

Board of Management

Meeting	Board of Management
Date and time	Thursday 30 th April 2020 at 4.00 p.m.
Location	Microsoft Teams via Calendar Link

Board Secretary
23/04/20

AGENDA

Welcome and Apologies
Declarations of Interest

ITEMS FOR DECISION

1. **MINUTES**
Minutes of the Board of Management Meeting held on 20 February 2020
Notes of the Extraordinary Board of Management Meeting held on 12th March 2020 - Confidential
2. **OUTSTANDING ACTIONS**
Action List
3. **GOVERNANCE MATTERS FOR BOARD APPROVAL**
3a. Meeting Calendar 2020-21
3b. Governance of Financial Recovery Plan (Confidential)
4. **FINANCIAL RECOVERY PLAN (Confidential)**
4a. Discussion and Agreement of Conditions Associated with Approval of Financial Recovery Plan
4b. Ratifying Financial Recovery Plan
4c. Ratifying the Voluntary Severance Scheme
4d. F&GP Recommendations in respect of Sports Pitch.
4e. Report on Changes to Finance Team and Finance Director
5. **POLICIES FOR DECISION**
5a. Equality, Diversity and Inclusivity Policy
5b. Health, Safety and Wellbeing Policy Review
5c. Maternity and Parenting Leave Policy
5d. Relocation and Removal Scheme Policy Update

ITEMS FOR DISCUSSION

6. PRINCIPALS UPDATE

7. DRAFT MINUTES OF MEETINGS OF BOARD COMMITTEES

- a) Chairs – 5 March 2020
- b) Audit – 10 March 2020
- c) Human Resources– 12 March 2020
- d) Learning, Teaching and Research – 17 March 2020
- e) Longman Disposal Project – 24 March 2020
- f) New Campus Project – 26 February 2020
- g) New Campus Project – 24 March 2020
- h) PRR – 5 March 2020
- i) Finance & General Purposes – 23 April 2020
- j) New Campus Project – 28 April 2020
- k) Longman Disposal Project – 28 April 2020 – *to follow on 30.04.20*

8. Estates Update

New Campus Project Update Report

Verbal Update on Estates (including Water Claim)

9. Proposed Fees 2020/21

ITEMS FOR NOTING

10. OSCR ANNUAL RETURN 2018/19

11. UHI COURT – QUARTERLY UPDATE FROM UHI SMT AND ACADEMIC PARTNERS

12. AOCB

13. DATE AND TIME OF NEXT MEETING

Tuesday 25 June 2019 at 3.30 p.m.

If any member wishes to add an item of business to the Agenda, please inform the Chair and the Board Secretary as soon as possible. Additional items of business will **only** be considered for inclusion in the agenda in advance of the start of the meeting.

Board of Management – List of Outstanding Actions

21 March 2019				
GDPR	5 New Members of the Board of Management, 1 Existing Member of the Board of Management and New Board Secretary to complete online training session.	Board Secretary	June 2020	
Finance System	Lessons learned needed to be documented, including the resource costs within Inverness College and across the partnership as a result of the delays in development of the new system by Technology One.	Interim Director of Finance will reflect on this - it will then be picked up by new Director of Finance	Will be covered within Principal's update and thereafter picked up by the F&GP Committee.	On going process
Workforce Planning	Workforce planning report be updated to show how all the work which had been carried out came together	Director of Organisational Development	Work has been completed	
12 March 2020				
Financial Recovery Action Plan	Amendments to the VSS ref inclusion of the PR&R Committee in the review process as appropriate. Provision of updated paper on the common finance service. ELCC update and equality and diversity impact review	Director of Organisational Development Interim DoF	Immediate March 2020 March 2020	Complete On agenda On agenda

Board of Management

Subject/Title:	Schedule of Board and Committee meetings 2020-21
Author: [Name and Job title]	Lisa Ross, Board Secretary
Meeting:	Board of Management
Meeting Date:	30 April 2020
Date Paper prepared:	22 nd April 2020
Brief Summary of the paper:	<p>The annual schedule for Board and Committee meetings for 2020-21 has been prepared in accordance with the Standing Orders. The schedule mirrors that followed in the current and previous years with two amendments.</p> <p>Firstly that there will now be a monthly Chairs Committee meeting as part of the governance of the Financial Recovery Plan and secondly that the November and December meetings have been brought forward by two weeks.</p> <p>Members are asked to consider the dates, days and times of meetings. If any member would like to request a change(s) to the proposed schedule, they are asked to advise the Board Secretary in advance of the meeting.</p>
Action requested: [Approval, recommendation, discussion, noting]	The Board is asked to approve the schedule of board and committee meetings for 2020-21
Link to Strategy: Please highlight how the paper links to, or assists with:: <ul style="list-style-type: none"> • compliance • partnership services • risk management • strategic plan • new opportunity/change 	Compliance – Inverness College Standing Orders
Resource implications:	Yes / No If yes, please specify:
Risk implications:	Yes / No If yes, please specify: Operational: Organisational: Potential governance failure if meetings not held.
Equality and Diversity implications:	Yes/No If yes, please specify:

Consultation: [staff, students, UHI & Partners, External] and provide detail			
Status – [Confidential/Non confidential]	Non confidential		
Freedom of Information Can this paper be included in “open” business* [Yes/No]	Yes		
*If a paper should not be included within “open” business, please highlight below the reason.			
Its disclosure would substantially prejudice a programme of research (S27)		Its disclosure would substantially prejudice the effective conduct of public affairs (S30)	
Its disclosure would substantially prejudice the commercial interests of any person or organisation (S33)		Its disclosure would constitute a breach of confidence actionable in court (S36)	
Its disclosure would constitute a breach of the Data Protection Act (S38)		Other (please give further details)	
For how long must the paper be withheld? (express either as the time which needs to pass or a condition which needs to be met.)			

Further guidance on application of the exclusions from Freedom of Information legislation is available via

<http://www.itspublicknowledge.info/ScottishPublicAuthorities/ScottishPublicAuthorities.asp> and

http://www.itspublicknowledge.info/web/FILES/Public_Interest_Test.pdf

INVERNESS COLLEGE UHI - BOARD OF MANAGEMENT MEETINGS - 2020/2021 SCHEDULE

	Aug-20	September			October	November			December		Jan-21	February			March		April		May		June			July	
Sun							1																		
Mon	3						2						1		1										
Tue	4		1				3		1	BOM			2		2						1	Audit			
Wed	5		2				4		2				3		3							2			
Thu	6		3		1		5	Chairs etc	3	Chairs etc			4	Chairs etc	4	Chairs etc	1	BOM			3	Chairs Human Resource s	1	Chairs etc	
Fri	7		4		2		6		4		1		5		5		2				4		2		
Sat	8		5		3		7		5		2		6		6		3		1		5		3		
Sun	9		6		4		8		6		3		7		7		4		2		6		4		
Mon	10		7		5		9		7		4		8		8		5		3		7		5		
Tue	11		8		6		10	Audit	8		5		9		9	Audit	6		4		8	L,T&R	6		
Wed	12		9		7		11		9		6		10		10		7		5		9		7		
Thu	13		10	Chairs etc	8	Chairs BOM	12	Human Re	10		7	Chairs etc	11		11	Human Re	8	Chairs	6	Chairs etc	10	F&GP	8		
Fri	14		11		9		13		11		8		12		12		9		7		11		9		
Sat	15		12		10		14		12		9		13		13		10		8		12		10		
Sun	16		13		11		15		13		10		14		14		11		9		13		11		
Mon	17		14		12		16		14		11		15		15		12		10		14		12		
Tue	18		15	Audit	13		17	L,T&R	15		12		16		16	L,T&R	13		11		15		13		
Wed	19		16		14		18		16		13		17		17		14		12		16		14		
Thu	20		17		15		19	Joint Audit & F&GP - then F&GP	17		14		18	BOM	18		15		13		17		15		
Fri	21		18		16		20		18		15		19		19		16		14		18		16		
Sat	22		19		17		21		19		16		20		20		17		15		19		17		
Sun	23		20		18		22		20		17		21		21		18		16		20		18		
Mon	24		21		19		23		21		18		22		22		19		17		21		19		
Tue	25		22	L,T&R	20		24		22		19		23		23		20		18		22		20		
Wed	26		23		21		25		23		20		24		24		21		19		23		21		
Thu	27		24	F&GP	22		26		24		21		25		25		22		20		24		22		
Fri	28		25		23		27		25		22		26		26		23		21		25		23		
Sat	29		26		24		28		26		23		27		27		24		22		26		24		
Sun	30		27		25		29		27		24		28		28		25		23		27		25		
Mon	31		28		26		30		28		25				29		26		24		28		26		
Tue			29		27				29		26				30		27		25		29	BOM	27		
Wed			30		28				30		27				31		28		26		30		28		
Thu					29				31		28	Board Away Day					29		27	Chairs etc			29		
Fri					30						29						30		28			30			
Sat					31						30								29			31			
																			30						

