

## REVIEW OF SCOTLAND'S COLLEGES

### WORKING GROUP: GOVERNANCE AND ACCOUNTABILITY

#### DRAFT RESEARCH SPECIFICATION

##### Purpose

1. To agree the specification for the group's research proposals.

##### Background

2. Draft research proposals were contained in the discussion paper for the group's first meeting on **1 September**. The relevant extract of the paper is below.

"Possible research which could be commissioned include:

- comparing accountability and governance models for providers of further education elsewhere in the UK and internationally and for public services in Scotland and elsewhere in the UK; and comparing UK corporate governance models.
- analysing the current composition of college boards, including skills mix, gender balance etc.
- survey of college board members (and focus group discussion) on governance and accountability issues.
- survey of college staff and learners (and focus group discussion) on review issues, which could incorporate a governance and accountability 'strand'."

3. Discussion on the item was deferred until the group's second meeting on **29 September**. It was agreed at that meeting that the research proposals should be expanded and a small sub-group comprising Col Baird, Neil Cuthbert, James Alexander and Jennifer McLaren meet to prepare a more comprehensive paper for the full group's subsequent meeting.

4. The reviews team prepared a paper for the subgroup meeting on **28 October** (attached as an annex to this paper).

5. Paper *6 Proposals for Research* (attached) was drafted in the light of the discussion at the subgroup meeting. It was discussed at the full group's meeting on **4 November**.

6. The paper was revised following the discussion at that Working Group meeting and re-circulated to the full group to confirm that members were content with

it. The paper agreed by the Working Group - Paper 7 *Revised Proposals for Research* - is attached.

7. The Executive's researchers converted the paper into a research specification, which was circulated to the subgroup for comment on **16 December**.

### **Issue**

8. An issue of substance has since emerged, which seems to go beyond the responsibilities envisaged for the subgroup - that is whether or not to detail in the specification the matters identified in Working Group paper 7. In other words whether to omit or include section 3.5 of the specification. The draft research specification is attached as an annex to this paper.

9. Initially we were asked by some in the subgroup to 'group' the questions and then subsequently to include general headings rather than detail specific matters.

10. Section 3.5 of the specification includes general headings and the questions are grouped. We believe the inclusion of some general headings is a helpful refinement in addition to outlining specific matters. We feel also that it would be helpful to the researchers to have information on the particular matters outlined in paper 7 that the Working Group has an interest in - including for example, on accountable officers, training and student participation.

11. The Executive's researchers consider that this level of detail is required to ensure the research is focussed, delivers what the Working Group and enables tenderers to cost the proposal appropriately. They consider also that including them outwith the main body of the specification, such as in an annex, risks diminishing their importance.

### **Action**

12. **Views of members are invited on whether to:**

- (a) **omit specific matters (i.e. omit section 3.5);**
- (b) **include specific matters (i.e. keep section 3.5); or**
- (c) **detail specific matters in an annex.**

13. **Views are invited also on any other aspect of the research specification.**

**Reviews Team  
Review of Scotland's Colleges  
19 January 2006**

## PAPER FOR SUBGROUP MEETING ON 28 OCTOBER

### REVIEW OF SCOTLAND'S COLLEGES

#### WORKING GROUP: GOVERNANCE AND ACCOUNTABILITY

#### PROPOSALS FOR RESEARCH

1. Possible research which could be commissioned include:
  - comparing accountability and governance models for providers of further education elsewhere in the UK and internationally<sup>1</sup> and for public services in Scotland and elsewhere in the UK; and comparing UK corporate governance models<sup>2</sup>.
  - examining governance practices in a representative sample of colleges, including arrangements for student participation.
  - analysing the current composition of college boards, including skills mix, gender balance etc.
  - survey of college board members (and focus group discussion) on governance and accountability issues<sup>3</sup>.
  - survey of college staff and learners (and focus group discussion) on governance and accountability as part of a wider survey covering other review issues.
2. In addition the Executive could provide an overview of the broader regulatory landscape in which colleges operate, and the potential overlap of jurisdictions.
3. The Executive could also explore the experience of others in the organisation of the 'Arts & Business Scotland' initiative (<http://www.aandb.org.uk/scotland/>) to attract and develop board members.

**Reviews Team**  
**Review of Scotland's Colleges**  
**14 October 2005**

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<sup>1</sup> including arrangements for student participation

<sup>2</sup> This could include, among other things, the arrangements for training and support of chief executives, clerks and board members/Governors to secure strategic leadership.

<sup>3</sup> This could include, among other things, their views of the level of regulatory oversight.

