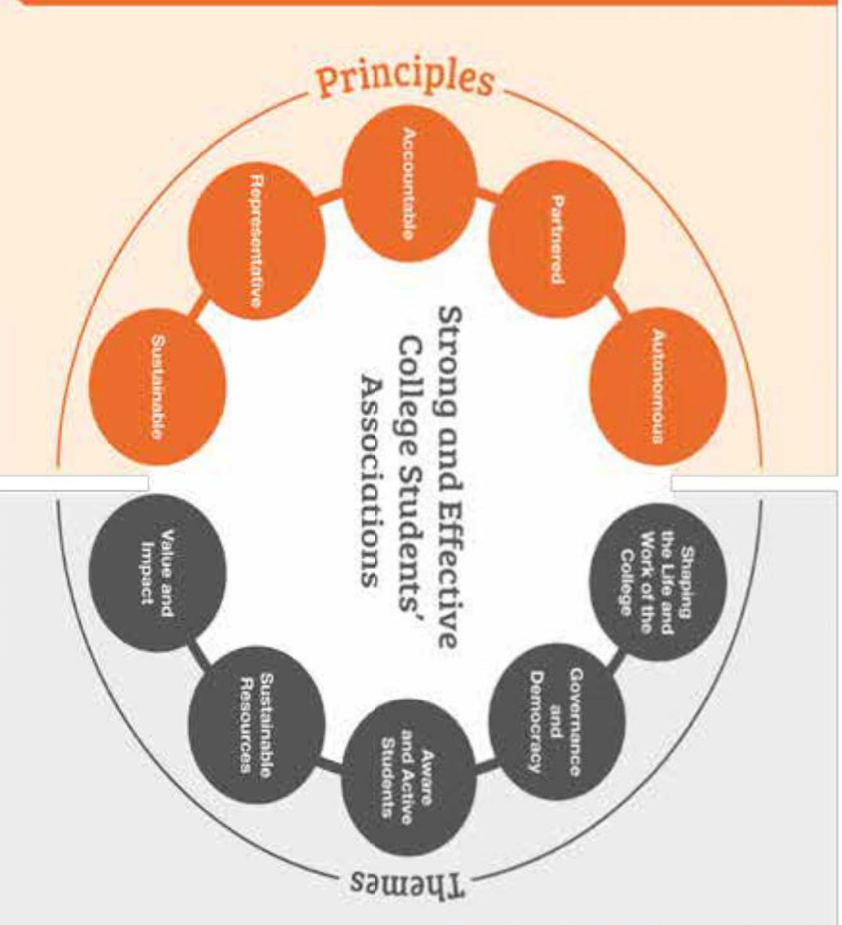
**Autonomous**  
Is the students' association able to speak and act autonomously?

**Partnered**  
Does the students' association and the college have a strong, positive relationship and work in partnership?

**Accountable**  
Is the students' association accountable to the right people for its policies, priorities, and governance?

**Representative**  
Is the students' association's mandate set by its students, and is it able to represent their interests and achieve change on their behalf?

**Sustainable**  
Is the students' association able to sustain its planning, development, and relationship with the college over multiple years?



### Themes

Does the students' association and college have processes, procedures, and structures in place which the able the students' association to represent the interests of its students and to create positive change on their behalf?

**Shaping the Life and Work of the College**  
What processes and procedures are in place to ensure that the students' association has the ability to shape decisions which impact on the student experience?

**Governance and Democracy**  
Does the association have an effective democratic structure in place which enables it to function democratically and represent the interests of its student members?

**Aware and Active Students**  
What processes and procedures are in place to ensure that all students are aware of the purpose of the students' association, and are active within it?

**Sustainable Resources**  
Does the students' association have the resources and support it needs to function effectively and deliver its core representative purpose?

**Value and Impact**  
What processes and procedures are in place that support the students' association to identify its aims and objectives, plan its delivery, and measure its impact?



## LEGISLATION SUPPLEMENT: REFERENCES TO STUDENTS' ASSOCIATIONS IN LEGISLATION

This Supplement summaries key pieces of legislation relevant to students' associations.

### Requirement to have a students' association

- **Colleges must seek to ensure the interests of their students are represented by a students' association.**

The effect of section 7(2)(fa) of the Further and Higher Education (Scotland) Act 2005 (the 2005 Act) is to require colleges to have suitable arrangements for the purpose of seeking to ensure that the interests of their students are represented by a students' association. The provision is framed this way because it is not solely a matter for colleges that there is a functioning students' association.

