

Designating Colleges as Regional Colleges and Assigning Colleges to Regional Strategic Bodies

DESIGNATING COLLEGES AS REGIONAL COLLEGES AND ASSIGNING COLLEGES TO REGIONAL STRATEGIC BODIES

CONSULTATION PAPER

1. INTRODUCTION

1.1 This consultation paper seeks comments on the Government's plans to designate ten colleges in single college regions as regional colleges and to assign colleges in three other regions to regional strategic bodies.

1.2 This includes seeking comments in relation to making a college in Lanarkshire a regional strategic body which would replace the need to proceed with the establishment of the Regional Board for Lanarkshire Colleges. If this approach were taken then the college in question would also be designated as a regional college (in addition to the ten colleges referred to above) and one college would be assigned to it as a regional strategic body.

1.3 The paper has been issued in connection with the consultation requirements set out in the following provisions of the Further and Higher Education (Scotland) Act 2005 ("the 2005 Act") as amended by the Post-16 Education (Scotland) Act 2013 ("the 2013 Act")¹, the relevant provisions of which will be commenced in due course:

- section 7A(2) of the 2005 Act in relation to any order under section 7A(1) of the 2005 Act designating any incorporated college² as a regional college³;
- section 7C(6) of the 2005 Act in relation to any order under section 7C(1) of the 2005 Act assigning colleges of further education to a regional strategic body⁴;
- section 7B(3) of the 2005 Act in relation to the possibility of making an order under section 7B(2)(a) of the 2005 Act to modify Part 1 of schedule 2A to the 2005 Act to abolish the Regional Board for Lanarkshire Colleges and of making an order under section 7B(2)(b) of the 2005 Act to add an entry to Part 2 of schedule 2A to the 2005 Act relating to a fundable-post 16 education body (i.e. to make that fundable post-16 education body a regional strategic body)⁵;
- section 23O(13) of the 2005 Act in relation to the possibility of making an order under section 23O(11) of the 2005 Act to modify section 23O(10) of the 2005 Act⁶.

¹ References to the 2005 Act are to the Act as amended by the 2013 Act. The 2013 Act is at <http://www.legislation.gov.uk/asp/2013/12/contents/enacted>

² We use the term 'incorporated college' to refer to a college with a board of management established under the Further and Higher Education (Scotland) Act 1992.

³ Section 7A of the 2005 Act is inserted by section 5(1) of the 2013 Act. Section 5(1) of the 2013 Act has yet to be commenced.

⁴ Section 7C of the 2005 Act is inserted by section 8(3) of the 2013 Act. Section 8(3) of the 2013 Act has yet to be commenced.

⁵ Section 7B of, and schedule 2A to, the 2005 Act are inserted by section 8(1) and (2) of the 2013 Act respectively. Section 8(1) and 8(2) of the 2013 Act have yet to be commenced.

⁶ Section 23O of the 2005 Act is inserted by section 10 of the 2013 Act. Section 10 of the 2013 Act has yet to be commenced.

1.4 Information about the wider role of Scottish Government consultation is at **Annex A**.

1.5 A list of consultees is at **Annex B**.

Background

1.6 The Government is reforming the college sector to better meet the needs of learners and employers in a region through a coherent and sustainable curriculum, with a sharper focus on outcomes; funding based on regional needs; and strong accountability for regional performance. This has involved, among other things, the creation of thirteen college regions. A map of the regions is at **Annex C**.

1.7 Twelve newly-created regions were announced⁷ on 1 February 2012, with a thirteenth region⁸ - West Lothian - added the following month. This decision followed consultation by the Scottish Government and the Scottish Funding Council (SFC) on the boundaries of college regions⁹.

1.8 There have been a number of college mergers since the thirteen regions were announced with more mergers planned for November 2013 and one further merger planned for April 2014. Details of mergers since 2010 and planned mergers is at **Annex D**. These mergers have been effected (or will be effected) through the closure of one or more colleges and the transfer of staff, assets etc. to another college or colleges.

1.9 Other consultations have been, or will be, undertaken ahead of colleges merging. This consultation is not about the merger of colleges.

Single college regions

1.10 College mergers which have either taken effect or which are anticipated (again see **Annex D**) will result in ten college regions¹⁰ with a single incorporated college. We are consulting now on designating each of these colleges as a regional college.

⁷ <http://www.scotland.gov.uk/News/Releases/2012/02/College01022012>

⁸ <http://www.scotland.gov.uk/News/Releases/2012/03/west-lothian13032012>

⁹ [College regionalisation: Proposals for implementing Putting Learners at the Centre](#)⁹, issued in November 2011.

¹⁰ Aberdeen and Aberdeenshire; Ayrshire; Borders; Dumfries & Galloway; Edinburgh; Fife; Forth Valley; Tayside; West; and West Lothian.