**Review of Scotland's Colleges – governance and  
accountability**

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## **1. Introduction**

*The Enterprise, Transport and Lifelong Learning Department (ETLLD) of the Scottish Executive wishes to commission research, as part of the Review of Scotland's Colleges, to consider systems of governance and accountability in Scotland's incorporated Colleges.*

## **2. Background**

2.1 The Review of Scotland's Colleges was launched on 10 June 2005 at the Annual Conference of the Association of Scottish Colleges. The Review is the most fundamental and wide ranging review which the college sector Scotland has seen since incorporation in 1993. The purpose of the review is to provide Ministers with a robust evidence base, and where appropriate, informed recommendations for change.

2.2 There are four main pillars to the Review. These are to consider:

- the contribution of colleges to learners and to Scotland's economy and society;
- the strategic future of colleges over the next 10-15 years;
- the issues relating to staffing, learners and the learning environments in Scotland's colleges to ensure quality learning experiences; and
- governance and accountability in Scotland's incorporated colleges.

2.3 The proposed research will support the governance and accountability strand of the review (see annex for further information on the review) by identifying best practice from within and outwith the college sector in Scotland.

2.4 It should be noted that this strand of the review builds on the work of a previous review carried out in 2002/03. Information about this review can also be in the annex. The Ministerial Report on completion of the review in March 2003, stated that:

“Ministers intend to keep under review governance and accountability arrangements in the further education sector. Given the range of measures which are proposed as a result of the current review, and others which are already in train. Ministers see it as important to assess the impact of these and to make any further necessary changes in the light of that. Ministers, therefore, will further review the impact of the above package of changes after two years.”.

2.5 The governance and accountability strand of the current review delivers this Ministerial commitment.

## **3. Aims & Objectives**

3.1 The aim of the commissioned research is to identify best practice in governance and accountability by learning from current practice in Scotland's colleges and from the experience of other relevant organisations.

3.2 The research will inform:

- The development of public policy, including funding decisions;

- Consideration of amendments to the Further and Higher Education (Scotland) Act 1992; and
- Association of Scottish Colleges (ASC) support for college board members including its *Guide for College Board members*.

### 3.3 The main objectives of the research are:

To explore issues of governance and accountability in Scotland's incorporated colleges and to compare accountability and governance models in Scotland's colleges with:

- other providers of post-school education elsewhere in the UK and internationally;
- public services in Scotland and elsewhere in the UK; and
- UK corporate and charitable bodies.

### 3.4 It should, where appropriate, encompass:

#### **Composition**

- representativeness;
- continuity;
- expertise of members; and
- availability and quality advice for its tasks.

#### **Contribution**

- governance of the institutions;
- accountability to stakeholders; and
- scrutiny and support of college management.

### 3.5 The research should examine among other things:

#### **Governance**

- The nature of the governing body, i.e. the extent to which it is involved in day-to-day management decisions, how it holds the management team to account, how it provides advice to the management team and how it is involved in the formulation of strategic policy
- How boards secure, where necessary, advice independent from the management team.
- The relationships between the board, chairperson and chief executive, including whether they operate within written schemes of delegation (and if so, how these are framed).
- The activities undertaken to help the board gel as a collegiate body.
- Arrangements for student participation.

#### **Composition and Recruitment**

- The current composition of all college boards, including reference to equalities issues.

- Whether board members and chairpersons have clearly articulated roles and knowledge of the contribution expected from them, including time commitment.
- Recruitment practices, including how independent persons are involved in the process.
- Arrangements for the succession planning of chairpersons
- Whether former principal, staff and student board members are appointed as members after they have left office. It would also establish whether any members are former students of the college concerned.

### **Training, Support and Performance**

- The generic skills required of board members and chairpersons, their training needs (for dealing with routine and non-routine business) and arrangements for induction and for meeting those needs.
- Arrangements for training and support for chief executives, clerks, board chairpersons and members.
- How board member performance is assessed, e.g. arrangements for non-attendance.
- How boards self-assess their performance.

### **Accountability**

- How boards relate to other agencies and the external environment.
- The arrangements for accountability, i.e. open board meetings, reporting arrangements on their activities, etc.
- How the role of accountable officer is discharged, and arrangements for training.
- Whether there are separate arrangements for (a) governance and (b) accountability and if so how this is manifested.

### **Views of Board Members**

Views should be sought on what currently works well and why this works, the adequacy of existing arrangements and the current level of regulatory oversight, including how any difficulties could be overcome.