Failure to have suitable arrangements of the type described in section 7(2) of the 2005 Act could mean, where relevant, (a) a college is removed from the list of bodies the Scottish Funding Council (SFC) can generally fund for education purposes<sup>1</sup>; (b) board members are removed from of an incorporated college board<sup>2</sup> or (c) a non-incorporated college is unassigned from its regional strategic body<sup>3</sup>.

### Duties on incorporated college boards to ensure their students' association is democratic and accountable

- The Education Act 1994 (the 1994 Act) does not require colleges to have a students' association. **Where there is an association, 1994 Act places duties on the board of management of an incorporated college to ensure the association is democratic and accountable.**

Section 22 of the 1994 Act places duties on the board of management of every incorporated college to take such steps as are reasonably practicable to secure that any students' union for students at the establishment operates in a fair and democratic manner and is accountable for its finances<sup>4</sup>. A students' association covered by this Framework is type of student's union<sup>5</sup> for the purposes of Part 2 of the 1994 Act. The Appendix to this Annex reproduces section 22 of the 1994 Act, as amended (as at March 2015).

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<sup>1</sup> Under section 7(2) of the 2005 Act, the Scottish Funding Council (SFC) must have regard to the desirability that every college included in schedule 2 to that Act has in SFC's opinion, suitable provisions, procedures and arrangements of the type described in that subsection.

<sup>2</sup> Ministers have powers under section 24 of the Further and Higher Education (Scotland) Act 1992 to remove by order any or all board members of an incorporated college (other than the principal) if it appears to them the board has failed on particular grounds. These grounds include being informed by the SFC that a college no longer has suitable provisions, procedures and arrangements of the type described in section 7(2) of the 2005 Act.

<sup>3</sup> The SFC has powers under section 7C(7) of the 2005 Act to review, where it considers it appropriate, whether an assigned college has suitable provisions, procedures and arrangements of the type described in that subsection 7(2) of that Act.

<sup>4</sup> The governing bodies of the establishments in Scotland described in section 21(2) of the 1994 Act have duties under section 22 of that Act.

<sup>5</sup> Section 20 of the 1994 Act defines the term "students' union".

## Incorporated college boards

- **There must be two student members of an incorporated college board.**

	<b>Paragraph in Schedule 2 to 1992 Act</b>
<b>Specific to regional college boards</b>	
Two persons are to be appointed by being nominated by the students' association from among the students of the college	3(2)(e)
<b>Specific to assigned incorporated college boards</b>	
Two persons are to be appointed by being nominated by the students' association from among the students of the college	3A(2)
<b>Common to all incorporated college boards</b>	
Student members hold office until 31 August following their appointment	5(2)(b)
Student members must vacate office if they cease to be a student of the college	5(2G)

## Regional Boards<sup>6</sup>

- **There must be two student members of a Regional Board.**

	<b>Paragraph in schedule 2B to 2005 Act</b>
Two student members are to be appointed to the board in accordance with paragraph 4 of that schedule [nomination by students' association of an assigned college and in some circumstances following election]	3(2)(e)
Student members hold office until 31 August following their appointment	7(2)(d)
A student member must vacate office if they cease to be a student of one of the board's colleges	7(7)

## Duties to collaborate with students' associations

- **Regional colleges and regional strategic bodies must seek to secure the collaboration of students' associations.**

<b>Regional colleges</b>	Must, so far as is consistent with the proper exercise of its functions, seek to secure the collaboration of its students' association.	Section 23B(5)(b) of the 2005 Act
<b>Regional strategic bodies</b>	Must, so far as is consistent with the proper exercise of its functions, seek to secure the collaboration of any or all of the students' associations of the colleges assigned to it.	Section 23M(3)(c) of the 2005 Act

<sup>6</sup> A Regional Board is the type of regional strategic body that only has regional strategic body functions. It has its constitution set out in schedule 2B to the 2005 Act. One Regional Board has been established, the Glasgow Colleges' Regional Board.