Multi-college regions

1.11 The Government does not want to force mergers, so, as it stands, there will be three regions with more than one college¹¹. We are consulting now on assigning colleges in these regions to a regional strategic body, so that there will be a single body in the region that will plan, receive and distribute funding in multi-college regions.

1.12 Given the likely relative size and number of colleges now envisaged in Lanarkshire, we are also consulting on the type of regional strategic body for the Lanarkshire region (and - if the regional strategic body is not to be the Regional Board for Lanarkshire Colleges and, instead, another regional strategic body - an associated issue about the powers of that other regional strategic body).

Planned timing

1.13 The consultation paper outlines the following proposed timetable.

If Regional Board in Lanarkshire is pursued:

Body	Provisions in force
Regional colleges designated in single college regions	March 2014
Regional Boards for Glasgow Colleges and for Lanarkshire Colleges established	May 2014
UHI designated as regional strategic body	May 2014
Colleges assigned to UHI	May 2014
Colleges assigned to Regional Boards for Glasgow Colleges and for Lanarkshire Colleges	August 2014

If other regional strategic body in Lanarkshire is pursued:

Body	Provisions in force
Regional colleges designated in single college regions	March 2014
Regional Board for Glasgow Colleges established	May 2014
UHI designated as regional strategic body	May 2014
Colleges assigned to UHI	May 2014
New College Lanarkshire designated as regional strategic body	August 2014
Colleges assigned to Regional Board for Glasgow Colleges and to regional strategic body in Lanarkshire	August 2014

Responding to this consultation paper

1.14 This paper includes a series of questions. The questions are also set out in the formal respondent information document. We are inviting written responses by:

22 November 2013 (for questions 1 to 3 – section 2 of this paper). The shorter timeframe reflects the straight-forward nature of the questions.

17 January 2014 (for questions 3 to 14 – section 3 onwards of this paper).

¹¹ Glasgow; Highlands and Islands; and Lanarkshire.

1.15 Please send the completed Respondent Information Form, which will include your response, to colin.baird@scotland.gsi.gov.uk or

Col Baird
Colleges and Adult Learning Division
Scottish Government
6th Floor, Atlantic Quay
150 Broomielaw
Glasgow G2 8LU

1.16 If you have any queries contact Col Baird at the above email address or on 0300 244 1312.

2. COLLEGES IN SINGLE COLLEGE REGIONS

Designating colleges as regional colleges

2.1 When relevant provisions in the 2013 Act are commenced, Ministers will have powers under section 7A(1) of 2005 Act to designate by order incorporated colleges as regional colleges. Regional colleges will have particular board arrangements (for example, Ministers will appoint the chairs of regional colleges) and will have duties relevant to their role as a regional planner. A broad overview of the implications of being designated as a regional college is set out in our guide¹².

Question 1: We should welcome comments on Ministers' plans to designate the following incorporated colleges as regional colleges.

Region	Incorporated college planned to be designated as a regional college	Comments
Aberdeen and Aberdeenshire	North East Scotland College	An order has been laid that when it comes into force on 1 November 2013 will close Banff and Buchan College of Further Education and transfer all of its property, rights, liabilities and obligations to Aberdeen College. Aberdeen College has recently received Ministerial approval to change its name from 1 November 2013 to North East Scotland College.
Ayrshire	Ayrshire College	
Borders	Borders College	
Dumfries and Galloway	Dumfries and Galloway College	
Edinburgh and Lothians	Edinburgh College	
Fife	Fife College	
Forth Valley	Forth Valley College	
Tayside	Dundee and Angus College	An order has been laid that when it comes into force on 1 November 2013 will close Angus College and transfer all of its property, rights, liabilities and obligations to

¹² <http://www.scotland.gov.uk/Topics/Education/post16reform/hefegovernance>

		Dundee College. Dundee College has recently received approval to change its name from 1 November 2013 to Dundee and Angus College.
West	West College	
West Lothian	West Lothian College	

Table 1

Timing

2.2 Ministers plan to designate these colleges as regional colleges in March 2014. This would be the earliest practicable opportunity to do so, given the process underway to appoint a chair to these colleges.

Question 2: Should the colleges in Table 1 be designated as regional colleges in March 2014?

Equality impact assessment

Question 3: We should welcome comments on whether the matters covered in questions 1 and 2 raise any equalities issues that require to be addressed with respect to age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

3. REGIONAL STRATEGIC BODIES IN GLASGOW AND HIGHLANDS AND ISLANDS

Assigning colleges to regional strategic bodies

3.1 When relevant provisions in the 2013 Act are commenced, Ministers will have powers under section 7C(1) of the 2005 Act to assign colleges of further education to a regional strategic body. An assigned college can be an incorporated or non-incorporated college. A broad overview of the implications of being assigned to a regional strategic body is set out in our guide¹³. They are different, depending on whether the college is incorporated or not.

