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The Educational
Institute of Scotland

Merger of the Funding Council Team
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Dear Colleague

Consultation on the Merger of the Scottish Further Education Funding Council and the Scottish Higher Education Funding Council

I am pleased to enclose the Educational Institute of Scotland's response to the above consultation.

Should you wish to receive an electronic copy of this document, please contact Karen Nicholson at knicholson@eis.org.uk who will be happy to provide same.

Also enclosed is the Respondee Information Form.

Yours sincerely

Marian Healy
National Officer
(Further and Higher Education)

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THE EDUCATIONAL INSTITUTE OF SCOTLAND

RESPONSE TO

THE SCOTTISH EXECUTIVE CONSULTATION ON

THE MERGER OF THE SCOTTISH FURTHER EDUCATION FUNDING COUNCIL
AND THE SCOTTISH HIGHER EDUCATION FUNDING COUNCIL

INTRODUCTION

The Educational Institute of Scotland is the largest lecturers' union in Scotland, with close to 9,000 academic members in both the further and higher education sectors. The EIS is the sole representative body for further education lecturers in Scotland. The Institute welcomes the opportunity to influence the eventual structure of a single funding council for Scottish tertiary education and the terms of the Tertiary Education (Funding etc.) (Scotland) Bill.

LEGISLATING FOR MERGER

The Institute welcomes the news that in seeking to legislate for the merger of the two funding councils it is intended to keep change to a minimum. However, if the new body is to play a role in realising the people centred aims of the Scottish Executive Lifelong Learning Strategy as set out in "Life through Learning: Learning through Life" and "A Framework for Higher Education in Scotland" we believe it will have to be an enabling body, one which has a developing, planning and funding role.

The new body should promote and assist collaboration between further and higher education establishments and other local and national agencies, ensuring duplication is kept to a minimum while encouraging partnership working which provides value to Scotland's growing knowledge economy. The new body should ensure representatives of staff in both sectors are involved in any planning and delivery processes.

The EIS believes the further education sector has established itself as the lead provider of HNC/HND education in Scotland and promoted the 2+2 route to a degree as the preferred option of many students. However, while this is the preferred option for many we realise that a four year honours degree will still be the preferred route for the majority of school leavers, we would therefore not wish to see any new legislative framework seek to promote one route over another, nor would we wish to see disparity in funding arrangements and would encourage the new body to fund according to level as set out in the Scottish Credit Qualifications Framework.

When framing the new legislation the Institute would wish the Executive to note that FE lecturers also deliver degree level programmes for many HEIs in locations best suited to the student's circumstances. Despite this exceptional contribution to HE delivery in Scotland, FE lecturing staff do not enjoy "parity of esteem" with their HE colleagues, particularly when it comes to matters of pay. The Institute believes now is the time for Ministers to seek to establish a forum to review the current disparities in pay and conditions across the FE sector and recommend looking at the long term benefits of assimilating FE college staff to the newly established higher education pay and grading framework.

Diversity

The Institute supports the proposal to create an environment where the Council has the same powers and duties over all institutions. However, we also believe that not enough attention has been paid to recognising the diversity of the further and higher education sectors and that categorisation contained throughout this consultation document and proposed Bill seek to devalue the very diversity that is central to what the Executive seeks to achieve. The Institute is comfortable with the concept of a tertiary education sector for Scotland but is totally opposed to the STEP categorisation contained in the consultation and would question why it was necessary to sub-divide higher education throughout the document. We suggest greater clarification of the diversity of Scotland's tertiary sector is needed in the final Bill to ensure no negative impact is experienced by any one institution following legislative change.

THE CHANGING LANDSCAPE

The Institute cannot see any case for extending the range of learning providers eligible for funding from the new body as we believe Scotland is well served by its publicly funded FEC's and HEI's. The Institute would, however, suggest additional funding is needed to assist cross sector collaboration, maximising use of resources and minimising duplication. If workplace education and training is to be beneficial to the needs of the Scottish economy we believe it must be delivered by dedicated, qualified professional lecturing staff who understand the priorities of Ministers and the Council, from our further and higher education institutions thereby ensuring quality and best value.

However, should such a proposal find itself into the final Bill, the Institute believes greater clarity is needed to show that being specified as a tertiary education provider does not automatically mean funding is provided from the public purse, causing a redistribution of scarce resources. Should eligibility ever lead to funding the Institute would want to be assured that Ministers were satisfied that it was only in exceptional circumstances and a consequence of the provision not being available from any FEC or HEI.