College Closed

Chairs etc
Audit
Human Resources
Learning, Teaching & Research
Finance & General Purposes

Joint Audit/F&GP
Board of Management
(incuding Briefing session)
Board Away Day

Chairs, S&N + PR&R - Thursday 08.30 a.m.
Tuesday @ 8.30 a.m.
Thursday @ 8.30 a.m.
Tuesday @ 4.30 p.m.
Thursday @ 9.00 a.m. - September, March and June meetings
Thursday 19 November @ 11.00 a.m.
Thursday 19 November @ 09.00 a.m.
Thursday @ 4.30 p.m. - Oct, February and March meetings ☹
Tuesday @ 4.30 p.m. December and June meetings
Full Day - Thursday 28th January 2020

Subject/Title:	Governance of Financial Recovery Plan
Author: [Name and Job title]	Sarah Burton, Chair of Board of Management Lisa Ross, Secretary to the Board of Management
Meeting:	Board of Management
Meeting Date:	30/04/2020
Date Paper prepared:	22/04/2020
Brief Summary of the paper:	Ensuring good governance and Board oversight of the Financial Recovery Plan delivery.
Action requested: [Approval, recommendation, discussion, noting]	Consideration and approval.
Link to Strategy: Please highlight how the paper links to, or assists with:: <ul style="list-style-type: none"> • compliance • partnership services • risk management • strategic plan • new opportunity/change 	This report includes governance measures which will be taken to support the Institution in adherence to its financial obligations.
Resource implications:	Yes / No If yes, please specify: Savings identified within Financial Recovery Plan
Risk implications:	Yes / No If yes, please specify: Operational: governance measures which will be taken to support the Institution in the delivery of its financial obligations.
Equality and Diversity implications:	Yes/No If yes, please specify:
Consultation: [staff, students, UHI & Partners, External] and provide detail	

Status – [Confidential/Non confidential]	Confidential		
Freedom of Information Can this paper be included in “open” business* [Yes/No]	No		
*If a paper should not be included within “open” business, please highlight below the reason.			
Its disclosure would substantially prejudice a programme of research (S27)		Its disclosure would substantially prejudice the effective conduct of public affairs (S30)	
Its disclosure would substantially prejudice the commercial interests of any person or organisation (S33)	X	Its disclosure would constitute a breach of confidence actionable in court (S36)	
Its disclosure would constitute a breach of the Data Protection Act (S38)		Other (please give further details)	
For how long must the paper be withheld? (express either as the time which needs to pass or a condition which needs to be met.)			

Further guidance on application of the exclusions from Freedom of Information legislation is available via

<http://www.itspublicknowledge.info/ScottishPublicAuthorities/ScottishPublicAuthorities.asp> and

http://www.itspublicknowledge.info/web/FILES/Public_Interest_Test.pdf

Subject/Title:	Financial Recovery Plan - Conditions of Approval
Author: [Name and Job title]	Professor Chris O'Neil Principal and Chief Executive
Meeting:	Board of Management
Meeting Date:	30 April 2020
Date Paper prepared:	22 April 2020
Brief Summary of the paper:	This report provides the Board with a response to the conditions of approval of the Financial Recovery Plan.
Action requested: [Approval, recommendation, discussion, noting]	Approval
Link to Strategy: Please highlight how the paper links to, or assists with:: <ul style="list-style-type: none"> • compliance • partnership services • risk management • strategic plan • new opportunity/change 	
Resource implications:	N/A
Risk implications:	N/A
Equality and Diversity implications:	N/A
Consultation: [staff, students, UHI & Partners, External] and provide detail	N/A

Status – [Confidential/Non confidential]	Confidential		
Freedom of Information Can this paper be included in “open” business* [Yes/No]	No		
*If a paper should not be included within “open” business, please highlight below the reason.			
Its disclosure would substantially prejudice a programme of research (S27)		Its disclosure would substantially prejudice the effective conduct of public affairs (S30)	
Its disclosure would substantially prejudice the commercial interests of any person or organisation (S33)		Its disclosure would constitute a breach of confidence actionable in court (S36)	
Its disclosure would constitute a breach of the Data Protection Act (S38)		Other (please give further details)	
For how long must the paper be withheld? (express either as the time which needs to pass or a condition which needs to be met.)			

Further guidance on application of the exclusions from Freedom of Information legislation is available via

<http://www.itspublicknowledge.info/ScottishPublicAuthorities/ScottishPublicAuthorities.asp> and

http://www.itspublicknowledge.info/web/FILES/Public_Interest_Test.pdf

CONFIDENTIAL
Board of Management

Subject/Title:	Pay Savings – Financial Recovery
Presenter: [Name and Job title]	Chris O'Neil, Principal
Author:	Principal and the SMT
Meeting:	Board of Management
Meeting Date:	30 April 2020
Date Paper prepared:	24 April 20120
Brief Summary of the paper:	To provide the Committee with pay savings to support delivery of the Financial Recovery Plan
Action requested: [Approval, recommendation, discussion, noting]	Consideration and discussion
Link to Strategy: Please highlight how the paper links to, or assists with:: <ul style="list-style-type: none"> • compliance • partnership services • risk management • strategic plan • new opportunity/change 	This report includes measures to support the Institution in adherence to the financial obligations.
Resource implications:	Yes If yes, please specify: Additional funding non-recurring required to facilitate delivery of the savings.
Risk implications:	Yes If yes, please specify: Operational: to support the Institution in the delivery of its financial obligations. Organisational: budgetary and cash consequences with ramifications for reputational risk if recurrent savings are not agreed to return the Institution to financial balance. Risk assessment will be completed by each of the relevant directors for their respective area of saving.

Equality and Diversity implications:	<p>Yes</p> <p>If yes, please specify:</p> <p>An equality impact assessment will be required for the section of this plan that relates to the ELCC</p>
<p>Consultation: [staff, students, UHI & Partners, External] and provide detail</p>	<p>Yes</p> <p>If yes, please specify:</p> <p>Consultation will be required with UHI, as the Regional Strategic Body, Trade Union representatives and relevant staff.</p>

Status – [Confidential/Non confidential]	Confidential		
Freedom of Information Can this paper be included in “open” business* [Yes/No]	No		
*If a paper should not be included within “open” business, please highlight below the reason.			
Its disclosure would substantially prejudice a programme of research (S27)		Its disclosure would substantially prejudice the effective conduct of public affairs (S30)	
Its disclosure would substantially prejudice the commercial interests of any person or organisation (S33)	X	Its disclosure would constitute a breach of confidence actionable in court (S36)	
Its disclosure would constitute a breach of the Data Protection Act (S38)		Other (please give further details)	
For how long must the paper be withheld? (express either as the time which needs to pass or a condition which needs to be met.)			