3.2 The 2013 Act makes provision, through amendment of the 2005 Act, for there to be three regional strategic bodies. It provides for the establishment of Regional Boards for Glasgow Colleges and for Lanarkshire Colleges and provides for the University of the Highlands and Islands (UHI) to be a regional strategic body.

3.3 This section is concerned with Ministers' plans to assign colleges to the Regional Board for Glasgow Colleges and to UHI as a regional strategic body. The Regional Board for Glasgow Colleges will be established and UHI will become a regional strategic body when the relevant provisions of the 2013 Act are commenced.

3.4 Section 4 of this paper concerns the arrangements in Lanarkshire.

Question 4: We should welcome comments on Ministers' plans to assign the following colleges to the following regional strategic bodies in Glasgow and the Highlands and Islands.

Region	College of further education planned to be assigned to a regional strategic body	Regional strategic body to which colleges to be assigned	Comments
Glasgow	<ul style="list-style-type: none"> • City of Glasgow College • Glasgow Clyde College • Glasgow Kelvin College 	Regional Board for Glasgow Colleges	<p>Glasgow Kelvin College</p> <p>An order has been laid that when it comes into force on 1 November 2013 will close John Wheatley College and Stow College and transfer all of their property, rights, liabilities and obligations to North Glasgow College. North Glasgow College has</p>

¹³ <http://www.scotland.gov.uk/Topics/Education/post16reform/hefegovernance>

			recently received Ministerial approval to change its name from 1 November 2013 to Glasgow Kelvin College.
Highlands and Islands	<ul style="list-style-type: none"> • Argyll College • Inverness College • Lews Castle College • Moray College • North Highland College • Orkney College • Perth College • Shetland College • West Highland College 	UHI	<p>Argyll College</p> <p>Argyll College is not a fundable body (a body listed in schedule 2 to the 2005 Act). It currently receives funding from North Highland College. Before Ministers can assign Argyll College to a regional strategic body, the assignation must be approved or proposed by the SFC.</p> <p>The Government's plans to assign Argyll College are subject to this condition being satisfied.</p>

Table 2

3.5 Ministers plans do not involve assigning Sabhal Mòr Ostaig to UHI. Sabhal Mòr Ostaig will continue to be funded directly for FE by the SFC, as recommend by the Working Group on the future structure and function of the University of the Highlands and Islands.¹⁴

3.6 For the sake of completeness we should add that Newbattle Abbey College will also continue to be funded directly by the SFC.

Timing

3.7 Ministers plan to assign colleges to UHI in May 2014.

3.8 Ministers plan to assign colleges to the Regional Board for Glasgow Colleges in August 2014.

3.9 The reason for this difference is that the Regional Board for Glasgow Colleges will be an entirely new organisation that has to equip itself and - critically - put necessary financial and other processes in place. In order to allow for this, and to enable the SFC to make a well-informed judgment about the new Board's fitness to handle significant sums of public money, we propose assigning colleges to the Regional Board for Glasgow Colleges slightly later in the year.

Question 5: Should colleges be assigned to UHI as set out in Table 2 in May 2014?

¹⁴ <http://www.scotland.gov.uk/Topics/Education/UniversitiesColleges/16640/UHIGovernanceWG>

Question 6: Should colleges be assigned to the Regional Board for Glasgow Colleges in August 2014?

Equality impact assessment

Question 7: We should welcome comments on whether the matters covered in questions 4 to 6 raise any equalities issues that require to be addressed with respect to age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

4. REGIONAL STRATEGIC BODY IN LANARKSHIRE

4.1 This section seeks comments in relation to making a college in Lanarkshire a regional strategic body which would replace the need to proceed with the establishment of the Regional Board for Lanarkshire Colleges. Information about regional strategic bodies generally and Regional Boards and other regional strategic bodies specifically can be found in our guide.¹⁵

Background

4.2 The 2013 Act makes provision, through amendment of the 2005 Act, for there to be a Regional Board for Lanarkshire Colleges. When the Post-16 Education (Scotland) Bill was introduced into the Scottish Parliament, Ministers planned to assign four colleges to that Regional Board (Coatbridge College, Cumbernauld College, Motherwell College and South Lanarkshire College).

4.3 Since then, an order has been laid that, when it comes into force on 1 November 2013, will close Cumbernauld College and transfer all of its property, rights, liabilities and obligations to Motherwell College. Motherwell College has recently received approval to change its name, with effect from 1 November 2013, to New College Lanarkshire¹⁶.

4.4 Plans have also been announced for Coatbridge College to 'merge' with New College Lanarkshire on 1 April 2014. This would involve the closure of Coatbridge College and the transfer of all of its property, rights, liabilities and obligations to New College Lanarkshire.