## Duties to consult students' associations

- **Regional colleges, regional strategic bodies, Scottish Ministers and the SFC have duties to consult students' associations.**

<b>Regional colleges</b>	Must consult must, where it considers it appropriate to do so in the <b>exercise of its functions</b> , consult its students' association	Section 23B(3)(b) of 2005 Act
<b>Regional strategic bodies</b>	Must, where it considers it appropriate to do so in the <b>exercise of its functions</b> , consult any of the students' associations of the colleges assigned to it.	Section 23M(1)(c) of 2005 Act
	Before giving <b>directions</b> , must consult the students' association of every college to which the direction relates	Section 23N(4)(c) of 2005 Act
	Before making a <b>transfer requirement</b> must consult the students' association of every college to which the requirement relates	Section 23O(3)(c) of 2005 Act
<b>Scottish Ministers</b>	Before making <b>regulations</b> (in relation to incorporated colleges, must consult the students' association of each college to which the regulations relate	Section 3(7)(c) of 1992 Act
	Before making an order to <b>close or merge a college or designate it as a higher education institution</b> , must consult the students' association of each such college.	Section 5(1A)(b)(iv) of 1992 Act
	Before issuing <b>appointments guidance</b> to a regional college or a regional strategic body (in relation to appointments to an assigned incorporated college), must consult the relevant students' associations.	Paragraph 3C(2)(d) of Schedule 2 to the 1992 Act
	Before making an order to <b>designate a regional college</b> , must consult the college's student's association	Section 7A(2)(c) of 2005 Act
	Before making an order to <b>assign a college to a regional strategic body</b> , must consult the students' associations of the colleges to which the order relates	Section 7C(6)(d) of 2005 Act
	Before making an order to <b>modify some circumstances where college consent must be obtained before a regional strategic body can require a transfer</b> , must consult the students' association of each college assigned to a regional strategic body to which the order relates	Section 23O(13)(d) of 2005 Act
<b>SFC</b>	When conducting a <b>review of further and higher education</b> , the SFC must consult the students' association of any post-16 education body <sup>7</sup> to which the review relates	Section 14A(4)(d) of 2005 Act

<sup>7</sup> A post-16 education body is a term that includes colleges and universities generally eligible to be funded for education purposes by the SFC and colleges assigned to a regional strategic body.



**INFORMAL CONSOLIDATION OF SECTION 22 OF EDUCATION ACT 1994, AS AMENDED (AS AT MARCH 2015)**

**Requirements to be observed in relation to students' unions**

(1) The governing body of every establishment to which this Part applies shall take such steps as are reasonably practicable to secure that a students' union for students at the establishment operates in a fair and democratic manner and is accountable for its finances.

(2) The governing body shall in particular take such steps as are reasonably practicable to secure that the following requirements are observed by or in relation to any students' union for students at the establishment—

(a) the union should have a written constitution;

(b) the provisions of the constitution should be subject to the approval of the governing body and to review by that body at intervals of not more than five years;

(c) a student should have the right—

(i) not to be a member of the union, or

(ii) in the case of a representative body which is not an association, to signify that he does not wish to be represented by it,

and students who exercise that right should not be unfairly disadvantaged, with regard to the provision of services or otherwise, by reason of their having done so;

(d) appointment to major union offices should be by election in a secret ballot in which all members are entitled to vote;

(e) the governing body should satisfy themselves that the elections are fairly and properly conducted;

(f) a person should not hold sabbatical union office, or paid elected union office, for more than two years in total at the establishment;

(g) the financial affairs of the union should be properly conducted and appropriate arrangements should exist for the approval of the union's budget, and the monitoring of its expenditure, by the governing body;

(h) financial reports of the union should be published annually or more frequently, and should be made available to the governing body and to all students, and each such report should contain, in particular—

(i) a list of the external organisations to which the union has made donations in the period to which the report relates, and

(ii) details of those donations;

(i) the procedure for allocating resources to groups or clubs should be fair and should be set down in writing and freely accessible to all students;

(j) if the union decides to affiliate to an external organisation, it should publish notice of its decision stating—

- (i) the name of the organisation, and
- (ii) details of any subscription or similar fee paid or proposed to be paid, and of any donation made or proposed to be made, to the organisation,

and any such notice should be made available to the governing body and to all students;

(k) where the union is affiliated to any external organisations, a report should be published annually or more frequently containing—

- (i) a list of the external organisations to which the union is currently affiliated, and
- (ii) details of subscriptions or similar fees paid, or donations made, to such organisations in the past year (or since the last report),

and such reports should be made available to the governing body and to all students;

(l) there should be procedures for the review of affiliations to external organisations under which—

- (i) the current list of affiliations is submitted for approval by members annually or more frequently, and
- (ii) at such intervals of not more than a year as the governing body may determine, a requisition may be made by such proportion of members (not exceeding 5 per cent.) as the governing body may determine, that the question of continued affiliation to any particular organisation be decided upon by a secret ballot in which all members are entitled to vote.

