

## Memorandum of Understanding between New College Lanarkshire and South Lanarkshire College

Signed K. H. Fulton

Interim Chair New College Lanarkshire

Date 17.6.19

Signed [Signature]

Principal New College Lanarkshire

Date 17/6/19

Signed Andrew P Ken

Chair South Lanarkshire College

Date 17/06/2019

Signed [Signature]

Principal South Lanarkshire College

Date 17/6/19

### Introduction

This Memorandum of Understanding has been developed jointly and agreed mutually between the two colleges in Lanarkshire. It sets out principles, expectations and responsibilities to ensure that students and potential students of both colleges have the best possible learning experiences and outcomes.

The two colleges will continue working together collaboratively, and with other colleges, to gather, share and embed good and best practice. The two colleges will both collaborate towards the delivery of overarching regional targets for the Scottish Funding Council (SFC), as set out in the Regional Outcome Agreement (ROA).

Collaborative work between the two colleges is founded on a set of important, overarching agreed principles, underpinned by the "Nolan Principles" of standards in public life:

- selflessness; integrity and honesty; objectivity; accountability; openness; understanding; equity and respect; fair conduct; leadership and collaboration.

Both colleges acknowledge the Financial Memorandum (FM) between The Lanarkshire Board and South Lanarkshire College as a key reference point for this Memorandum of Understanding.

Regarding the FM both colleges acknowledge that The Lanarkshire Board is the fundable body through which SFC funds are disbursed. The SLC Board of Management is responsible for the sound governance of South Lanarkshire College. Both colleges have a common understanding that South Lanarkshire College is and will remain an independent organisation.

In addition, both colleges acknowledge other key reference points for this Memorandum of Understanding:

- The Scottish Further and Higher Education Act 1992
- The Scottish Further and Higher Education Act 2005,

- The Post 16 Education (Scotland) Act 2013.
- The Lanarkshire Colleges Order 2014.
- The Financial Memorandum between the Scottish Funding Council and New College Lanarkshire.
- The Code of Good Governance for Scotland's Colleges.

Both colleges, as separate public bodies are bound to comply with laws and regulations including The Community Empowerment (Scotland) Act 2015; The Equalities Act 2010; The Ethical Standards in Public Life etc. (Scotland) Act 2000; The Freedom of Information (Scotland) Act 2002; the Data Protection Act 2018; and the Charities and Trustee Investment (Scotland) Act 2005. Both colleges are major players in relation to The Climate Change Scotland Act 2009 and the associated Statutory Order of 2015.

### **Section 1: Regional Strategic Body**

- a) The Lanarkshire Colleges Order makes the Board of New College Lanarkshire a Regional Strategic Body (RSB) and the fundable body for Lanarkshire, for disbursement of SFC funds. The RSB is known as The Lanarkshire Board.
- b) The Lanarkshire Board therefore has the dual function of governing New College Lanarkshire and also acting as the Regional Strategic Body for Lanarkshire.
- c) As a consequence of the overarching RSB function, five members of the Board of Management of South Lanarkshire College, including the Chair, are full members of The Lanarkshire Board. The Regional Chair is a member of both Boards.
- d) The Lanarkshire Board has responsibility in exercising its functions to secure coherent provision of high quality fundable further and higher education. In planning the provision the RSB will consult and collaborate with SLC.
- e) The Lanarkshire Board has responsibility in exercising its functions to improve the economic and social well being of the region, including social cohesion and social inclusion. The RSB will work with and collaborate with SLC to ensure the full representation of all local issues and needs to meet the responsibility.
- f) The Lanarkshire Board has responsibility in exercising its functions to have regard to local needs in the region. These needs relate to skills, economy, social & cultural issues. In addition the RSB has to have regard to sustainable development and improving participation. The RSB will consult and collaborate with SLC in meeting these responsibilities. The RSB will have the duty to promote collaboration and the highlighting and sharing of good practice.
- g) The Lanarkshire Board has to perform certain functions of monitoring and promoting efficiency of its assigned college and to fulfil duties to consult and collaborate.