4.5 This further merger will result in Lanarkshire having two colleges of very different sizes. **Annex E** shows that the ratio of key metrics (based on 2012/13 data) between New Lanarkshire College and South Lanarkshire College is always greater than 4:1.

Option One: Establishing a Regional Board for Lanarkshire Colleges

4.6 One option would be to proceed with the establishment of the Regional Board for Lanarkshire Colleges for which provision is made in the 2013 Act. If Ministers were to take this course of action, they plan to assign New College Lanarkshire and South Lanarkshire College to the Regional Board.

Option Two: Making New College Lanarkshire a regional strategic body (and designating it as a regional college)

4.7 A second option would be for Ministers instead to by order make New College Lanarkshire a regional strategic body. If Ministers were to take this course of action, they plan to assign South Lanarkshire College to New College Lanarkshire as a regional strategic body.

¹⁵ <http://www.scotland.gov.uk/Topics/Education/post16reform/hefegovernance>

¹⁶ In what follows we used the name New Lanarkshire College to describe this college (rather than Motherwell College).

4.8 This would remove the need to create a new organisation in the region, saving associated expenditure as Ministers would not proceed with the establishment of the Regional Board for Lanarkshire Colleges. The Financial Memorandum for the Post-16 Education (Scotland) Bill¹⁷ estimated annual costs of £560k for a Regional Board. These costs would be met from the funds the SFC allocates to the college region.

4.9 Section 7B(2) of the 2005 Act enables Ministers to by order make provision for a “fundable post-16 education body”¹⁸ to be a regional strategic body, which under Ministers plans New College Lanarkshire would be. The relevant order under section 7B(2) would be subject to the affirmative procedure in the Scottish Parliament.

4.10 This option would also involve Ministers by order designating New College Lanarkshire as a regional college. This would create clear lines of accountability for the regional body; its chair would be appointed by Ministers. It is also a necessary consequence of section 7D(7)(a) of the 2005 Act¹⁹, which requires Ministers to seek to ensure that every incorporated college is either designated as a regional college or assigned to a regional strategic body. If New College Lanarkshire were designated the regional strategic body, it could not be assigned to itself.

4.11 Ministers are required under section 7D(7)(b) of the 2005 Act to seek to ensure that at least two colleges are assigned to a Regional Board. There is no minimum number of colleges required to be assigned to a regional strategic body which is not a Regional Board.

Discussion

Key duties of regional strategic bodies and the boards of regional colleges

4.12 Every regional strategic body (whether a Regional Board or another regional strategic body) will have key duties, including in relation to the following:

- a) Secure coherent, high quality provision in the localities of colleges assigned to it, having regard to other provision in those localities;
- b) Plan having regard to economy, efficiency and effectiveness;
- c) Improve economic and social well-being of the localities of colleges assigned to it;
- d) Have regard to particular matters in exercise of functions – local needs; national needs; sustainable development; UK and international context; educational and related needs (including support needs); improving

¹⁷ http://www.scottish.parliament.uk/S4_Bills/Post-16%20Education%20Bill/b18s4-introd-en.pdf

¹⁸ See section 6(2) of the 2005 Act as amended by paragraph 8(4)(b) of the schedule to the 2013 Act. Paragraph 8(4)(b) of the schedule to the 2013 Act has yet to be commenced. In practice the term “fundable post-16 education body” will in due course cover any college or university generally eligible for direct funding from the SFC.

¹⁹ See also section 7D(8) of the 2005 Act. Section 7D of the 2005 Act is inserted by paragraph 8(6) of the schedule to the 2013 Act. Paragraph 8(6) of the schedule to the 2013 Act has yet to be commenced.

participation in fundable further and higher education by socio-economic groups currently underrepresented and promoting collaboration and the sharing of good practice between their colleges;

- e) Performance monitoring of colleges assigned to it; and
- f) Consult and collaborate.

4.13 The board of every regional college will have similar duties²⁰.

4.14 As under option two, New College Lanarkshire would be both a regional strategic body and a regional college it would have two sets of duties: it would have the duties of a regional college and it would have the duties of a regional strategic body. We do not consider that New College Lanarkshire having two sets of duties is problematic.

Key differences between Regional Boards and other regional strategic bodies

4.15 Every Regional Board and other regional strategic body will also have the same key statutory functions (in addition to the duties discussed in paragraph 4.11 above) including statutory functions in relation to:

- a) Administering funds;
- b) Funding any college assigned to it;
- c) Appointing the chair and 'ordinary' members of any incorporated college assigned to it;
- d) Approving the appointment and terms and conditions of the principal of any incorporated college assigned to it;
- e) The transfer staff, property, rights or obligations by colleges assigned to it in certain circumstances;
- f) Conducting efficiency studies of any college assigned to it;
- g) Addressing meetings of the governing body of any college assigned to it;
- h) Giving directions to any incorporated college assigned to it; and
- i) Requiring information (from any college assigned to it).