(m) there should be a complaints procedure available to all students or groups of students who—

- (i) are dissatisfied in their dealings with the union, or
- (ii) claim to be unfairly disadvantaged by reason of their having exercised the right referred to in paragraph (c)(i) or (ii) above,

which should include provision for an independent person appointed by the governing body to investigate and report on complaints;

(n) complaints should be dealt with promptly and fairly and where a complaint is upheld there should be an effective remedy.

(3) The governing body of every establishment to which this Part applies shall for the purposes of this section prepare and issue, and when necessary revise, a code of practice as to the manner in which the requirements set out above are to be carried into effect in relation to any students' union for students at the establishment, setting out in relation to each of the requirements details of the arrangements made to secure its observance.

(4) The governing body of every establishment to which this Part applies shall as regards *any students' union for students at the establishment bring to the attention of all students, at least once a year—*

(a) the code of practice currently in force under subsection (3),

(b) any restrictions imposed on the activities of the union by the law relating to charities, and

(c) where the establishment is one to which section 43 of the Education (No.2) Act 1986 applies (freedom of speech in universities and colleges), the provisions of that section, and of any code of practice issued under it, relevant to the activities or conduct of the union. **[note: does not apply in Scotland]**

(5) The governing body of every establishment to which this Part applies shall bring to the attention of all students, at least once a year, and shall include in any information which is generally made available to persons considering whether to become students at the establishment—

(a) information as to the right referred to in subsection (2)(c)(i) and (ii), and

(b) details of any arrangements it has made for services of a kind which a students union at the establishment provides for its members to be provided for students who are not members of the union.

(6) In subsections (2), (4) and (5) the expression “*all students*” shall be construed as follows—

(a) in relation to an association or body which is a students' union by virtue of section 20(1), the reference is to all students at the establishment;

(b) in relation to an association or body which is a students' union by virtue of section 20(2), the reference is to all undergraduate, or all graduate, students at the establishment or to all students at the hall of residence in question, as the case may be;

(c) in relation to an association or body which is students' union by virtue of section 20(3), the reference is to all the students who by virtue of section 20(1) or (2) are comprehended by that expression in relation to its constituent of affiliated associations or bodies.

(7) In this section the expression “*members*” in relation to a representative body which is not an association, means those whom it is the purpose of the union to represent, excluding any student who has exercised the right referred to in subsection (2)(c)(ii).

(8) In subsection (2)(j) to (l) the references to affiliation to an external organisation, in relation to a students' union for students at an establishment, include any form of membership of, or formal association with, an organisation whose purposes are not confined to purposes connected with that establishment.

(9) Subsection (2)(d) and (1)(ii) (elections and affiliations requirements to hold secret ballot of all members) do not apply in the case of an open or distance learning establishment, that is, an establishment where the students, or the great majority of them, are provided with materials for private study and are not required to attend the establishment to any significant extent or at all.



## Staff Equalities

### 1. Introduction

- 1.1 The purpose of this paper is to provide the Board of Management with summary information from a number of key reports relating to staff equalities.

### 2. Background

- 2.1 Under the Equality Act 2010 and the Public Sector Equality Duty, the College is required to publish its Gender Pay Gap Report by 30 April 2017.
- 2.2 In addition, one of the specific duties of the Public Sector Equality Duty is for public bodies to report on occupational segregation by gender, race and disability.
- 2.3 Occupational segregation is defined as "a term that is used to describe employment patterns where workers with certain characteristics tend to be grouped in certain jobs".
- 2.4 There are two main dimensions to occupational segregation:
- Horizontal Segregation whereby workers with certain characteristics are clustered in certain types of jobs across an organisation;
  - Vertical Segregation whereby workers with certain characteristics are clustered at certain levels of jobs within an organisation's hierarchy.

### 3. Key Points to Note

- 3.1 The following highlights key findings from each of the Reports:

#### 3.1.1 Gender Pay Gap Report 2016

- The mean gender pay gap is 14%
- The mean full time gender pay gap is 11%
- The mean part time gender pay gap is 23%
- Causes of the pay gaps are explained by gender occupational segregation, see separate report
- The Equality and Human Rights Commission report an overall gender pay gap in Britain of 19%.

