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Introduction

This latest update provides information to the college sector's leaders and governance professionals on progress around the Scottish Government college governance reforms and the work of the Good Governance Steering Group (GGSG) over the last year.

Key Governance Areas

Trade Union Nominees on Boards (Incorporated Colleges and Regional Strategic Bodies)

This area has been a key focus for the GGSG over the past six months. The GGSG established a short life working group to take forward key work and to consider and develop final recommendations in relation to timescales for implementation, processes and procedures (including election and appointment) as well as induction and training. Outlined below are the agreed implementation arrangements for this governance reform.

Timeline

Presented below are the various stages of the implementation process which includes the statutory instrument which the Scottish Government is required to bring forward that will make the necessary amendments to legislation to give effect to the policy change.

Period	Stage
Early September 2023	Scottish Government to lay Draft Order to the Scottish Parliament to allow for the amendments to be made to the 1992 Act and the 2005 Act (<i>requires 54 days</i>).
Early October 2023	Recognised trade unions to prepare for election process.
Early November 2023	Draft Order passed through the Scottish Parliament.
	Recognised trade unions to commence election process (<i>4 - 6 weeks</i>).
1 st January 2024 * * <i>boards will be given three weeks of flexibility to complete this stage.</i>	New board members to be formally elected to boards and associated announcements made.
January to March 2024	New board members to: <ul style="list-style-type: none"> • undertake internal board induction programmes • undertake CDN board member induction training programmes • start attending scheduled board meetings • be formally ratified by the board.
End March 2024	Sector to fully implement the governance reform to allow for trade union nominees on boards.

Procedure for the Election and Appointment of the Trade Union Nominees to College Boards in Scotland

Outlined in **Annex 1** is the agreed procedure for the election and appointment of trade union nominees onto boards. The procedure sets out the criteria for selection of candidates which will be adopted by the recognised trade unions and the staged election procedure to be adopted in the appointment process. This procedure will be uploaded to College Development Network's (CDN) [Governance Hub](#) and be available to download, alongside other guidance and key document templates for use by colleges and regional strategic bodies.

Induction and Training Programmes

The GGSG agreed that the current [Board Member Induction Workshops](#) provided by CDN for new board members, along with the internal board induction programmes carried out by the chair of the board and governance professional were adequate and that there was no requirement to introduce a separate programme of activity. However, in line with the timeline for implementation, CDN has agreed to run three additional workshops in early 2024 to meet the initial demand across the sector of new trade union nominees on boards.

Remuneration of Assigned College Chairs

The Scottish Government's College Governance Team has begun to scope out a proposal for implementing this policy change and intends to discuss this with the Minister before bringing it to the GGSG at a future meeting. Latest timescales indicate that this will be in place by 2024+. The chair of the GGSG has recently written to the Scottish Government to seek a commitment that implementation for this change will be in 2024 and to request a detailed timeline in taking forward each of the key areas, as set out in the College Governance Implementation Plan. Further information will be shared with the sector once available.

Review College Sector Board Appointments: Ministerial Guidance 2014

The Scottish Government's College Governance Team will shortly be publishing a 6–8 week consultation on the updated Ministerial Guidance. A draft version has already been considered and comments provided by members of the GGSG and the Governance Professionals Steering Group. Once the Draft Order to amend the relevant Acts for the trade union nominees on boards has been laid before Parliament, the references to this will also be updated in the guidance.

Scottish Government Public Appointments Website

The chair of the GGSG has recently written to the Scottish Government to raise the issue that by removing the ability for colleges and regional strategic bodies to advertise for non-executive board members on the Public Appointments website this is having a detrimental effect on the wide range of board members which the sector can attract. The letter requests that the Scottish Government reconsiders its decision.

2022 Code of Good Governance for Scotland's Colleges

Over the next 12 months, the 2022 Code will be reviewed and amendments drafted in line with new legislative changes and good practices. This will include reviewing the recently updated [Code of Good Higher Education Governance](#). In addition, the GGSG will conduct an Islands Communities Impact Assessment to ensure any changes to the Code does not adversely affect college boards within the Scottish islands.

Standards Commission for Scotland – Advice Note

The Standards Commission has offered to assist the GGSG by producing an Advice Note for boards and its members on how to manage conflicts of interest arising and how to ensure compliance with the *Model Code of Conduct for Members of Devolved Public Bodies*. This will be considered at the next meeting of the GGSG and once agreed, uploaded to CDN’s [Governance Hub](#) and be available to download, alongside other guidance and key document templates for use by colleges and regional strategic bodies.

External College Governance Reviews: What Happened Next?

A CDN Insight Report by Candy Munro and Ron Hill has recently been [published](#). This study follows up on the most recent series of externally facilitated effectiveness reviews of the governance of colleges by asking what happened next with a sample of seven colleges. This report will be considered by the GGSG at its next meeting.

Further Information

We will continue to keep the sector briefed on further developments on college governance.