4.16 However, there are some differences between Regional Boards and other regional strategic bodies.

(i) Constitution etc.

4.17 The constitution of a Regional Board will be set out in the 2005 Act²¹. This provides, for example, that a Regional Board is to include the chair of each assigned college, two staff members appointed by being elected from among the staff of the colleges assigned to it and two student members appointed either by being nominated or elected from among the students of those colleges. For other regional

²⁰ Taking references to 'the locality of the colleges assigned to a regional strategic body' as a reference to 'the locality of a regional college' where relevant.

²¹ See section 23P of, and schedule 2B to, the 2005 Act. Section 23P of, and schedule 2B to, the 2005 Act are inserted by section 11(1) and (2) of the 2013 Act respectively. Section 11(1) and (2) of the 2013 Act have yet to be commenced.

strategic bodies the constitutional arrangements will depend on the type of body that it is.

4.18 In relation to New College Lanarkshire, an incorporated college, provision regarding the constitution of its board of management is set out in the Further and Higher Education (Scotland) Act 1992 (“the 1992 Act”)²². While this would require the board of New College Lanarkshire to have two staff and two student members from among its staff and students, the procedures and arrangements for discharging its role as regional strategic body are not set out in legislation. And so there would be no express legislative requirement to involve the chair of South Lanarkshire College or students and staff of that college in its deliberations as a regional strategic body.

4.19 Accordingly, if Ministers were minded to make New College Lanarkshire a regional strategic body they would first satisfy themselves that suitable procedures and arrangements were in place for the college to discharge its functions as a regional strategic body. (This is the approach they are taking before designating UHI as a regional strategic body). Ministers would want to be satisfied, among other things, that the interests of the chair, staff and students of the assigned college (South Lanarkshire College) were fully covered and, more generally, that New College Lanarkshire had in place suitable procedures and arrangements to perform its role as a regional strategic body. And if Ministers did make New College Lanarkshire a regional strategic body the SFC would then have an on-going role to ensure the college continued to have such suitable procedures and arrangements in place²³.

(ii) Power to remove members

4.20 Ministers will have powers to remove members of a Regional Board in certain circumstances²⁴ but these powers do not apply in relation to other regional strategic bodies. Ministers have different powers to remove members of an incorporated college board of management (excluding the principal) in certain circumstances²⁵. The powers to remove members of the board of management of an incorporated college include the power to do so where the SFC has informed Ministers that the college is, or is no longer, a body for which there are suitable provisions, procedures and arrangements of the type described by or under section 7(2) of the 2005 Act. In terms of section 7(2)(ha) of the 2005 Act²⁶ such provisions, procedures and arrangements include, where the body is a regional strategic body, procedures and arrangements for the administration by the body of the funds mentioned in section

²² See Schedule 2 to the 1992 Act. Schedule 2 to the 1992 Act is amended by paragraph 2(7) of the schedule to the 2013 Act. Subject to what is provided for in the Post-16 Education (Scotland) Act 2013 (Commencement No. 1) Order 2013 (“the Order”), paragraph 2(7) of the schedule to the 2013 Act has yet to be commenced.

²³ Paragraph 8(5) of the schedule to the 2013 Act inserts section 7(2)(ha) into the 2005 Act. Subject to what is provided for in the Order, paragraph 8(5) of the schedule to the 2013 Act has not yet been commenced.

²⁴ See section 23Q of the 2005 Act inserted by section 12 of the 2013 Act. Section 12 of the 2013 Act has not yet been commenced.

²⁵ Section 7 of the 2013 Act substitutes section 24 into the 1992 Act. Section 7 of the 2013 Act has not yet been commenced.

²⁶ Paragraph 8(5) of the schedule to the 2013 Act inserts section 7(2)(ha) into the 2005 Act. Subject to what is provided for in the Order, paragraph 8(5) of the schedule to the 2013 Act has not yet been commenced.

12A(2) of the 2005 Act and for the exercise of its other functions as a regional strategic body.

(iii) Funding

4.21 Under option 1 the SFC would fund the Regional Board for Lanarkshire Colleges to enable it to fund its own activities and to fund colleges assigned to it.

4.22 Under option 2 the SFC would have to provide separate funding to New College Lanarkshire in its capacity as a regional college and in its capacity as a regional strategic body (the latter of which would include funding which would be used by it to fund South Lanarkshire College). A basic principle of regionalisation is that decisions about the allocation of funding and educational provision within a region are made on a regional basis. So that principle is respected we would expect the SFC to:

- agree an outcome agreement with New College Lanarkshire;
- take advice from the college as to the balance of SFC funding to be made available to it in its capacity as regional college and in its capacity as regional strategic body; and
- otherwise have appropriate administrative arrangements in place to ensure the principle is respected.

