

Item: 5

College Management Council Sub-committee: 5 November 2018.

Student Representatives.

Joint Report by Chief Executive and Executive Director of Education, Leisure and Housing.

1. Purpose of Report

To consider the principle of student representatives becoming members of the College Management Council Sub-committee, with voting rights.

2. Recommendations

The Sub-committee is invited to note:

2.1.

That, at present, two student representatives are entitled to attend meetings of the College Management Sub-committee but are not members of the Sub-committee and, therefore, do not have voting rights.

2.2.

That the Code of Good Governance for Scotland's Colleges, published by Colleges Scotland in 2016, suggests that student board members, as full board members, bring essential and unique skills, knowledge and experience to the board and that they must not be excluded from board business unless there is clear conflict of interest, in common with all board members.

2.3.

The expectation from the Scottish Funding Council that membership of college boards should include student representatives, with voting rights.

2.4.

The current membership of the College Management Council Sub-committee as follows:

- Five Elected Members (1 vote each).
- Four Business Community representatives (1 vote each).
- Four Community representatives/Third Sector representatives (1 vote each).

It is recommended:

2.5.

That, in principle, membership of the College Management Council Sub-committee be increased to include student representatives, with voting rights.

2.6.

That, should the principle of students becoming members of the Sub-committee, with voting rights, be accepted, the Chief Executive and the Executive Director of Education, Leisure and Housing should submit a joint report, to the Meeting of the Policy and Resources Committee to be held on 19 February 2019, setting out detailed arrangements.

3. Background

3.1.

At its meeting held on 3 September 2018, while discussing the paper from Highlands and Islands Student Association, members raised the issue of student representatives not being eligible to vote on the Sub-committee.

3.2.

Membership of the College Management Council Sub-committee currently comprises:

- Five Elected Members (1 vote each).
- Four Business Community representatives (1 vote each).
- Four Community representatives/Third Sector representatives (1 vote each).

3.3.

The student representatives, although attending meetings, are not members of the Sub-committee, and, as such, have no voting rights.

4. Review of Student Membership

4.1.

Students are key stakeholders in colleges and the importance of the student voice is recognised within the 'Code of Good Governance for Scotland's Colleges' published by Colleges Scotland in 2016 which states "...student board members are full board members and bring essential and unique, skills, knowledge and experience to the board.". It goes on to state that "... Student board members must not be excluded from board business unless there is clear conflict of interest, in common with all board members".

4.2.

Although Orkney College is part of Orkney Islands Council and is an “unincorporated college” and the College Management Council Sub-committee is therefore bound to follow the Council’s Standing Orders, cognisance requires to be taken of Orkney College’s association with the University of the Highlands and Islands.

4.3.

The Highlands and Islands Students Association (HISA) has an expectation that students will play a full and active role in the colleges that they attend and this extends to contributing to the governance of the institution.

5. Principles to be Considered

Should the principle of student representatives becoming members with voting rights be agreed, several matters require to be considered in greater detail. These include, but are not limited to, the following:

- The number of student representatives elected to sit on the College Management Sub-committee.
- The minimum age of a student representative.
- The term of office for student representatives.
- The election process to become a student representative.

6. Benchmarking

6.1.

As noted at section 4.1 above, the presence and voting rights of student members of college boards is an expectation as set out in guidance from Colleges Scotland and the Scottish Funding Council.

6.2.

With the current exception of Orkney College, all other colleges in Scotland include student members with voting rights on their boards.

6.3.

For information, Shetland Islands Council has recently completed a review of the status of Shetland College and NAFC Marine Centre. The Board of Shetland College now comprises seven voting members – six Councillors and one student.

7. Corporate Governance

This report relates to governance and procedural issues and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

8. Financial Implications

There are no direct financial implications arising from the recommendations of this report.

9. Legal Aspects

9.1.

The Council took advice from Senior Counsel, Scott Blair, in 2008 when it was mooted that the composition of the College Management Council Sub-committee would consist of a number of non-elected members.

9.2.

The College is a College of further education for the purposes of the Education (Scotland) Act 1980 and is therefore not incorporated and falls under the statutory framework of the Local Government (Scotland) Act 1973. In terms of section 56 of the Act, the Council can delegate its functions to a committee. Whilst these provisions allow persons who are not members of the Council to sit on such a committee, in terms of section 57 of the Act, at least two thirds of the members of the committee must be members of the authority, apart from the Education Committee. Section 124 states that an Education Committee shall be made up of at least 50% members of the local authority with specific provision for up to three religious representatives.

9.3.

There are no such restrictions in relation to a Sub-committee and there is no restriction on the amount of non-elected members that could sit on such a Sub-committee. There is a restriction on employees of the Council becoming a member of such a committee in terms of section 59 of the Act. However, in terms of section 126 of the Act that does not apply to teachers. Counsels opinion specifically mentioned students, with the comment that a student of voting age could be a member of the Sub-committee.

10. Contact Officers

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