The Institute is pleased to note that the SCQF is currently establishing itself as a world leader in bringing clarity and understanding to entry and exit points and routes for progression within and across post compulsory education and training in Scotland. The Institute supports the work of the SCQF and looks forward to it providing a national vocabulary for describing learning opportunities and making the relationship between qualifications clearer and more easily understood by employers, learners, parents and the general public.

We welcome the proposal to extend academic freedom to FEC's. However, we would need assurance that the academic freedom enjoyed by higher education academic staff is also extended to further education lecturers.

We note the review of teacher qualifications in FE and the potential that lecturing staff would be required to gain an appropriate teaching or professional qualification within a prescribed period of time. The Institute would welcome such a proposal for FE lecturing staff.

Finally, we note the proposal to add a power in the new legislation which would allow Ministers to "invest additional funds – beyond grants" for a specific purpose. The Institute is opposed to top slicing in both further and higher education and would need assurances that

these “additional funds” were indeed new money not just money top-sliced from annual grant-in-aid allocations.

ROLE OF THE NEW BODY

Responsiveness and relevance of learning provision

The Institute, as indicated above, believes that the new body should have a planning and funding role and therefore accepts that it will have some involvement in ensuring that FE and HE institutions respond to addressing the skills needs of the Scottish economy. As it is likely that the Scottish economy will continue to move away from manufacturing and towards commercial and service based employment and also self-employment, we believe this is a strong pointer towards the need for broad courses including a large element of general education. If institutions are to be able to adapt quickly to changes in national and local economies and to set up new courses as required they will require to be well resourced. The Institute would like to see the Council provide funding for the development and piloting of new provision in rapidly evolving areas. We share the vision of collaborative working in many of the Stakeholder Platforms and ask that the new Council provide for partnership arrangements between FE and HE institutions; relevant employer stakeholders; trade unions and the Executive to encourage a proactive, informed approach to such developments.

Quality of learning provision and research

The Institute has no difficulty with the provisions outlined here, however, we would not wish to see any additional quality audit burden placed on FEC's or HEI's by the new Council, rather we would welcome a review of current audit requirements and a light touch approach being introduced, underpinned by robust self-evaluation.

The Institute would like to see the new body take a lead role in ensuring FEC's are able to avail of research opportunities and that they are provided with opportunities to learn from HEI's how best to incorporate research considerations to current activities. We would like to see twinning and mentoring opportunities for institutions and staff being promoted.

Coherence of provision and collaboration between providers

The Institute would like the Council to adopt a Collaboration, Communication, Co-operation approach, promoting joint programme delivery and research both within and across sectors. It should be proactive in encouraging and supporting collaborative initiatives, highlighting and commending good practice. It is true that collaboration is currently more common place between HE institutions and between FE colleges but not at all clear that collaboration and partnership across both sectors is as good as it could be. The Institute believes collaboration between sectors is a clear means of ensuring “parity of esteem” is established across both FEC's and HEI's and suggests that the additional resources will be required initially for FECs to rise to the challenges of collaborating with well established synergies in HEIs. Seamless articulation from FE to HE should be another priority for the new Council.

UHIMI and Crichton Campus: new approaches

The Institute supports the development of the UHI Millennium Institute and the value that such a development brings to the Islands and Highlands of Scotland. We are, however,

concerned that this “university” is developed on a par with other universities in Scotland which is currently not the case as courses presently offered by the UHI Institute are developed by FE academic staff, taught by FE academic staff, student support dealt with by FE academic staff, without any common approach to quality, conditions of employment or rates of pay. The Institute suggests the new Council cannot continue the “poor relation” approach to the development and provision of degree courses for the UHI Institute and expects a funding mechanism to be established that allows the current disparities to be overcome.

Mergers and new institutions

The Institute would wish decisions on institutional closures, start-ups or mergers to reside with Ministers. However, we would suggest that the Council be given authority to monitor the implementation of merger decisions in order to ensure the provisions of merger are adhered with and the interests of staff maintained. The Institute has not had very good experience of mergers in the HE sector and would suggest that some mergers had an element of asset stripping at their core while others seek to intimidate and threaten academic staff to transfer from TUPE protected contracts to alternative contracts by denying them future pay awards. The new body should also have authority to advise Ministers to reverse the decision should staff and student interests not be upheld.