Further guidance on application of the exclusions from Freedom of Information legislation is available via

<http://www.itspublicknowledge.info/ScottishPublicAuthorities/ScottishPublicAuthorities.asp> and

http://www.itspublicknowledge.info/web/FILES/Public_Interest_Test.pdf

BoM HR

Subject/Title:	Equality, Diversity and Inclusivity Policy – UHI Common Policy
Author: [Name and Job title]	Lindsay Ferries, Director of Organisational Development Lindsay Snodgrass, Director of Student Experience
Meeting:	Board of Management Committee
Meeting Date:	30/04/2020
Date Paper prepared:	16/04/2020
Brief Summary of the paper:	<p>The Equality, Diversity and Inclusivity Policy is a UHI Common Policy.</p> <p>These policies form part of a suite of new policy/procedures to be drafted as part of the new common policy environment.</p> <p>The new policies have been drafted by an across partnership group and have had IC UHI representation and endorsement.</p>
Action requested: [Approval, recommendation, discussion, noting]	<p>The committee is asked to approve the new Equality, Diversity and Inclusivity Policy for progression to the next stage of approval.</p> <p>The LT&R BoM approved this on 3 December 2019 and agreed that it should be forwarded to the HR BoM for approval.</p>
Link to Strategy: Please highlight how the paper links to, or assists with:: <ul style="list-style-type: none"> • compliance • partnership services • risk management • strategic plan • new opportunity/change 	
Resource implications:	Yes / No If yes, please specify:
Risk implications:	Yes / No If yes, please specify: Operational: Organisational:
Equality and Diversity implications:	Yes/No If yes, please specify:
Consultation:	Following approval from BoM HR committee, the policy will be progressed to full BoM for final approval.

[staff, students, UHI & Partners, External] and provide detail	
--	--

Status – [Confidential/Non confidential]	Confidential/Non confidential		
Freedom of Information Can this paper be included in “open” business* [Yes/No]	Yes/No		
*If a paper should not be included within “open” business, please highlight below the reason.			
Its disclosure would substantially prejudice a programme of research (S27)		Its disclosure would substantially prejudice the effective conduct of public affairs (S30)	
Its disclosure would substantially prejudice the commercial interests of any person or organisation (S33)		Its disclosure would constitute a breach of confidence actionable in court (S36)	
Its disclosure would constitute a breach of the Data Protection Act (S38)		Other (please give further details)	
For how long must the paper be withheld? (express either as the time which needs to pass or a condition which needs to be met.)			

Further guidance on application of the exclusions from Freedom of Information legislation is available via

<http://www.itspublicknowledge.info/ScottishPublicAuthorities/ScottishPublicAuthorities.asp> and

http://www.itspublicknowledge.info/web/FILES/Public_Interest_Test.pdf



Inverness College UHI, University of the Highlands and Islands

Equality, Diversity and Inclusivity Policy

POL

Lead Officer (Post):	Director of Organisational Development
Responsible Office/ Department:	TBC
Responsible Committee:	E&D Committee
Review Officer (Post):	TBC
Date policy approved:	Click or tap to enter a date.
Date policy last reviewed and updated:	Click or tap to enter a date.
Date policy due for review:	Click or tap to enter a date.
Date of Equality Impact Assessment:	Click or tap to enter a date.
Date of Privacy Impact Assessment:	Click or tap to enter a date.

Accessible versions of this policy are available upon request. Please contact the Governance and Policy Officer on 01463 279000.

Policy Summary

Overview	This policy shows our commitment to equality for our students, staff, visitors, contractors and others who engage with us through any activity.
Purpose	To specify the Equality, Diversity and Inclusivity Policy of Inverness College UHI identify protected characteristics under the Equality Act (2010); outline the principles, responsibilities and commitments of the institution in realising the statutory obligations of the Equality Act (2010).
Scope	This policy applies to all current and prospective students and employees. This includes temporary staff, agency staff, consultants, Board Members, volunteers and collaborators at the University of the Highlands and Islands and all Academic Partners.
Consultation	The Policy Ownership Group includes representation from all Academic Partners and HISA. The policy received endorsement from Partnership Council prior to approval being sought from (relevant body e.g. Academic Council / Board of Management).
Implementation and Monitoring	The policy will be implemented by all Academic Partners and the University of the Highlands and Islands. The policy will be monitored by relevant local staff on an operational basis and on a strategic basis by the Policy Ownership Group.
Risk Implications	Failure to comply with policy may result in a breach of the Equality Act (2010).
Link with Strategy	Policy relates to statutory compliance and governance arrangements.
Impact Assessment	Equality Impact Assessment: Complete – No further action required.
	Data Protection Impact Assessment: n/a

1. Policy Statement

- 1.1 Inverness College UHI, the University of the Highlands and Islands and all Academic Partners are committed to equality of opportunity and non-discrimination in all aspects of work and study. We recognise that individually we all have differences of some sort, from which we can share and learn. The broader a range of people we employ, the wider a perspective we can adopt; a diverse workforce not only ensures that we are legally compliant, but makes good business sense.
- 1.2 As a provider of education and employment Inverness College UHI values diversity and is committed to encouraging everyone to realise their full potential. To this end, Inverness College UHI continues to work with students, staff, external agencies and the wider community to develop a positive and enabling culture of work and study.
- 1.3 In particular, Inverness College UHI, the University and all Academic Partners strive to ensure that all people engaging with us have the opportunity to:
- Study
 - Take up employment
 - Be actively involved in their community without discrimination
 - Be treated in a courteous, caring and sensitive way in all engagement with us
- We also expect that contractors, businesses and others who engage with us aspire to the same values.
- 1.4 Achievement of the above goals requires the promotion of practices to overcome any existing structural barriers (systems or processes that make entry to education or employment more difficult for a person/group), geographical isolation, and the provision of opportunities which reflect the linguistic and cultural diversity of the region. It also involves continuing to attract new and diverse people to the Highlands and Islands, to add to the culture and economy, and help the University and all Academic Partners reach our full potential.
- 1.5 The Equality, Diversity and Inclusivity Guidelines should be referred to for practical information to support the policy.

2. Definitions

- 2.1 **Protected Characteristics:** the Equality Act (2010) ("the Act") prohibits unfavourable treatment on the basis of the following nine protected characteristics. The University of the Highlands and Islands and all Academic Partners recognise that identity can be complex and fluid and strive to keep up with best practice in supporting individuals and groups.

Age: This refers to a person belonging to a particular age group, which can mean people of the same age (e.g. 32 year olds) or range of ages (e.g. 18-30 year olds, or people over 50).

Disability: A person has a disability if they have physical or mental needs which have a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities. Some disabilities may require reasonable adjustments to be made to remove or minimise barriers to participation (see 2.7: Reasonable Adjustments for Disabled Persons).

Sex: Refers to whether a person is a man or a woman.

Gender Reassignment: Gender reassignment is when a person is proposing to undergo, is

undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.

Race: Refers to a group of people defined by their race, colour, nationality (including citizenship), ethnic or national origins.

Religion or Belief: Religion has the meaning usually given to it but belief is defined as religious and philosophical beliefs, including lack of belief (e.g. atheism). Generally, a belief should affect your life choices, or the way you live, for it to be included in the definition.

Sexual Orientation: A person's attraction towards their own sex/gender, another sex/gender, all sexes/genders or none.