For information, a note of the current members of the GGSG and contact details for any enquiries, are noted below:

GGSG Members	
Four regional/assigned college chairs <ul style="list-style-type: none"> • Waiyin Hatton (Chair), West College Scotland • Angus Campbell, FE Regional Lead/Vice-Chair, UHI Regional Strategy Committee • Janie McCusker, GCRB • David Newall, Glasgow Clyde College 	Four college principals (or senior college staff) <ul style="list-style-type: none"> • Margaret Cook, UHI Perth • Pete Smith, Borders College • Stella McManus, South Lanarkshire College • Steven Taylor, Dundee and Angus College
Two college governance professionals <ul style="list-style-type: none"> • Marcus Walker, Edinburgh College • Marianne Philp, Fife College <p><i>Also in attendance: Penny Davis, GCRB</i></p>	Representation from STUC <ul style="list-style-type: none"> • Stuart Brown, EIS • John Mooney, UNISON
Representative from Scottish Government <ul style="list-style-type: none"> • Adam Mackie 	Representative from NUS Scotland <ul style="list-style-type: none"> • Laura Jimenez-Hernandez
Representative from SFC <ul style="list-style-type: none"> • Jacqui Brasted 	Representative from CDN <ul style="list-style-type: none"> • Gordon Hunt/Vicky Underwood
Representative from Colleges Scotland <ul style="list-style-type: none"> • Shona Struthers 	Representative from OSCR <ul style="list-style-type: none"> • Martin Tyson
Contact Information	
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Good Governance Steering Group
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Procedure for the Election and Appointment of the Trade Union Nominees to College Boards in Scotland

Context

Colleges make a vital contribution to improving the education, lives and employability of learners in Scotland. Their effective governance is fundamental in supporting colleges to deliver high quality learning and teaching experiences and in improving the life chances of their students whilst securing public value.

In February 2019, the Scottish Government announced its decision to implement recommendations to improve the effectiveness of governance in Scotland's colleges, whilst retaining the chain of accountability in the sector introduced by the Post-16 Education (Scotland) Act 2013.

Fundamental to these proposals is a commitment to partnership working, with the introduction of two trade union nominees to college boards in addition to the existing staff members, bringing the college sector into line with changes made in universities by the Higher Education Governance Act 2016.

The introduction of trade union nominees will build on the fundamental principles of the Fair Work Convention, an agenda supported by the Scottish Government, which recognises the positive impact of trade unions at individual, workplace, sector and national level and the unions' role in promoting progressive workplace practices that contribute to the health of the economy and civil society in Scotland.

Subordinate legislation will be introduced later this year to provide a mechanism for the election of these nominees and in preparation, the college sector's Good Governance Steering Group has been tasked with producing guidance for the election of these members.

This paper sets out the proposed criteria for selection of candidates which will be adopted by the recognised trade unions and the staged election procedure to be adopted in the appointment process.

Criteria for Selection of Candidates

The EIS is the recognised trade union for academic and academic related staff within Scotland's colleges. UNISON, Unite and the GMB are the current recognised trade unions for professional support staff within Scotland's colleges.

It will be for the recognised trade unions for academic and professional support staff within Scotland's colleges to determine which trade union body will lead on and manage the election and appointment process for the relevant institution(s).

In selecting the trade union nominees for academic and professional support staff, the recognised trade unions will apply the following criteria:

- Candidates will be a member of staff from the relevant institution(s).
- A candidate will preferably:
 - be an active trade union representative; or
 - be involved in the running of the local branch; or
 - regularly attend national branch meetings.

As with the appointments for teaching (academic) and non-teaching (support) staff board members, the term of appointment for trade union nominee board members shall also be for a period of four years, and candidates standing for election should be aware of this commitment.

Stages of the Election Process Leading to Appointment to a College Board

Stage One: A call for candidates will normally be issued two months prior to a vacancy on the college board and in accordance with an agreed election timetable. At that time, the relevant trade union(s) will appoint a Returning Officer who will administer the election process.

The Returning Officer will call a meeting or otherwise communicate with all union members of the institution to seek nominations for the position of trade union nominee. Each nomination must be signed by the nominee and will go forward if endorsed by two representatives from the relevant trade union(s).

If only one candidate is nominated for the relevant staff group, then that person will be elected unopposed as the trade union nominee for the staff group concerned.

Stage Two: If more than one candidate for each position comes forward, then the nominations will be intimated to the Returning Officer and the local membership of the relevant trade union(s) will be balloted. The ballot will be conducted over a three-week period. The candidate with the highest number of votes will be elected as the trade union nominee for the staff group involved.

Stage Three: The Returning Officer will communicate the nomination to the Governance Professional of the college involved in accordance with the election timetable.

Stage Four: The names of the persons elected shall be announced to the board and if appropriate, ratified before being announced to all staff.

Stages of the Election Process Leading to Appointment to a Regional Strategic Body

Stage One: A call for candidates will normally be issued two months prior to a vacancy on the Regional Strategic Body ('RSB') and in accordance with an agreed election timetable. At that time, the relevant trade union(s) will appoint a Returning Officer who will administer the election process.

The Returning Officer will call a meeting or otherwise communicate with all union members of the institution(s) to seek nominations for the position of trade union nominee from the relevant assigned colleges. Each nomination must be signed by the nominee and will go forward if endorsed by two representatives from the relevant trade union(s).

If only one candidate is nominated for the relevant staff group, then that person will be elected unopposed to the RSB as the trade union nominee for the staff group concerned.

Stage Two: If more than one candidate for each position comes forward from the relevant assigned colleges of the RSB, then the nominations will be intimated to the Returning Officer and the local membership of the relevant trade union(s) of the assigned colleges will be balloted. The ballot will be conducted over a three-week period. The candidate with the highest number of votes will be elected to the RSB as the trade union nominee for the staff group involved.

Stage Three: The Returning Officer will communicate the nomination to the Governance Professional of the RSB involved in accordance with the election timetable.

Stage Four: The names of the persons elected shall be announced to the board of the RSB and if appropriate, ratified before being announced to all staff of the relevant assigned colleges.