On the FE front the Institute has been appalled at the amount of public funds utilised to investigate the potential for merger between colleges, without one single positive outcome. We believe the Council has a role to play in initiating and encouraging institutions to consider closer working, including merger, however, it should also have the authority to recommend positive change where that change is supported by the majority of the relevant stakeholders.

Progression through learning (including articulation)

The Institute believes the new Council should, perhaps using a condition of grant, ensure all HEIs to have articulation agreements in place with further education colleges in order to maximise the number of students progressing seamlessly from FE to HE study. We would also suggest that the new body ensure that where these advancing students are those from socio economic groups not previously involved in or attracted to higher education that resources follow the student to ensure that expectations are realised and drop out rates among “non traditional” learners reduced. We believe that it is only with specific additional financial support that HE institutions can offer the advice and guidance necessary to help these students become graduates.

FUNDING

The Institute supports the single tertiary allocation to the Council proposed in the Bill but would caution against any destabilising of the further or higher education sector during the transition phase. The Institute would need to be assured that once Ministers had agreed the allocations to FE and HE no further scrutiny of specific allocations was required. The Institute supports the proposal to fund provision by level and recommends using the SCQF levels for such purposes.

The Institute would suggest that the new Council also be given responsibility for the funding of nurses and midwives and that the requirement to bid to the Scottish Health Board on a five year basis be ended.

We support the proposal that the new body produce an annual report, to lay before Parliament, which we believe should also include a brief overview of the benefits or failures of the conditions set when funding specific areas of Ministerial priorities. In bringing together planning and funding responsibility the new body will need to ensure best practice is upheld and value for money delivered by both sectors.

POWERS AND DUTIES OF THE NEW BODY

The Institute shares the concern of some HEI's that a requirement for "adequate and efficient" provision may lead to them having to duplicate provision already offered by FEC's. The Institute would welcome clarification on this matter and suggest the Council should focus on ensuring that the needs of learners are met within a geographical area rather than funding duplication of provision as a consequence of this provision in the Bill.

RESEARCH AND KNOWLEDGE TRANSFER

The Institute welcomes the requirement that the new Council will require to establish a Research Committee and would suggest that such a Committee be made up of research expertise from across Scotland. We do, however, remain concerned at the very large gap between the amount of research conducted in long established universities and that conducted in the post 1992 sector institutions. If there is to be more equality of status among higher education institutions generally then some means of building up the research portfolio of the new universities will need to be found. The Institute believes it is crucial that the post 1992 sector institutions are supported if the new and applied areas of research such as nursing, tourism, media, creative industries and financial services, all important to the success of the Scottish economy, are to develop and flourish.

The new body should have additional resources at its disposal to provide discrete resources to FE institutions in order for them to engage in individual or collaborative ventures which will over time lead to increased commercialisation and knowledge transfer.

GOVERNANCE, ORGANISATION AND MANAGEMENT

The Institute welcomes the proposal that the Chief Executive of the new body will have the right to request attendance at a special meeting of the Board of Governors. We would expect that any such attendance would result in recommendations being reported to Ministers for further consideration and appropriate action.

We believe it is unacceptable that the new body does not have powers to ensure that all publicly funded colleges and higher education institutions have regard to staff governance issues and a means of penalising those that do not, particularly those that do not comply with the Nolan principles when appointing Board members.

The Institute is disappointed to note that the proposals for Governance and Accountability changes being proposed for FEC's are not intended to cover HEI's. We are also disappointed that Ministerial powers are not to be enhanced to cover appointment of Chairs of College Boards of Governance and University Governing Bodies.

The Institute suggests the Bill needs to take account of the value of including staff on Boards of Governors and would suggest enhanced representation rights for staff in both sectors.

OTHER MATTERS

Name

The Institute has no problem with the name The Scottish Tertiary Education Funding Council.

TERTIARY EDUCATION (FUNDING etc.) (SCOTLAND) BILL

We have not commented specifically on the draft Bill but would expect all the comments above to be reflected in the Bill at the appropriate sections.

However, we do have one concern regarding the provision set out in section 22 of the Bill. We are concerned that section 22 (2) and 22 (4) allows Ministers to arbitrarily specify conditions which could have a negative and/or punitive impact on institutions named in schedule 2. We would need assurances that such arbitrary power is limited and that all conditions which Ministers would wish to set by means of regulation are transparent and agreed by Parliament.