Marriage and Civil Partnership: In Scotland, marriage is no longer restricted to a union between a man and a woman, but also includes same-sex couples.

Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples. In society, civil partnership is generally recognised simply as 'marriage'.

Marriage and civil partnership is listed in the Act as a protected characteristic. The Act provides protection against discrimination only in respect of the need to eliminate unlawful discrimination in employment.

Pregnancy and Maternity: Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

- 2.2 **Gender Identity and Gender Expression:** The Equality Act recognises sex as a binary characteristic (i.e. Male/ Female), and protects those who undergo or intend to undergo gender reassignment (i.e. from one gender to another). The University/ Inverness College UHI recognises that gender identity and gender expression are not necessarily fixed or binary; we will treat bullying and harassment on these grounds as seriously as if they relate to any protected characteristic as defined in the Act.
- 2.3 **British Sign Language (BSL):** University/ Inverness College UHI recognises that BSL is a language in its own right (with its own vocabulary and syntax), and does not necessarily relate to disability as defined by the Equality Act. We are required to meet the requirements of the Scottish Governments BSL National Plan, to raise awareness of BSL and improve support for BSL users over 2018-30.
- 2.4 **Gaelic Language:** The Gaelic language is indigenous to the Highlands and Islands, among other areas. As such it is not covered under the definition of race/nationality as defined by the Equality Act 2010. University/ Inverness College UHI recognises responsibilities under the Gaelic Language Scotland Act (2005) to ensure that discrimination is not incurred by Gaelic speaking individuals and communities.
- 2.5 **Short term disability:** Students may be eligible for Disabled Students Allowance support due to short term disability that may not fulfil the criteria of the Disability protected characteristic (see 2.1). Students who feel they are affected by a short-term disability should discuss this with

the local student support staff.

Students with a short term disability are not entitled to use the legal powers of the Act in the same way as someone who has a disability as defined by the Act, e.g. in relation to discrimination, harassment and victimisation.

Short term disability example: A student suffers a spinal injury and is expected to make a full recovery, however they will need to use a wheelchair and other assistive measures for 6 months. This may include assistive technology, equipment to study from home and classes scheduled on the ground floor where lifts are unavailable.

2.6 **Discrimination** occurs when prejudices, stereotypes and assumptions prompt actions that result in less favourable treatment of individuals or groups. The Act prohibits discrimination on the grounds of protected characteristics, with types of discrimination listed and described below. There are two different categories of discrimination under the Act, with further sub-categories:

2.6.1 **Direct Discrimination** occurs when someone is treated less favourably than another on grounds of their perceived or actual protected characteristic.

- a. **Associative discrimination** is direct discrimination against someone because they are associated with another person who possesses a particular protected characteristic.
- b. **Direct discrimination by perception** means treating one person less favourably than someone else because you incorrectly think they have a particular protected characteristic.

There are specific criteria for direct discrimination arising from disability, gender reassignment and pregnancy/maternity, which are available in sections 15-18 [here](#).

Direct discrimination example for students: Assuming that a student may not be able to reach a certain level of work because they have a disability, or rejecting a male applicant's application to a childcare course as they do not think it is appropriate for a male to be working with children. In these cases the act itself is unlawful, whether or not someone intended to discriminate.

Direct discrimination example for staff: Deciding not to employ someone, dismissing them, refusing to promote them, denying them training, giving them adverse working conditions or denying them benefits based their perceived or actual protected characteristic.

2.6.2 **Indirect discrimination** occurs when an organisation has rules or policies, conditions or requirements that are applied to everyone but leave a person with a particular protected characteristic at a disadvantage.

Indirect discrimination example for students: A college will only allow students to go on placement if they have more than 95 per cent attendance. A student with a disability has missed a lot of classes for health reasons and are told they cannot go.

Indirect discrimination example for staff: A contract clause which applies to

all employees saying that they could be required to work late or travel away from home for work at short notice. Although this applies to everyone in the same way, this could potentially put parents or those with care responsibilities at a disadvantage, as they would need to make childcare arrangements at unreasonable notice.

- 2.7 **Reasonable Adjustments for Disabled Persons:** When a person requires additional support to participate in an activity due to a disability, public bodies have a duty to make reasonable adjustments to enable participation: this may be to work, study or use facilities.

There is no set definition of 'reasonable': this is relative to an organisation's resources and organisational demands: a large company may be expected to spend extensively, where a smaller company may not. The extent to which an adjustment is reasonable cannot be formally defined outside of a tribunal.

Initial requests for reasonable adjustments should be discussed with your line manager (for staff) or supervisory staff member e.g. Personal Development Advisor or Personal Academic Tutor (for students), and formally made through Occupational Health or Student Services (or equivalent departments). Relevant medical evidence may be requested in support of the request for reasonable adjustments.

Reasonable adjustment examples: Provision of a large screen for a partially sighted staff member; relocation of a class to the ground floor to enable a wheelchair-user to participate; or additional time in assessments for a dyslexic student.

- 2.8 **Positive Action:** Anyone recruiting staff, students or volunteers can legally justify 'positive action' if a particular group is underrepresented, to help ensure that a body is informed by the widest set of circumstances, experiences and identities. This involves taking action to increase the likelihood of underrepresented groups participating.

Positive Action examples: A rural institution may have disproportionately low numbers of Black, Asian and Minority Ethnic staff. In the event of a tied interview result, the interviewer could legally justify recruiting a black candidate over a white candidate, so that the body can make decisions that are less likely to disadvantage or marginalise subsequent black staff.

A college with disproportionately low numbers of female engineering students may target marketing at a certain group, or make amendments to wording to encourage certain applicants e.g. advertising engineering courses at all-female schools, or changing entry requirements to include subjects that are over-represented by female secondary school pupils.

- 2.9 **Prohibited Behaviours:** As well as the above types of discrimination, the Act prohibits other forms of behaviour:

- 2.9.1 **Harassment** denotes unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for them. Harassment can take many forms, including but not limited to: physical contact, offensive language, gossip, slander, graffiti, obscene gestures, exclusion. Harassment

can involve persistent conduct or behaviour that continues after the individual states they want it to stop. A single incident can also constitute harassment if it is sufficiently serious.

- 2.9.2 **Victimisation** is treating someone less favourably because of something they have done under, or in connection with, equalities legislation.

Victimisation examples for students: A member of staff shouts at a student because he thinks she intends to support another student's sexual harassment claim.

A student alleges that they have encountered racism from a member of staff, and as a result of making this allegation are ignored by other staff members.

Victimisation examples for staff: Refusal to promote an employee because he or she has previously invoked a grievance procedure, or given evidence against the employer at a tribunal.

The employer brands an employee as a 'troublemaker' because they raised a lack of job-share opportunities as being potentially discriminatory.

- 2.10 **Public Sector Equality Duty:** as a publicly-funded organisation, University/ Inverness College UHI has a statutory duty to fulfil both General and Specific Public Sector Equality Duties under the Equality Act (2010).

- 2.10.1 **General Duties** direct the way the University/ Inverness College UHI treats its staff, students and visitors and reflect all UK public bodies' responsibility to:

- Eliminate unlawful discrimination, harassment, victimisation and other prohibited conduct
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not
- Foster good relations between people who share a relevant protected characteristic and those who do not

- 2.10.2 **Specific Duties:** Section 153 of the Equality Act enables the Welsh and Scottish ministers to impose specific duties on certain domestic public bodies through secondary legislation: Scottish-Specific Duties relate to how public bodies carry out, evidence and present their commitment to enacting General Duties, and responds to ongoing changes identified by the Scottish Government.

