

POLICY NOTE

THE DESIGNATION OF REGIONAL COLLEGES (SCOTLAND) ORDER 2014

SSI 2014/22

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

Policy objectives

2. The instrument forms part of an implementation package for the Post-16 Education (Scotland) Act (“the 2013 Act”).

3. 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 regions¹.

4. There are ten regions with a single incorporated college². Six of these regions³ have a single college as result of mergers that have taken place since October 2012.

5. The Order designates each incorporated college in a single college region as a regional college with effect from 3 March 2014.

6. The principal effect of such a designation will be to give the colleges listed in article 2 of the Order:

- a) the board arrangements of a regional college, as provided for in schedule 2 to the Further and Higher Education (Scotland) Act 1992, as amended by the 2013 Act. These include, for example, the appointment of a regional college chair by the Scottish Ministers.
- b) new functions, as provided for in sections 23A (regional colleges: general duty); 23B (regional colleges: planning, consultation and collaboration); 23C (regional colleges: improvement of economic and social well-being); and 23D (regional college to have regard to particular matters) of the Further and Higher Education (Scotland) Act 2005 (“the 2005 Act”), as inserted by section 5(2) of the 2013 Act.

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

² “Incorporated colleges” are colleges with a board of management established under the Further and Higher Education (Scotland) Act 1992.

³ Aberdeen and Aberdeenshire, Ayrshire, Edinburgh and Lothians, Fife, Tayside and West. Mergers in two other regions (Glasgow and Lanarkshire) have not resulted in single college regions.

Consultation

7. In accordance with the requirements of section 7A(2) of the 2005 Act, the Scottish Government issued a consultation paper⁴ in October 2013, among other things, Ministers' plans to designate regional colleges in single college regions in March 2014. Ministers consulted with the boards of management of the colleges affected, the representatives of any trade union which the colleges recognise or which were otherwise representative of their staff, the colleges' students' associations, the local authorities for the areas in which the colleges are situated, the Scottish Further and Higher Education Funding Council and other persons likely to be affected by the order.

8. Overall, respondents were supportive of the plans. The Scottish Government has published on its website the responses received about the plans in single college regions alongside an analysis of the responses.

Impact assessments

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

Financial effects

10. 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.

11. The Financial Memorandum to the Post-16 Education (Scotland) Bill⁵ estimated that the estimated cost to the Scottish Government of the appointment of twelve chairs (for regional colleges and Regional Boards), including staff costs, advertising and any travel and subsistence costs of external members of appointment panels, would be up to £90k. A pro-rata estimate for ten chairs of regional colleges is up to £75k.

**Scottish Government
Colleges and Adult Learning Division
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⁴ <http://www.scotland.gov.uk/Publications/2013/10/7639/0>

⁵ http://www.scottish.parliament.uk/S4_Bills/Post-16%20Education%20Bill/b18s4-introd-en.pdf