#### **4. Research Design/ Methodology**

- 4.1 While tenderers for this research will be expected to bring suggestions on how the research should be conducted, it is envisaged that this will involve:
- primary data collection, among a representative sample of incorporated colleges in Scotland; and
  - desk research into the wider context of governance and accountability in other public sector organisations in the UK and beyond.
- 4.2 Please provide details of any potential problems or weaknesses with your proposed approach and how you would seek to address them.

#### **5. General Research Issues**

- 5.1 Tenders should specify and identify any methodological constraints and difficulties that may be experienced and how these may be overcome.
- 5.2 Tenderers must specify the overall work programme and should indicate which information sources they would use.
- 5.3 Equalities issues should be integrated into the aims of the research where appropriate. See the Scottish Executive website for more information:  
[www.scotland.gov.uk/mainstreamingequality](http://www.scotland.gov.uk/mainstreamingequality)
- 5.4 All information submitted in tenders to the Scottish Executive (including the identity of tenderers) may need to be disclosed and/or published by the Scottish Executive according to the Freedom of Information Act.

If you consider that any of the information included in your tender is commercially confidential, you should only show that information in an Annex to the tender, indicating clearly that you consider it commercially confidential, and explaining (in broad terms) what harm might result from disclosure and/or publication of it and for how long you consider that it will remain commercially confidential. You should be aware that receipt by the Scottish Executive of any material marked “confidential” or equivalent should not be taken to mean that the Scottish Executive accepts any duty of confidentiality by virtue of that marking; even where you have indicated that you consider some information you have provided to be commercially confidential we may be required to disclose and/or publish it; in such cases the Scottish Executive will first consult you before disclosing and/or publishing the information.

If you consider none of the information in your tender to be commercially confidential, please make a statement to that effect.

- 5.5 We expect the main body of the proposal to be no longer than 20 pages long.

## **6. Research Outputs**

- 6.1 Key outputs will be a final report with an Executive Summary that meets the aims and objectives of the research as outlined in Section 3 of this specification. A four-page Research Summary will also be required. The contractor is expected to submit an electronic version of both the report and research summary by the dates specified.
- 6.2 All written reports must be prepared in a clear, accessible and concise manner, be submitted in a publishable standard and in the Scottish Executive's Social Research house-style. Details of the required style are available on the following website: <http://www.scotland.gov.uk/Topics/Research/Research/SR/CG>

## **7. Ownership & Publication of Outputs**

The ownership of the research material including the final report and any data produced as a result of the research lies with the Scottish Ministers. The research will be published as part of the Scottish Executive's Social Research Findings series, the date and format of which will be determined by the Executive.

## **8. Responsibilities of the Contractor**

- 8.1 The contractor will be responsible for the design, fieldwork, data analysis and preparation of the final report to a standard agreed with the Scottish Executive. It is the responsibility of the contractor to ensure that the proposed methodology does not contravene the provisions of the Data Protection Act 1998. Contractors must also agree to abide by appropriate professional guidelines, for example the Social Research Association's Code of Ethics ([www.the-sra.org.uk/ethics.htm](http://www.the-sra.org.uk/ethics.htm)), and the Market Research Society's Code of Practice ([www.mrs.org.uk](http://www.mrs.org.uk)).
- 8.2 It may be necessary to invite shortlisted contractors to give a short presentation of their proposal before a decision is made.

## **9. Contract Management**

- 9.1 The contract will be managed by Analytical Services Division, ETLLD. Margherita Rossi will be responsible for the day-to-day liaison with the contractor and for agreeing final versions of all research tools and outputs (telephone 0141 2425786 or e-mail [Margherita.Rossi@scotland.gsi.gov.uk](mailto:Margherita.Rossi@scotland.gsi.gov.uk)).
- 9.2 A research advisory group will be established. The successful contractor will be required to attend advisory group meetings which will be arranged to coincide with key stages of the research (no more than 3 meetings will be held).

## **10. Timetable**

- 10.1 The research should begin no later than to be clarified with a satisfactory final report to be submitted in ??.

10.2 A detailed research schedule will be agreed with the contractor, which will form part of the contract. The indicative timetable is as follows:

- ◆ *Tenders submitted*
- ◆ *Main fieldwork*
- ◆ *Reporting: interim*
- ◆ *Reporting: final*

## 11. Costs

A budget of up to be clarified (excluding VAT) is available for this work. This must cover liability for all costs including staff costs, attendance at meetings, equipment, travel and subsistence and overheads. Payments will be phased and linked to the successful completion of key stages of the research. Tenderers liable for VAT on government-funded research projects should indicate this in their proposal.