Scottish-Specific Duties are listed and linked below. The University and partner Further Education Colleges have duties to:

- [Report progress on mainstreaming the equality duty](#)
- [Publish equality outcomes and report progress](#)
- [Assess and review policies and practices \(complete Equality Impact Assessment\)](#)
- [Gather and use employee information](#)
- [Publish gender pay gap information](#)
- [Publish statements on equal pay, etc.](#)
- [Consider award criteria and conditions in relation to public procurement](#)
- [Publish in a manner that is accessible, etc.](#)

- Consider other matters

- 2.11 **Equality Mainstreaming** aims to ensure that equality perspectives are central to an organisation's culture and operational delivery, by incorporating these into all strategic decision-making processes. This aims to ensure that all areas of an organisation carry out their public sector equality duties when delivering day-to-day functions.

Equality Mainstreaming ensures that the needs of underrepresented groups, as well as those of members of historically marginalised or disenfranchised groups, are pro-actively considered when decisions are made. The experiences of frontline staff and service users should inform the decision making process.

The University/ Inverness College UHI is required to report on its Mainstreaming activities every four years, and to update this every two years.

- 2.12 **Equality Outcome Agreements** set out the equality activities that colleges and universities plan in order to better meet their general duties.

The University/ Inverness College UHI is required to set new Equality Outcomes every four years, and to report on progress every two years.

- 2.13 **Equality Impact Assessment (EIA):** assesses the potential impact of new or revised policies, practices or services against the requirements of general public sector equality duties.

Conducting an EIA is a legal requirement for public bodies in Scotland, and helps to ensure that everybody's needs are taken into account before changes are implemented. This allows University/ Inverness College UHI to proactively identify and mitigate against barriers to participation, attainment or wellbeing, and hopefully avert potentially negative experiences.

Forms to carry out Equality Impact Assessments are available from the Policy and Governance Officer.

3. Purpose

- 3.1 This policy allows the University/ Inverness College UHI to carry out its general and specific public sector equality duties, and work to improve the experience of all staff and students, regardless of an individual's protected characteristics.

- 3.2 We will conduct our statutory duties under the Equality Act 2010 as per section 2.10 of this policy, and demonstrate our commitment to mainstreaming equality and diversity by:

- 3.2.1 Developing policies, procedures and processes to achieve the general and specific public sector duties in accordance with the Equality Act 2010 and the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012.
- 3.2.2 Monitoring the potential impact of our policies, procedures and practices on different protected groups to help tackle inequality, promote equality of opportunity and foster good relations. We do this through the process of Equality Impact Assessments.
- 3.2.3 Removing any potential barriers to access, participation, retention and achievement of students and staff by making reasonable adjustments where appropriate.
- 3.2.4 Creating inclusive learning and working environments and practices that promote respect for all. These environments aim to prevent and challenge stereotyping, prejudice, discrimination and harassment and disadvantage.

- 3.2.5 Reasonably anticipating and responding to the needs of students through collaboration with individuals, the student body and Highlands and Islands Students' Association (HISA).
- 3.2.6 Working in conjunction with HISA to take forward their work on equality and diversity and to seek student feedback relevant to equality of opportunity and experience.
- 3.2.7 Involving and consulting within the wider community, particularly those who share particular characteristics and those who represent their interests, to inform policy and practice.
- 3.2.8 Ensuring that equality, diversity and inclusivity are embedded within the Scottish Funding Council Regional Outcome Agreement process through consultation with key stakeholders across the Partnership.
- 3.2.9 Collecting, analysing and reporting on and improving the quality of student and staff protected characteristic data in line with public sector equality duties/sector best practice and Data Protection legislation.
- 3.2.10 Publishing equality outcomes reflecting how we plan to impact positively upon our communities.
- 3.2.11 Publishing a mainstreaming report, demonstrating our progress against our planned outcomes and showing what progress we have made to mainstream equality in our policies, practices and decision-making functions.

4. Scope

- 4.1 This policy applies to all current and prospective students and employees. This includes temporary staff, agency staff, consultants, Board Members, volunteers and collaborators.
- 4.2 The principles of non-discrimination and equality of opportunity apply to the way in which staff and students, as well as visitors, contractors, sub-contractors, temporary and agency staff, service providers, suppliers, former staff and students and any other persons associated with the functions Inverness College UHI treat one another.

5. Exceptions

- 5.1 This policy applies without exceptions, exclusions or restrictions.

6. Notification

- 6.1 This policy will be available on Inverness College UHI's website.
- 6.2 All individuals with responsibilities outlined in Section 7 will be notified of changes.

7. Roles and Responsibilities

- 7.1 ICUHI Board of Management is responsible for approving the policy and for ensuring that Inverness College UHI complies with its statutory obligations in terms of meeting the requirements of the Equality Act 2010 and the Public Sector Equality Duty for Scotland.
- 7.2 The Senior Management Team is responsible for operational oversight of the policy. They must ensure that Managers, Staff and Students operate in an environment where they can fulfil their responsibilities in relation to the policy.
- 7.3 Line Managers are responsible for implementing this policy, ensuring that our commitment to equality is followed through and adequately communicated both internally and externally.

Line Managers are responsible for ensuring selection for recruitment, promotion, training and

work allocation is carried out in a non-discriminatory manner and in accordance with the law.

Line Managers are responsible for ensuring that selection for admission and ongoing assessment of students is carried out in a non-discriminatory manner.

- 7.4 All staff and students have a responsibility to ensure the continuing success of this policy by:
- Treating other people with respect
 - Bringing to the attention of management any suspected breaches of this policy
 - Working together to promote an environment that eliminates discrimination and harassment.
 - Seeking opportunities to identify, implement, share and reflect upon potential improvements to inclusive practice
 - Seeking opportunities to include staff and students who may be or feel peripheral to the University and Academic Partner communities.
- 7.5 Contractors, temporary staff, agency staff, consultants, volunteers, collaborators and providers of services on behalf of Inverness College UHI are responsible for adhering to the principles of this policy in the context of their engagement with Inverness College UHI

8. Legislative Framework

- [British Sign Language \(Scotland\) Act 2015](#)
- [Children and Young People \(Scotland\) Act 2010](#)
- [Counter-Terrorism & Security Act 2015](#)
- [Data Protection Act 2018](#)
- [Equality Act 2010](#)
- [Equality Act 2010 \(Specific Duties\) \(Scotland\) Regulations 2012](#)
- [Gaelic Language \(Scotland\) Act 2005](#)
- [Higher Education Governance \(Scotland\) Act 2016](#)
- [Islands \(Scotland\) Act 2018](#)

9. Related Policies, Procedures, Guidelines and Other Resources

- Local Complaints Policy (SPSO dictated)
- Disciplinary Procedures (Tertiary single document, forthcoming)
- Local Equality, Diversity and Inclusivity Guidelines
- Local Promoting a Positive Learning Environment Policy (Tertiary single policy)
- Local Safeguarding Policy (Tertiary single policy)
- Local Student Code of Conduct (Tertiary single document, forthcoming)

10. Version Control and Change History

Version	Date	Approved by	Amendment(s)	Author
0			New policy for 2019	Equality, Diversity and Inclusivity Policy Ownership Group
1				
2				
3				
4				

University of the Highlands and Islands – Equality, Diversity and Inclusivity Guidelines

This document should be read in conjunction with Inverness College UHI's Equality, Diversity and Inclusivity Policy. It provides practical advice to students and staff about how the Equality, Diversity and Inclusivity Policy is enforced, and information about how to highlight good practice, suggest changes or report concerns.

All staff and students should be aware of Inverness College UHI's Complaints Policy and Whistleblowing Policy, which they have recourse to should an issue not be resolved using the process outlined below.