#### 3.1.2 Occupational Segregation - Gender Report 2016

- The College employs more women than men 344:259
- The majority of women are employed in support roles
- The majority of men are employed as lecturing staff
- With regard to types of role (horizontal segregation) there is a gender divide irrespective of support or lecturing roles with men largely undertaking work in technical and engineering areas and women focussed on administration, advisory, information, communication and care related roles
- With regard to level (vertical segregation) there is a predominance of female staff grouped in the lower support grades 1-5
- The majority of male staff are grouped at Lecturer Grade 4, 105:170 male lecturing staff, with only 21 male staff being in lower support grade roles out of a total of 89 male staff in support roles
- There are increasingly more male staff as the seniority of the support staff grade increases
- There are more male full time staff than female full time staff 225:202. This is a contributing factor to the full time gender pay gap. However, the fact that there are more women working full time at higher support staff grades, means that the gap is less than the overall gender pay gap 11%:14%

- More women than men work on a part time basis in lecturing (53:15) and support roles (89:19). There are more women working part time in support roles where pay is lower
- There is a cluster of women (54) working part time in support grades 1-5.
- This explains the large part time gender pay gap of 23%
- Our statistics are in line with national statistics.

### **3.1.3 Occupational Segregation – Race/Ethnicity Report 2016.**

- The overwhelming majority of those who disclosed their ethnicity are White Scottish (65.5%)
- 84.1% of staff are of White ethnicity
- 3.2% of staff are in a Black Minority Ethnic Category (BME)
- 12.7% of staff did not disclose the information
- In view of the low disclosure rate data that can be published is limited and is also of limited value
- 2.4% of BME staff are employed in lecturing roles, the majority in technology related areas
- There are no BME staff at very senior levels
- There are more male than female BME staff
- The main issue to deal with at this stage is encouraging disclosure.

### **3.1.4 Occupational Segregation – Disability Report 2016**

- 81.1% of staff do not consider themselves to have a disability
- 4.7% of staff (28) have disclosed a disability
- 14.2% prefer not to say
- In view of the low disclosure rate data that can be published is limited and is also of limited value
- Of the 28 staff who have disclosed a disability, the majority work full time (22)
- There is an equal balance in terms of gender
- The main issue to deal with at this stage is encouraging disclosure.

3.2 The four Reports referenced in this paper were considered by the HR Committee at its meeting held on 24 January 2017. Should Members wish to read the details of each of the Reports, copies can be accessed in HR Committee papers section of the Board of Management Members' area of AbNet.

## **4 Next Steps**

- 4.1 The information contained in the Reports will also be used to inform the College's Mainstreaming and Outcomes Report (to be considered at the March Board Meeting) and new set of Equality Outcomes (see Agenda Item 9.3), both of which are due to be published by 30 April 2017.
- 4.2 Actions for addressing the key findings of the Reports will be implemented as part of the College's Action Plan for the delivery of its new Equality Outcomes, and will be monitored by the Equality and Diversity Strategy Group and other key equalities fora.

## **5. Recommendation**

- 5.1 It is recommended that the Board note the summary information provided.

**Liz McIntyre**  
Principal

**Elaine Hart**  
Vice Principal Human Resources



## **The Prevent Duty**

### **1. Introduction**

- 1.1. The Counter-Terrorism and Security Act 2015 placed a legal requirement upon North East Scotland College to "have due regard to the need to prevent people from being drawn into terrorism", which became effective on 21 September 2015. This is known as 'the Prevent Duty'.
- 1.2. The purpose of this paper is to provide information to the Board of Management on work undertaken by the College to meet its responsibilities relating to the Prevent Duty.

### **2. Background**

- 2.1. The College has well-established arrangements, which have been reported to and considered by the Board of Management.
- 2.2. Information was first provided to the Board at a meeting in December 2014, where the Board received a presentation from Police Scotland on 'CONTEST', the Government's counter-terrorism strategy.
- 2.3. There are 4 strands to CONTEST, these are:
  - PREVENT - to stop people becoming terrorists or supporting violent extremism;
  - PURSUE - to stop terrorist attacks through disruption, investigation and detection;
  - PREPARE - where an attack cannot be stopped, to mitigate its impact;
  - PROTECT - to strengthen against terrorist attack, including borders, utilities, transport infrastructure and crowded places.
- 2.4. CONTEST delivery groups have been established across Scotland on the basis of one group for each division of Police Scotland. Organisations participating in these groups include: colleges, universities, NHS Boards, local authorities, Police Scotland, Scottish Fire and Rescue Service and Scottish Prison Service.
- 2.5. The College is a currently member of the CONTEST group for North East Scotland.