## 12. Contract Conditions

The contract awarded will be governed by the standard contract conditions covering Scottish Executive research awards (SR/SC/01/05), a copy of which is attached.

## 13. Criteria for the Evaluation of Tenders

Tenders will be assessed for their value-for-money and on a defined set of criteria as detailed below:

- ◆ Understanding of the research brief
- ◆ Development of the brief/ added value of approach
- ◆ Understanding of, and sensitivity to, the policy and practice issues
- ◆ Experience of research staff, including relative inputs from senior staff and management arrangements
- ◆ Costs
- ◆ Quality control mechanisms
- ◆ Approach to risk management

## 14. Guidance for Submitting a Tender

14.1 The following information should be included in a response:

- ◆ **Name** of the tenderer(s), status in the company/institution, and name of person for further contact (if different);
- ◆ A brief statement detailing an **understanding and interpretation** of the purpose, specific objectives and scope of the project;
- ◆ Details of the **proposed methodology and timescale**, including dates for the completion of discrete stages of the work as detailed in the specification.
  
- ◆ **Curricula vitae of all staff involved, including details of their role, their particular expertise and time input** (including, where applicable, staff not yet appointed) and associated management arrangements for the project;

- ◆ Name(s) and curricula vitae of all research staff to be employed on the project with estimated input in days;
- ◆ Details of **previous research experience** relevant to the current application, both within and outwith the Scottish Executive;
- ◆ Contact details for two people who have agreed to be approached to supply **references** in relation to this work.
  
- ◆ A clear statement of the **tender price and specific costs** under the following subheadings:
  - ◆ Day rates for each member of the project team
  - ◆ Research/ management costs broken down by principal task
  - ◆ Equipment and materials
  - ◆ Travelling expenses directly related to the project (including any costs for attendance at meetings)
  - ◆ Overheads
  - ◆ Statement of total cost excluding VAT (and indication as to whether this will be charged)
  - ◆ Details and costs of any work to be sub-contracted; this should include information as to how this process will be managed to ensure that quality is maintained alongside examples of previous projects involving the same sub-contractor.
  
- ◆ Details of approach to **quality assurance** (including adherence to timescales and the quality of key outputs) and any relevant procedures/ accreditation;
- ◆ A **risk assessment** for the project detailing potential risks and associated management arrangements in this respect.

14.2 Responses should be based on the information given in the Specification and upon the professional knowledge and expertise of the contractor. Clarification of specific points can, however, be sought by e-mail from: **Margherita Rossi**, [Margherita.Rossi@scotland.gsi.gov.uk](mailto:Margherita.Rossi@scotland.gsi.gov.uk). Anonymised questions and our subsequent response will be forwarded to all contractors involved in the tendering process for information.

## College Boards

Prior to 1993, colleges were under the control of local authorities. The Further and Higher Education (Scotland) Act 1992 transferred the control of colleges to Boards of Management. This made them autonomous. Of the 43 colleges in Scotland, 39 are incorporated which means that they are governed by Boards of Management.

Under the 1992 Act, Boards of Management of colleges consist of between 10 and 16 members of which externally appointed members must take up at least half. The principal of the college is a member of the board by virtue of his or her position and the board should also include two elected staff members, one nominated student member and a person nominated by the local enterprise company for the area in which the college is located.

### Useful links:

For further information on the College Review

<http://www.scotland.gov.uk/Topics/Education/UniversitiesColleges/17135/RSC/ebulletin1>  
<http://www.scotland.gov.uk/Topics/Education/UniversitiesColleges/17135/RSC/ebulletin2>

The 1992 Act (Schedule 2 of the Act provides details about the constitution and proceedings of boards of management).

[http://www.hmso.gov.uk/acts/acts1992/Ukpga\\_19920037\\_en\\_1.htm](http://www.hmso.gov.uk/acts/acts1992/Ukpga_19920037_en_1.htm)

The Association of Scottish Colleges (ASC).

<http://www.ascol.org.uk/index.asp>

The ASC's diary page which gives an indication of conferences/meetings of when Boards, Chairs of Boards and Principals will come together to meet.

<http://www.ascol.org.uk/diary.asp>

An example of a Board of Management's web page (Banff and Buchan).

[http://www.banff-buchan.ac.uk/domain\\_web/07aboutus/boardindex.php](http://www.banff-buchan.ac.uk/domain_web/07aboutus/boardindex.php)

The Review of Governance and Accountability in the Further Education Sector, 2003

<http://www.scotland.gov.uk/Topics/Education/UniversitiesColleges/17135/8616>