Report Concerns	
Staff	Students
AP to insert contact details here e.g. HR department	AP to insert contact details here e.g. Student Services

Suggest Changes	
Staff	Students
AP to insert contact details here e.g. HR department	AP to insert contact details here e.g. Student Services

Highlight Good Practice	
Staff	Students
AP to insert contact details here e.g. HR department	AP to insert contact details here e.g. Student Services

Step 3

Action to be taken:

Summary of EIA Outcome – please tick

- No further action to be carried out☐
- Amendments or changes to be made☐
- Proceed with awareness of adverse impact☐
- Abandon process – Stop and Rethink☐

Please forward completed EIA forms to Nicholas Oakley, Governance and Policy Officer.

Board of Management

Subject/Title:	Health and Safety Policy and Statement quarterly review
Author: [Name and Job title]	Director of Organisational Development
Meeting:	Board of Management
Meeting Date:	30/04/2020
Date Paper prepared:	28/02/2020
Brief Summary of the paper:	<p>The Health and Safety Policy and Health and Safety Policy Statement are reviewed annually. The current policy and statement were approved by the Board of Management in March 2019.</p> <p>Both have been reviewed with minor changes made to the roles and responsibilities within the policy, whereby it now explicitly references Heads of School along with Managers. There are also minor alterations to the legislation, with Work at Height Regulations referenced and the expectation to conduct assessments of machinery according to PUWER, where required.</p>
Action requested: [Approval, recommendation, discussion, noting]	For Approval.
Link to Strategy: Please highlight how the paper links to, or assists with:: <ul style="list-style-type: none"> • compliance • partnership services • risk management • strategic plan • new opportunity/change 	The law requires us as employers to monitor and review arrangements on how we are managing occupational safety and health (OSH).
Resource implications:	No.
Risk implications:	Yes If yes, please specify: Operational: clear procedures identified and followed Organisational: reputational risk of failure to adhere
Equality and Diversity implications:	No
Consultation:	N/A

[staff, students, UHI & Partners, External] and provide detail	
--	--

Status – [Confidential/Non confidential]	Non-confidential		
Freedom of Information Can this paper be included in “open” business* [Yes/No]	Yes		
*If a paper should not be included within “open” business, please highlight below the reason.			
Its disclosure would substantially prejudice a programme of research (S27)		Its disclosure would substantially prejudice the effective conduct of public affairs (S30)	
Its disclosure would substantially prejudice the commercial interests of any person or organisation (S33)		Its disclosure would constitute a breach of confidence actionable in court (S36)	
Its disclosure would constitute a breach of the Data Protection Act (S38)		Other (please give further details)	
For how long must the paper be withheld? (express either as the time which needs to pass or a condition which needs to be met.)			

Further guidance on application of the exclusions from Freedom of Information legislation is available via

<http://www.itspublicknowledge.info/ScottishPublicAuthorities/ScottishPublicAuthorities.asp> and

http://www.itspublicknowledge.info/web/FILES/Public_Interest_Test.pdf



HEALTH SAFETY AND WELLBEING POLICY

REFERENCE: PL/HR/2019/001

Policy Owner	Director of Organisational Development
Lead Officer	Health and Safety Manager
Review Officer	Health and Safety Manager
Date first approved by BoM	9 March 2009
First Review Date	7 March 2010
Date review approved by BoM	21 March 2019
Next Review Date	March 2020
Equality impact assessment	25 February 2016
Further information (where relevant)	Previous EIA 24.02.12

Reviewer	Date	Review Action/Impact
Health & Safety Manager	07.03.10	
Health & Safety Manager	30.05.12	
Health & Safety Manager	20.06.12	
Health & Safety Manager	19.03.15	
Health & Safety Manager	28.03.17	
Health & Safety Manager	29.05.18	Review approved by BoM audit Committee
Health & Safety Manager	21.03.19	Review approved by BoM

Contents

1. Policy Statement..... 3

2. Legislative Framework/Related Policies..... 4

3. Scope 4

4. Organisation and Responsibilities 4

5. Compliance 9

6. Objectives and Targets..... 9

7. Communication 10

8. Monitoring..... 10

9. Audit 10

10. Review 11

1. Policy Statement

Inverness College UHI acknowledges its statutory and moral obligations to adopt the highest standards of health, safety and wellbeing for staff, students and visitors.

Inverness College UHI is committed to achieve and maintain recognised quality standards in health and safety.

As an education provider and employer, Inverness College UHI is committed to developing a culture of competence and continuous improvement in health and safety management and practice. This will be achieved at all levels through promotion of attitudes and behaviours which instil in students and staff an expectation that sound health and safety practice is the norm.

In support of this, Inverness College UHI is committed to:

- Conform with all health and safety laws and regulations and relevant standards as the minimum accepted behaviour
- Preventing injury and ill health to all persons under the control of Inverness College UHI
- Maintain a secure, safe and healthy working environment
- Identifying all hazards and risks associated with its activities
- Providing suitable controls to mitigate risks arising from its activities to as low as reasonably practicable
- Promoting an incident free work place
- Commit to continual improvement of management systems and Health and Safety performance, regular review and revising of this policy
- Providing and maintaining safe working equipment
- Safe handling storing and transportation of any substances associated with its activities
- Sufficient and competent information, Instruction, training and supervision

The Board of Management sets the overarching policy for Health and Safety and delegates responsibility to the Principal and Chief Executive to ensure the college fulfils its responsibilities.

Principal:

Date:

Chairman of Board:

Date:

2. Legislative Framework/Related Policies

- 2.1. The Health and Safety at Work etc. Act 1974.
- 2.2. Management of Health and Safety at Work (Amendment) Regs 2006
- 2.3. Provision and Use of Work Equipment Regulations 1998
- 2.4. Manual Handling Operations 1992
- 2.5. The Workplace (Health, Safety and Welfare) Regulations 1992
- 2.6. The Personal Protective Equipment Regulations 2002
- 2.7. Health and Safety (First Aid) Regulations 1981
- 2.8. Electricity at Work Regulations 1989
- 2.9. The Control of Noise at Work Regulations 2005
- 2.10. The Employers' Liability (Compulsory Insurance) (Amendment) Regs 2011
- 2.11. Fire Safety (Scotland) Amendment Regulations 2010
- 2.12. Reporting of Injuries, Diseases and Dangerous Occurrences Regs 2013
- 2.13. The Control of Substances Hazardous to Health (Amendment) Regs 2004
- 2.14. The Health and Safety Information for Employees (Amendment) Regs 2009
- 2.15. Health and Safety (Display Screen Equipment) Regulations 1992 (As amended 2002)
- 2.16. Corporate Manslaughter and Corporate Homicide Act 2007
- 2.17. Counter-Terrorism and Security Act 2015
- 2.18. The Lifting Operations and Lifting Equipment Regulations 1998-
- ~~2.18.~~ 2.19. The Work at Height Regulations 2005

3. Scope

- 3.1. This policy applies to all staff, students and visitors within Inverness College UHI.
- 3.2. Contractors are covered by this policy with reference to the contractors' management system.

4. Organisation and Responsibilities

To ensure the effective implementation of the health and safety policy, specific responsibilities are detailed below.

4.1. Board of Management

- 4.1.1. The Board of Management will set the policy direction for health, safety and wellbeing and will have overall responsibility for ensuring the health, safety and wellbeing of all staff, students, visitors or other persons affected by the organisations activities. The Board of Management will ensure health and safety management systems and standards are monitored regularly to ensure their effectiveness and will scrutinise reports to Board accordingly.

4.2. Principal and Chief Executive

4.2.1 The Principal has delegated responsibility, reporting to the Board of Management, for ensuring the college fulfils its responsibilities.