### **3. Prevent Duty Guidance**

- 3.1. The Scottish Government issued guidance in March 2015 that is to be followed by public authorities that fall within the scope of the Act.
- 3.2. There are general duties which apply to each public authority including:
  - having mechanisms for understanding the risk of radicalisation;
  - ensuring staff understand the risk and building the capabilities to deal with it;
  - communicating and promoting the importance of the duty;
  - ensuring staff implement the duty effectively;
  - linking in to the single national strategic lead for Prevent in the sector, institution or organisation;
  - demonstrating evidence of productive co-operation in local CONTEST and Prevent delivery arrangements;
  - providing frontline staff who engage with the public with an understanding of what radicalisation means and why people may be vulnerable to it;
  - informing staff of the measures that are available to prevent people from becoming drawn into terrorism and how to access support for people who may be being exploited by radicalising influences;
  - providing appropriate training for staff involved in the implementation of the Prevent Duty.

3.3. The Scottish Government has provided guidance on the specific duties placed upon colleges. These duties are summarised under the headings of:

- external speakers and events;
- leadership;
- staff training;
- safety on-line;
- welfare and pastoral care; and
- monitoring and enforcement.

3.4. A statement of the actions taken by the College to fulfil these specific duties is attached as Appendix 1 to this paper.

3.5. Police Scotland has confirmed to the College that we are seen as an exemplar of good practice in addressing both general and specific Prevent duties.

#### **4. The College's Approach**

4.1. The College has shared its revised policies, procedures, self-assessment materials and position statement on radicalisation with members of CONTEST groups and, in return, will have access to training materials under development by NHS Grampian and the Robert Gordon University. (Close co-operation between public authorities has been a feature of the work of the CONTEST groups.)

4.2. The College's approach is based on treating 'radicalisation' as a vulnerability and embedding the Prevent Duty in day-to-day operations as part of 'safeguarding' procedures, which are in place to protect young people and vulnerable adults.

4.3. Information has been provided to the Board at meetings in 2015 and 2016 on the actions taken by the College to ensure compliance with the Prevent Duty and demonstrate that best-practice guidelines were being followed.

4.4. The Board received a presentation from Police Scotland at the meeting on 22 February 2016, which confirmed that the College had established and operated demonstrably sector-leading arrangements.

#### **5. Current Position**

5.1. The College's policies and procedures in relation to the Prevent Duty have been reviewed and updated (minor changes have been made, which reflect changes in staffing structures and responsibilities).

5.2. Guidance available from the UK Government, Scottish Government and other bodies has not changed in the past year. The College continues to follow central authorities' guidance.

5.3. In the past year, the College made 31 formal safeguarding disclosures, of which one was related to the Prevent Duty.

#### **6. Recommendation**

6.1. It is recommended that the Board consider the information provided in this paper.

**Liz McIntyre**  
Principal

**Roddy Scott**  
Vice Principal Finance

**North East Scotland College (NESCol)**  
**Prevent Duty**  
**Position Statement – 1 February 2017**

**Context**

- Scottish Government guidance on the Prevent duty for further education colleges was issued on 21 September 2015. The UK Government, the Association of Colleges and the Collab Group (formerly the 157 Group) also issued guidance in 2015.
- This document measures progress in the areas noted in the guidance.

**External Speakers and Events**

- Procedure for approval of 'external speakers' revised to address Prevent Duty
- Procedures for approval of letting College premises revised to address Prevent Duty
- Project Griffin training provided to cleaning, janitorial and security staff
- Terms of an information sharing protocol relating to Prevent have been agreed with Police Scotland, signing version awaited.

**Leadership**

- Board of Management received briefings on Contest and the Prevent Duty
- Senior manager appointed as point of contact (Vice Principal Finance)
- College Prevent Group established to co-ordinate arrangements within the College (Vice Principal Finance, Head of Student Services, HR Manager (Organisational Development))
- ASET Chief Executive briefed and ASET has implemented variant of College action plan. ASET Directors briefed in September 2015.