(iv) Transfer of staff, property, rights or obligations

4.23 Another notable difference is in relation to the powers of a regional strategic body to require colleges assigned to it to transfer staff, property etc. for which provision is made in section 23O of the 2005 Act²⁷.

4.24 As section 23O of the 2005 Act stands, under option 1 the Regional Board for Lanarkshire Colleges would have powers to require the two colleges assigned to it to transfer staff, property etc. for particular purposes without the consent of those colleges - either between the two colleges or to the Regional Board from either of the colleges. The purposes would include the transfer of educational provision between the two colleges.

4.25 Under option 2 the position would be different. In terms of section 23O as it stands, New College Lanarkshire as regional strategic body would only have the power to require the transfer of staff, property etc. for particular purposes (not including the transfer of educational provision) from the single college assigned to it (i.e. South Lanarkshire College) to itself as regional strategic body with the consent of that college.

²⁷ Section 23O of the 2005 Act is inserted by section 10 of the 2013 Act. Section 10 of the 2013 Act has not yet been commenced.

4.26 Ministers have power by Order to modify provision made in section 23O of the 2005 Act²⁸ in a way which would give New College Lanarkshire power to require South Lanarkshire College to transfer staff, property etc. to the regional strategic body without consent of that college²⁹.

4.27 But Ministers do not have any power to vary the purposes for which transfers under section 23O of the 2005 Act can be required. And so section 23O of the 2005 Act as so modified would still not empower New College Lanarkshire to require South Lanarkshire College to transfer staff, property etc. to it for the purpose of the transfer of educational provision from South Lanarkshire College to New College Lanarkshire (or to impose any such requirement in relation to the transfer of educational provision from New College Lanarkshire to South Lanarkshire College). The power in section 23O of the 2005 Act to require transfer of staff, property etc. for the purpose of the transfer of educational provision is specifically in relation to transfers between colleges assigned to a regional strategic body, and under option 2 only one college – South Lanarkshire College – would be assigned to New College Lanarkshire as regional strategic body.

Timing

4.28 However they proceed in terms of the above options, Ministers plan to either:

- (a) assign New College Lanarkshire and South Lanarkshire College to the Regional Board for Lanarkshire Colleges (option one); or
- (b) make New College Lanarkshire a regional strategic body, designate it as a regional college and assign South Lanarkshire College to it as a regional strategic body (option 2³⁰)

in August 2014.

Lanarkshire: consultation questions

Question 8: Should Ministers proceed with the establishment of the Regional Board for Lanarkshire Colleges?

Question 9: If Ministers do proceed with the establishment of the Regional Board for Lanarkshire Colleges, should they assign New College Lanarkshire and South Lanarkshire College to it?

Question 10: As an alternative to proceeding with the establishment of the Regional Board for Lanarkshire Colleges, should Ministers make New College

²⁸ See section 23O(11) of the 2005 Act.

²⁹ More generally the modification would mean that, subject to what is provided in section 23O(10)(a) and (b) of the 2005 Act, New College Lanarkshire as regional strategic body would have the power, under section 23O(1) of the 2005 Act, to require any colleges assigned to it to transfer staff, property etc to another college assigned to it or to itself as regional strategic body for the purposes set out in section 23O(2) of the 2005 Act without the consent of the colleges concerned.

³⁰ As explained in para 4.7 above, under option 2 would involve Ministers not proceeding with the establishment of the Regional Board for Lanarkshire Colleges.

Lanarkshire a regional strategic body, designate it as a regional college and assign South Lanarkshire College to it as a regional strategic body?

Question 11: What would be the relative advantages and disadvantages of New College Lanarkshire carrying out regional strategic body functions?

Question 12: If New College Lanarkshire were to be designated as a regional strategic body, should its powers to require the transfer staff, property etc. under section 230 of the 2005 Act be the same as those of a Regional Board?

Question 13: Should August 2014 be the month that Ministers seek to assign either (a) New College Lanarkshire and South Lanarkshire College to the Regional Board for Lanarkshire Colleges or (b) make New College Lanarkshire a regional strategic body, designate it as a regional college and assign South Lanarkshire College to it as a regional strategic body?