4.2.2 The Principal will:

- Ensure that health safety and wellbeing is an integral part of the overall management and working culture.
- Ensure that procedures to assess risks are established and effective control measures are implemented.
- Develop a positive attitude to health safety and wellbeing amongst employees by visibly demonstrating commitment to the continuous improvement of the health and safety performance throughout Inverness College.
- Ensure regular monitoring and review Health Safety and Wellbeing Management Policies and Procedures.
- Ensure that relevant meetings address health safety and wellbeing issues and that appropriate actions are taken to address issues that arise.
- Provide Joint consultation arrangements through the Health Safety and Wellbeing Committee.

4.3. Senior Management Team

4.3.1 The Senior Management Team has delegated authority and functional responsibility for the activities carried out within their areas of corporate influence.

4.3.2 In order to meet their health, safety and wellbeing responsibilities, they will:

- Liaise with the Principal to establish the principles of continual improvement with regard to health, safety and wellbeing.
- Be aware of the Health and Safety at Work *etc.* Act 1974 and associated legislation relevant to the activities of the college.
- Allocate sufficient financial resources to allow the policy and procedures to be effectively implemented.
- Demonstrate commitment to achieving and maintaining a high standard of safety performance and accident prevention.
- Ensure monitoring and review of the implementation of the Health Safety and Wellbeing Policy and Procedures.

4.4. Managers and Heads of Schools

4.4.1 Managers and Heads of Schools have a health safety and wellbeing responsibility for the activities and functions carried out within their areas of operational responsibility.

4.4.2 In order to meet their responsibilities, Managers and Heads of Schools will:

- Ensure risk assessments, including assessments of plant, machinery and equipment (i.e. PUWER Assessments) are carried out where necessary and regularly reviewed in line with the requirements of health and safety legislation and the college health safety and wellbeing management policy and procedures.
- Set clear measurable objectives to ensure progressive improvement.
- Provide all personnel with, so far as reasonably practicable;
 - Safe place of work
 - Safe plant and machinery
 - Safe working environment
 - Safe system of work
 - Safe handling, storing and transportation
 - Sufficient and competent information, instruction, training and supervision

4.4.3 Managers and Heads of Schools will be responsible for:

- Ensuring that Inverness College UHI's health safety and wellbeing policy is explained to employees and they are made aware of their health safety and wellbeing duties and responsibilities and that tutors equally convey this to students under their control.
- The training needs of employees are assessed and addressed to include the requirement for role specific induction training for new employees.
- Ensuring that the activities of college employees and contractors do not expose employees, students, contractors or others to risk.

4.5. Health and Safety Manager

4.5.1 The Health and Safety Manager reports to the Director of Organisational Development and has responsibility for:

- Reviewing, revising, implementing, embedding and monitoring compliance of all health safety and wellbeing policies, procedures and arrangements.
- Planning, implementing and co-ordinating the risk assessment, inspection and internal/external audit programmes.
- Planning, Implementing and co-ordinating the risk assessment process.
- Developing appropriate performance measures and reporting performance standards to ensure continuous improvement.
- Liaising with HR regarding health surveillance requirements.
- Preparing papers, reports and statistical data for identified Committees.
- Ensuring emergency evacuation procedures, including personal evacuation plans, are tested and reviewed on a regular basis.
- Recording of accident/incidents and reporting in accordance with the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR).
- Investigating and reporting on accidents, incidents and/ or near misses.

- Organising, co-ordinating and supporting safety personnel (first aiders and fire wardens).
- Identifying information, instruction and training requirements and delivering effective solutions.
- Contractor Management in association with the Estates Office.
- Acting as a point of contact for Enforcing Authorities.
- Maintaining own continuous professional development.
- Monitoring effective implementation of the Safety Management Policy.
- Providing specialist advice and support to senior management and all departments/schools including the disseminating of good practice.
- Ensuring that the appropriate initial college health and safety induction training is given to all new employees.
- Sanctioning the suspension, following consultation with the relevant SMT member, of activities where health and safety is being compromised significantly.

4.6. Estates and Campus Services Manager

4.6.1 The Estates and Campus Services Manager advises the appropriate member of the SMT and is responsible for:

- Fire Marshalls at all campuses.
- The testing and recording of all fire detecting equipment.
- Ensuring all means of escape are fully maintained and functional.
- The maintenance and inspection of all firefighting equipment.
- All visiting contractors, including the control of the Approved Contractor Register and issuing of Permits to Work.
- Ensuring all buildings, services and equipment owned or managed by the college are fit for purpose and do not cause, or contribute towards, unacceptable risks to health and safety.
- Testing inspection and maintenance of all building services in line with legislation.

4.7. Union Appointed Health and Safety Representatives

4.7.1 Staff appointed under the Safety Representatives and Safety Committees Regulations 1977 shall:

- Assist with the promotion of safe working practices.
- Familiarise themselves fully with the health and safety policy and arrangements.
- Liaise with managers and the College Health and Safety Manager in accident investigations and safety audits.
- Attend the College Health Safety and Wellbeing Committee, take part in proceedings, representing their members and presenting to them information gathered from meetings.

4.8. Fire Marshalls

4.8.1 Inverness College UHI campuses are sub-divided into zones. Each zone has an identified fire marshall whose responsibility is:

- To ensure in an emergency, everyone evacuates their zone safely and does not re-enter until the “all clear” is given.
- To assist disabled persons, where required, with evacuation to a place of safety and to ensure the chief fire marshal is advised accordingly.

4.9. First Aiders

4.9.1 Inverness College UHI campuses are sub-divided into zones. Each zone has identified First Aiders whose responsibility is:

- To provide first aid for any staff students or visitors who require attention within their zone.
- To check and ensure adequate first aid supplies are always available.

4.10 Technicians

4.10.1 Inverness College UHI campuses are sub divided into academic departments; each department has an Academic Technician whose responsibility is:

- Install, monitor and review agreed health and safety systems including risk assessments, COSHH assessments and policies and procedures.
- Assist in the education and training of employees and students, including participation in induction programmes, with regard to all relevant health and safety issues e.g. accident investigation, risk assessments, employee and student safety awareness etc.

4.11 Employees

4.11.1 The Health and Safety at Work Act and the Management of Health and Safety at Work Regulations place duties upon employees, at all levels, while at work. These duties include the following:

- To take reasonable care for the health and safety of themselves and other persons who may be affected by their acts or omissions at work.
- To co-operate with the employer, so far as is reasonably necessary to enable them to meet their statutory health and safety duties.
- No-one may intentionally or recklessly interfere with or misuse anything provided in the interests of health, safety or welfare.
- Any employee who is required to operate machinery, equipment, dangerous substances, transport, safety devices or a means of production is to do so in accordance with training or instructions provided by the employer.
- Employees must make the employer aware of any serious imminent dangers to health and safety.

4.12 Students

4.12.1 All students shall comply with Inverness College UHI's Health Safety and Wellbeing Policy as published and with any health and safety procedures relating to the facilities which the student is using.

4.12.2 A student shall exercise reasonable care:

- For his or her personal safety.
- For the safety of other persons who may be affected by his or her acts or omissions.
- For the safety of the property of Inverness College UHI and of its students, staff, officers and visitors.

4.12.3 It shall be a disciplinary offence for any student to:

- Intentionally or recklessly misuse, tamper, or interfere with any firefighting equipment, fire prevention equipment, fire doors, fire detection equipment, fire alarm activation points, fire signs.
- Intentionally or recklessly misuse any equipment provided by the University in the interests of health, safety or welfare in pursuance of the Health and Safety at Work Act or of any relevant statutory provisions relating to health and safety.
- Fail to use appropriate Personal Protective Equipment.