**Staff Training**

- Five College staff trained - College 'trainers' trained in November 2015, training cascaded to College staff (94% coverage). Training forms part of induction process for new staff, which will cover those not yet trained.
- Training undertaken by ASET staff. Training forms part of induction process for new staff, which will cover those not yet trained.
- College is a member of the Grampian regional Prevent learning and development group
- Training materials under development by other organisations to be reviewed when available to assess applicability to College students and staff.

**Safety online**

- Acceptable Use Policies for students and staff address the 'Prevent Duty'.
- IT systems changed to require users to confirm agreement to relevant Acceptable Use Policy. Summary version has been developed and made more visible to users.
- Web filtering software (BLOXX) introduced to restrict access to inappropriate content (as defined in Acceptable Use Policies).
- Audit log of attempts to access blocked sites reviewed by Head of Student Services.

### **Welfare and pastoral care**

- Statement on radicalisation adopted
- Guidance staff provide pastoral support
- Access to and management of 'quiet rooms' reviewed
- Safeguarding policies and procedures have been reviewed
- Link made with University of Aberdeen regarding chaplaincy services
- Referral process established with Police Scotland
- Head of Student Services is single point of contact with Police Scotland
- DS Phil Lamb, Prevent Delivery Unit, met with Students' Association office bearers.
- 'Prevent Duty' resource area established on the staff intranet.

### **Monitoring and enforcement**

- Statement on radicalisation adopted
- NESCol actions benchmarked using self assessment toolkits
- Grampian Prevent Delivery Group established (NHS Grampian leading on this) and endorsed by local Community Planning Partnerships and the Grampian Local Resilience Partnership.
- Terms of an information sharing protocol relating to Prevent have been agreed with Police Scotland, signing version awaited.
- Procurement arrangements discussed with Police Scotland. Information sharing protocol has been established to allow approved College supplier listing to be shared with Police Scotland for review against intelligence on radicalisation and serious organised crime. Data reviewed in March 2016, next review due in March 2017.
- The College Prevent Group has reviewed the effectiveness of policies and procedures related the Prevent Duty.

### **Other Matters**

- Project Argus – training run in October 2015 (action complete).
- Project Griffin - training run in October 2015 (action complete).
- Actions relating to the Prevent Duty are linked to the wider duty of care on the College in relation to the 'crowded places sector' and the Counter Terrorism Protective Security Advice for FE issued by the National Counter Terrorism Security Office.

### **Actions**

- Continue to review arrangements against Prevent self assessment toolkits
- Continue to review Counter Terrorism Protective Security Advice self assessment
- Continue programme of staff training
- Information Protocols – 'prevent' signing version to come from Police Scotland.
- Board to receive update on Prevent Duty actions in February 2017

## Draft Outcome Agreement AY2017-18

### 1. Introduction

- 1.1 The purpose of this paper is to provide the Board of Management with an update on the development of the College's draft Outcome Agreement for AY2017-18.

### 2. Update

- 2.1 The Board considered the initial draft of the Outcome Agreement for AY2017-18 at its December meeting. At this time it was reported that a further developed draft, reflecting upon SFC feedback, would be presented to the February Board Meeting.
- 2.2 At the time of writing, initial feedback on the draft had only just been received. There was not sufficient time for the feedback to be reflected upon by the SMT and to be discussed with the College's Outcome Agreement Manager or for required amendment to be undertaken to produce a further developed draft for this meeting.
- 2.3 It was therefore agreed that a more comprehensively developed draft of the Outcome Agreement will instead be presented to the Board Meeting scheduled for 14 March 2017. This timing will also enable discussions regarding the interim funding allocation, announced 10 February 2017, to inform the College's key outcomes and targets for the planning period.
- 2.4 In summary, the timeline for the development of the Outcome Agreement AY2017-18 is as follows:

Activity	Deadline
Initial draft Outcome Agreement considered at Board Meeting	05 December 2016
First draft Outcome Agreement submitted to SFC	16 December 2016
Initial Feedback received from SFC	07 February 2017
Meeting with SFC to discuss feedback	15 February 2017
Final draft Outcome Agreement considered at Board Meeting	14 March 2017
Final Outcome Agreement submitted	31 March 2017
Publication of Outcome Agreements	April 2017

### 3. Recommendation

- 3.1 It is recommended that Board note the update on the development of the draft Outcome Agreement for AY2017-18.

**Liz McIntyre**  
Principal

**Pauline May**  
Head of Planning & Corporate Governance