Equality impact assessment

Question 14: We should welcome comments on whether the matters covered in questions 8 to 13 raise any equalities issues that require to be addressed with respect to age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

ANNEX A

THE SCOTTISH GOVERNMENT CONSULTATION PROCESS

1. Consultation is an essential and important aspect of the Scottish Government's working methods. Given the wide-ranging areas of work of the Scottish Government, there are many varied types of consultation. However, in general, Scottish Government consultation exercises aim to provide opportunities for all those who wish to express their opinions on a proposed area of work to do so in ways which will inform and enhance that work.
2. The Scottish Government encourages consultation that is thorough, effective and appropriate to the issue under consideration and the nature of the target audience. Consultation exercises take account of a wide range of factors, and no two exercises are likely to be the same. Typically Scottish Government consultations involve a written paper inviting answers to specific questions or more general views about the material presented. Written papers are distributed to organisations and individuals with an interest in the issue, and they are also placed on the Scottish Government web site enabling a wider audience to access the paper and submit their responses.
3. Consultation exercises may also involve seeking views in a number of different ways, such as through public meetings, focus groups or questionnaire exercises. Copies of all the written responses received to a consultation exercise (except those where the individual or organisation requested confidentiality) are placed in the Scottish Government library at Saughton House, Edinburgh (K Spur, Saughton House, Broomhouse Drive, Edinburgh EH11 3XD, telephone 0131 244 4565).
4. All Scottish Government consultation papers and related publications (e.g., analysis of response reports) can be accessed at: Scottish Government consultations <http://www.scotland.gov.uk/consultations>. The views and suggestions detailed in consultation responses are analysed and used as part of the decision making process, along with a range of other available information and evidence. Depending on the nature of the consultation exercise the responses received may:
 - indicate the need for policy development or review;
 - inform the development of a particular policy;
 - help decisions to be made between alternative policy proposals; and
 - be used to finalise legislation before it is implemented.
5. Final decisions on the issues under consideration will also take account of a range of other factors, including other available information and research evidence.
6. While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

ANNEX B

LIST OF CONSULTEES

All FE colleges eligible for SFC funding – principals and chairs
Argyll College – principal and chair
All local authorities – chief executives
UHI
All UHI academic partners
All college regional leads
All student associations of FE colleges eligible for SFC funding and Argyll College student association
Association of Scottish Chambers of Commerce
Capability Scotland
Close the Gap
Colleges Scotland
Confederation of British Industry Scotland
COSLA
Education and Culture Committee
Educational Institute of Scotland
Engender
Equality and Human Rights Commission
Equality Network
Federation of Small Businesses
GMB
Independent Living
Highlands and Islands Enterprise
Inclusion Scotland
Institute of Directors
Linking Education and Disability Scotland
NUS Scotland
Scottish Council for Development and Industry
Scottish Council for Voluntary Organisations
Scottish Enterprise
Scottish Funding Council
Scottish Trades Union Congress
Scottish Qualifications Authority
Scottish Women's Convention
Scottish Youth Parliament
Sector Skills Alliance Scotland
Skills Development Scotland
SOLACE
Scottish Disability Equality Forum
The CLD Standards Council for Scotland
The Equality Challenge Unit
UNISON
Unite the Union
Universities Scotland
Volunteer Development Scotland
Young Enterprise Scotland

ANNEX C

COLLEGE REGIONS BY LOCAL AUTHORITY AREA

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ANNEX D

COLLEGE MERGERS SINCE 2010 AND PLANNED MERGERS

Region	Colleges (new name in bold)	Date of merger
Aberdeen and Aberdeenshire	North East Scotland College (proposed name) Aberdeen College Banff and Buchan College	November 2013
Ayrshire	Ayrshire College Ayr College James Watt College (Ayrshire Campuses) Kilmarnock College	August 2013
Edinburgh and Lothians	Edinburgh College Stevenson College Telford College Jewel and Esk College	October 2012
Fife	Fife College Adam Smith College Carnegie College	August 2013
Glasgow	City of Glasgow College Central College Glasgow Glasgow College of Nautical Studies Glasgow Metropolitan College	September 2010
	Glasgow Clyde College Annie'sland College Cardonald College Langside College	August 2013
	Glasgow Kelvin College (proposed name) John Wheatley College North Glasgow College Stow college	November 2013
Lanarkshire	New College Lanarkshire (proposed name) Cumbernauld College Motherwell College	November 2013
	Coatbridge College aims to merge New College Lanarkshire (proposed name)	April 2014
	South Lanarkshire College	
Tayside	Dundee and Angus College (proposed name) Angus College Dundee College	November 2013
West	West College Scotland Clydebank College James Watt College (Inverclyde Campuses) Reid Kerr College	August 2013

Note: Oatridge College, Barony College and Elmwood College merged with the Scottish Agricultural College on 1 October 2012 to form SRUC (this is sometimes

referred to as Scotland's Rural College). This institution is a higher education institution.