- h) The Lanarkshire Board has duties and responsibilities to its assigned college in a similar way that the SFC has such duties and responsibilities towards its fundable bodies.
- i) The RSB and South Lanarkshire College recognise their relationship is analogous to the role played by the SFC to New College Lanarkshire.
- j) As a consequence, the Lanarkshire Board requirements for assurance should be similar to those which SFC requires of regional colleges.
- k) The role and duties of the Chief Officer are set out clearly in the FM, agreed and respected by both colleges and the SFC.
- l) The RSB recognises that South Lanarkshire College has specific responsibilities to SFC in regard to compliance with SFC guidelines, disposal of exchequer-funded assets, student support guidance, borrowing, reporting requirements and data returns, public sector pay policy, use of exchequer funds and tuition fees. Details about these responsibilities are signposted in the FM.
- m) The RSB recognises that South Lanarkshire College has duties and direct reporting responsibilities to other organisations apart from the RSB that are outwith the scope of the RSB. These include SFC, the Scottish Government, local authorities, SDS and others.

## **Section 2: New College Lanarkshire**

- a) New College Lanarkshire is a regional college, responsible for providing further and higher education in its locality.
- b) Its Board of Management is responsible for the sound governance of New College Lanarkshire, as a single entity and its performance as a regional college. The Lanarkshire Board appoints and employs all staff of New College Lanarkshire and owns all the College's buildings, estates and resources.
- c) New College Lanarkshire is a separate public body, entity and a registered charity. As such, New College Lanarkshire is required to publish financial statements/accounts.
- d) New College Lanarkshire has a responsibility towards the joint delivery of Regional Outcomes and targets along with South Lanarkshire College as set out in the joint Colleges' Lanarkshire Regional Outcome Agreement.

## **Section 3: South Lanarkshire College**

- a) The Lanarkshire Colleges Order assigns the Board of Management of South Lanarkshire College to New College Lanarkshire in its role as a RSB for SFC funding.
- b) South Lanarkshire College is a separate public body, entity, and a registered charity. As such, South Lanarkshire College is required to publish its own financial statements/accounts.

- c) South Lanarkshire College's Board of Management is responsible for the sound governance of South Lanarkshire College. It appoints and employs the staff of South Lanarkshire College and owns all the College's buildings, estates and resources.
- d) The Board of Management of South Lanarkshire College recognises it is required to provide assurance to the Lanarkshire Board as Regional Strategic Body.
- e) South Lanarkshire College, in its role as an assigned college, has duties and responsibilities to The Lanarkshire Board as set out in FM between The Lanarkshire Board and South Lanarkshire College, approved by SFC.
- f) South Lanarkshire College has a duty to provide information and to work collaboratively with the RSB to enable it to fulfil its monitoring role.
- g) South Lanarkshire College has a responsibility towards the joint delivery of Regional Outcomes and targets along with New College Lanarkshire as set out in the joint Colleges' Lanarkshire Regional Outcome Agreement.
- h) South Lanarkshire College's Board of Management has the responsibility for ensuring that South Lanarkshire College complies with the FM.
- i) South Lanarkshire College has separate duties and responsibilities to the Scottish Funding Council, Scottish Government, Skills Development Scotland, local authorities and other organisations, employers and bodies it works with in partnership.
- j) South Lanarkshire College will provide assurance to the RSB in a similar way as assurance was provided in the past by South Lanarkshire College to SFC.
- k) South Lanarkshire College may undertake activities and will comply with legislation and regulation outwith the scope of the Regional Strategic Body arrangements and this is recognised by the RSB.

### **Publications**

Both colleges agree that if either publishes data or information that includes the other's data or information, the publication will be by mutual consent and both colleges will have the opportunity to check factual accuracy before publication.

### **The Lanarkshire Board and its Committees**

Both colleges acknowledge the importance of having efficient and effective structures in place to discharge their respective duties and functions.

To promote efficient and effective working, the agenda and business of The Lanarkshire Board will be organised clearly to distinguish its differing roles.

- Items in regard to governance of New College Lanarkshire
- Items in regard to Regional Strategic Body matters which relate both to New College Lanarkshire and South Lanarkshire College and cover the monitoring role and the duties of the RSB towards South Lanarkshire College.

The agenda and business for committees of the RSB will also mirror this approach.