

POLICY NOTE

THE ASSIGNED COLLEGES (UNIVERSITY OF THE HIGHLANDS AND ISLANDS) ORDER 2018

SSI 2018/

1. The above instrument is made in exercise of the powers conferred by sections 7C(1) and 34(2) of the Further and Higher Education (Scotland) Act 2005 (“the 2005 Act”).

Policy Objectives

2. In 2014 the college sector was restructured to create 13 regions¹, three of which were served by more than one college. The Post-16 Education (Scotland) Act 2013 (“the 2013 Act”) assigned certain colleges to regional strategic bodies. The regional strategic body is responsible for securing provision of fundable further and higher education in its region. The regional strategic body has the role, among other things, to fund colleges assigned to it. Regional strategic bodies provide a way to achieve the benefits of taking a regional approach to college funding and planning in multi-college regions.

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

4. Argyll College (“the College”) is currently funded through North Highland College UHI (“NHC”). NHC contracts with the College for the provision of SFC-funded activity in the Argyll region. NHC is assigned to the regional strategic body UHI.

5. The Assigned Colleges (University of the Highlands and Islands) Order 2018 (SSI 2017/) assigns the College to UHI as the regional strategic body for the area so that the College may become a fundable body and receive funding from the regional strategic body instead of receiving funding contractually through NHC. The Order will take effect on 5 December 2018.

6. The functions of regional strategic bodies in sections 12A, 12B and 23E to 23O of the 2005 Act are in respect of the Colleges assigned to UHI.

Consultation

7. In accordance with section 7C(2) of the 2005 Act, the assignment of the College to UHI was proposed by the SFC. The SFC wrote to Ministers on 29 March 2018 to propose the assignment of the College to UHI after having regard to the matters specified in section 7C(3) of the 2005 Act, namely the desirability of ensuring that the College was a body for which there

¹ Aberdeen and Aberdeenshire, Ayrshire, Borders, Dumfries & Galloway, Edinburgh, Fife, Forth Valley, Glasgow, Highlands and Islands, Lanarkshire, Tayside, West and West Lothian

were suitable provisions, procedures and arrangements of the type described by or under section 7(2).

8. In accordance with the requirements of section 7C(6) of the 2005 Act, the Scottish Government issued a consultation paper² in May 2018 on plans to assign the College to UHI. Ministers consulted with UHI, the governing body of the College, the representatives of any trade unions which were recognised by the College or which were otherwise representative of its staff, the College's students' associations, the SFC, the local authority for the area in which the College is situated and other persons likely to be affected by the order.

9. Overall, respondents were supportive of plans to assign the College. The Scottish Government has published all the consultation responses and its analysis³.

Impact Assessments

10. There are no significant equality impact issues arising from this Order.

Financial Effects

11. The Cabinet Secretary for Education and Lifelong Learning confirms that no Business and Regulatory Impact Assessment is necessary as the instrument has no financial effects on local government or on business.

**Scottish Government
Colleges, Young Workforce and SFC Sponsorship Division
September 2018**

² <https://consult.gov.scot/advanced-learning-and-science/assignation-of-argyll-college/>