ANNEX E

COMPARISON BETWEEN NEW COLLEGE LANARKSHIRE AND SOUTH LANARKSHIRE COLLEGE BASED ON CONSTITUENT DATA FOR 2012/13

College	Teaching and fee waiver allocations 2012/13 (£)	Teaching and fee waiver allocations ratio 2012/13	Total Income (Year end July 2012) (£000)	Total Income ratio (Year end July 2012) (£000)	FTE Staff Numbers (Year end July 2012)	FTE Staff Numbers ratio (Year end July 2012)	Total Student Numbers (2011/12)	Total Student Numbers ratio (2011/12)
Coatbridge College	6,675,630		11,486		200		3,697	
Cumbernauld College	5,691,660		10,081		185		3,093	
Motherwell College	14,339,888		29,847		550		13,160	
New College Lanarkshire (3 college merger)	26,707,179	81.5	51,414	82.4	935	81.5	19,950	84.1
South Lanarkshire College	6,042,496	18.5	10,991	17.6	212	18.5	3,774	15.9
Total	32,749,675		62,405		1,147		23,724	

Note: All figures taken from college accounts for 2012/13.

DESIGNATING COLLEGES AS REGIONAL COLLEGE AND ASSIGNING COLLEGES TO REGIONAL STRATEGIC BODIES



RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately.

We are inviting written responses by:

22 November 2013 (for questions 1 to 3 – section 2 of the consultation paper)
17 January 2014 (for questions 3 to 8 – section 3 onwards of the consultation paper). The longer timeframe reflects the relatively less straight-forward nature of the questions.

Please send your response with the completed form to

colin.baird@scotland.gsi.gov.uk

or

Col Baird

Colleges and Adult Learning Division

Scottish Government

6th Floor, Atlantic Quay

150 Broomielaw

Glasgow G2 8LU

If you have any queries contact Col Baird at the above email address or on 0300 244 1312.

1. Name/Organisation

Organisation Name

Title Mr Ms Mrs Miss Dr **Please tick as appropriate**

Surname

Forename

2. Postal Address

<input type="text"/>		
<input type="text"/>		
<input type="text"/>		
<input type="text"/>		
Postcode	Phone	Email

3. Permissions - I am responding as...

Individual / **Group/Organisation**

Please tick as

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate

Yes No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick **ONE** of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate

Yes No

- (d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

Yes

No

CONSULTATION PAPER QUESTIONS

Q1. We should welcome comments on Ministers' plans to designate the following incorporated colleges as regional colleges.

Comments

Q2. Should the colleges in Table 1 be designated as regional colleges in March 2014?

Yes No

Comments

Q3. We should welcome comments on whether the matters covered in questions 1 and 2 raise any equalities issues that require to be addressed with respect to age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

Comments

Please note that the deadline for responses 1 to 3 is **22 November 2013**.
If responding separately to questions 1 to 3 and to questions 4 to 14, please ensure that your name, consent details etc. are sent on each occasion.

Q4. We should welcome comments on Ministers' plans to assign the following colleges to the following regional strategic bodies in Glasgow and the Highlands and Islands.

Comments

Q5. Should colleges be assigned to UHI as set out in Table 2 in May 2014?

Yes No

Comments

Q6. Should colleges be assigned to the Regional Board for Glasgow Colleges in August 2014?

Yes No

Comments

Q7. We should welcome comments on whether the matters covered in questions 4 to 6 raise any equalities issues that require to be addressed with respect to age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

Comments

Q8. Should Ministers proceed with the establishment of the Regional Board for Lanarkshire Colleges?

Yes No

Comments

Q9. If Ministers do proceed with the establishment of the Regional Board for Lanarkshire Colleges, should they assign New College Lanarkshire and South Lanarkshire College to it?

Yes No

Comments

Q10. As an alternative to proceeding with the establishment of the Regional Board for Lanarkshire Colleges, should Ministers make New College Lanarkshire a regional strategic body, designate it as a regional college and assign South Lanarkshire College to it as a regional strategic body?

Yes No

Comments

Q11. What would be the relative advantages and disadvantages of New College Lanarkshire carrying out regional strategic body functions?

Comments

Q12. If New College Lanarkshire were to be designated as a regional strategic body, should its powers to require the transfer staff, property etc. under section 230 of the 2005 Act be the same as those of a Regional Board?

Yes No

Comments

Q13. Should August 2014 be the month that Ministers seek to assign either (a) New College Lanarkshire and South Lanarkshire College to the Regional Board for Lanarkshire Colleges or (b) make New College Lanarkshire a regional strategic body, designate it as a regional college and assign South Lanarkshire College to it as a regional strategic body?

Yes No

Comments

Q14. We should welcome comments on whether the matters covered in questions 8 to 13 raise any equalities issues that require to be addressed with respect to age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

Comments

Please note that the deadline for responses 4 to 14 is **17 January 2014**.

If responding separately to questions 1 to 3 and questions 4 to 14, please ensure that your name, consent details etc. are sent on each occasion.

End of form



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ISBN: 978-1-78256-994-7 (web only)

The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

Produced for the Scottish Government by APS Group Scotland
DPPAS15027 (10/13)

Published by the Scottish Government, October 2013

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