5. Compliance

5.1. This policy must be complied with and it will be audited regularly with reports going to the appropriate committee.

5.2. Inverness College UHI will comply with legal and other requirements applicable to the identified health and safety hazards.

5.3. All new legal and other requirements will be evaluated, and documented, to determine applicability and impact to Inverness College UHI.

6. Objectives and Targets

6.1. Objectives will be identified and set in line with the annual review and operational planning process.

7. Communication

7.1. The Health Safety and Wellbeing Policy shall be actively communicated throughout the College using a variety of channels; examples of such channels include but are not limited to:

- Via the Policy Folder.
- Inclusion within the new start/contractor induction process.
- Provision to all external interested parties upon written request.
- Health and Safety notice boards.

8. Monitoring

8.1. Each college policy will be monitored and its implementation evaluated. Appropriate procedures for monitoring and evaluation are the responsibility of the lead officer. These procedures will be subject to audit by the Health and Safety and Quality departments

8.2. The following health and safety monitoring methods may be used to monitor implementation:

- **Active methods** monitor the design, development, installation and operation of management arrangements.
- **Reactive methods** identify evidence of poor health and safety practice through the risk assessment process and take immediate action as required.

9. Audit

9.1AA schedule will be developed and implemented to cover health, safety and environmental audits. Scope and criteria for audits will consider (but not be limited to):

- Management system
- Existing and new policies and procedures
- Student enrolment and induction
- Staff induction.
- Risk assessment and environmental aspects
- Outputs from external audits or previous internal audits

9.2. The Audits will be planned to ensure that areas which are subject to legal compliance are completed each year.

10. Review

10.1. This policy and supporting arrangements will be reviewed annually to ensure currency of content, arrangements, new legislative requirements and to provide a framework for the setting and reviewing of health and safety improvement objectives.

10.2. This policy may also be updated outside of the stated annual timeframe (i.e. changes to legislation, or as the result of review).

10.3. Revisions will brought to the attention of staff and students through agreed arrangements for health and safety and policy consultation and communication.

Board of Management

Subject/Title:	Maternity and Parenting Leave Policy
Author: [Name and Job title]	Lindsay Ferries, Director of Organisational Development
Meeting:	Board of Management
Meeting Date:	30 April 2020
Date Paper prepared:	16 January 2020
Brief Summary of the paper:	This policy has received approval at Scrutiny Panel, the Human Resources BoM committee meeting and has been out for staff consultation and we now seek final approval to publish the policy.
Action requested: [Approval, recommendation, discussion, noting]	Approval
Link to Strategy: Please highlight how the paper links to, or assists with: <ul style="list-style-type: none"> • compliance • partnership services • risk management • strategic plan • new opportunity/change 	
Resource implications:	Yes / No If yes, please specify:
Risk implications:	Yes / No If yes, please specify: Operational: Organisational:
Equality and Diversity implications:	Yes/No If yes, please specify:
Consultation: [staff, students, UHI & Partners, External] and provide detail	

Status – [Confidential/Non confidential]			
Freedom of Information Can this paper be included in “open” business* [Yes/No]			
*If a paper should not be included within “open” business, please highlight below the reason.			
Its disclosure would substantially prejudice a programme of research (S27)		Its disclosure would substantially prejudice the effective conduct of public affairs (S30)	
Its disclosure would substantially prejudice the commercial interests of any person or organisation (S33)		Its disclosure would constitute a breach of confidence actionable in court (S36)	
Its disclosure would constitute a breach of the Data Protection Act (S38)		Other (please give further details)	
For how long must the paper be withheld? (express either as the time which needs to pass or a condition which needs to be met.)			

Further guidance on application of the exclusions from Freedom of Information legislation is available via

<http://www.itspublicknowledge.info/ScottishPublicAuthorities/ScottishPublicAuthorities.asp> and

http://www.itspublicknowledge.info/web/FILES/Public_Interest_Test.pdf



MATERNITY & PARENTING LEAVE POLICY

REFERENCE PL/HR/2017/001

Policy Owner	Director of Organisational Development
Lead Officer	HR Manager
Review Officer	HR Business Partner
Date first approved by BoM	9 June 2008
First Review Date	26 March 2012
Date review approved by BoM	28 March 2017
Next Review Date	June 2022
Equality impact assessment	11 April 2012, 3 February 2017
Further information (where relevant)	

Reviewer	Date	Review Action/Impact
HR Manager	09/06/2008	Review approved by BoM
HR Manager	26/03/2012	Review approved by BoM
HR Manager	28/03/2017	Review approved by BoM

Contents

1. Policy Statement	3
2. Legislative framework/related policies	4
3. Scope	4
4. Compliance	4
5. Monitoring	4
6. Review	4

1. Policy Statement

Inverness College recognises the importance of a positive approach to ensuring that as far as practicable employees are able to combine their career and family responsibilities. This will assist the College to operate effectively, provide the necessary support to employees and ensure that all employees are treated in a consistent and fair manner and in accordance with relevant legislation.

This policy sets out the arrangements for:

- Maternity leave and pay.
- Adoption leave and pay.
- Paternity leave and pay
- Fertility leave and pay
- Shared parental leave and pay

Inverness College is committed to introducing, developing and supporting a family-friendly environment that supports individuals and encourages their ongoing contribution to the organisation.

The aim of this policy, and the supporting procedures, is to provide employees, line managers and HR staff with important information regarding:

- Working whilst pregnant.
- Applying for Maternity or Adoption Leave.
- What happens during Maternity or Adoption Leave.
- The assistance available.
- Rights regarding return to work.
- Ordinary Parental, Shared Parental, Paternity & Adoption Support Leave.
- Requests for Fertility leave.

In addition, this policy aims to ensure consistency of approach in line with employment legislation and Inverness College's commitment to good employment practice.

2. Legislative framework/related policies

~~2.1. The Employment Protection (Consolidation) Act 1978, Section 31a.~~

~~2.2.2.1.~~ The Employment Relations Act 1999.

~~2.3.2.2.~~ The Maternity and Parental Leave (Amendment) Regulations 2002.

~~2.4.2.3.~~ Additional Statutory Paternity Pay (weekly rates) Regulations 2010.

~~2.5.2.4.~~ Additional Paternity Leave Regulations 2010.

~~2.6.2.5.~~ Shared Parental Leave Regulations 2014

~~2.6.~~ The Employment Act 2002.

~~2.7.~~ The Employment Rights Act 1996

~~2.8.~~ The Equality Act 2010

~~2.9.~~ Occupational Maternity provisions above statutory minimums for academic and support staff are outlined in relation to the Scheme of Salaries and Conditions of Service for Academic Staff and Terms and Conditions of Employment for College Support Staff.

3. Scope

3.1. This policy applies to all Inverness College staff who qualify under the various conditions outlined in the policy.

4. Compliance

4.1. This policy and associated procedures must be complied with and will be audited regularly with reports going to the appropriate committees.

4.2. This document is compliant with the Maternity, Adoption, Ordinary Parental Leave and Shared Parental Leave Regulations as detailed in the 'Legislative framework/related policies' above.

5. Monitoring

5.1. Each College policy will be monitored and its implementation evaluated.

Appropriate procedures for monitoring and evaluation are the responsibility of the lead officer. These procedures will be subject to audit by the Quality Unit.

5.2. The following maternity or adoption Performance Indicators will be used to monitor implementation:

5.2.1. Quarterly reporting of numbers of employees on maternity, paternity, fertility or adoption leave with associated data analysis.

5.2.2. Utilisation of 'Keeping in Touch' Days.

5.2.3. Average number of sick days per employee.

5.2.4. Breakdowns will be by department.

6. Review

6.1. This policy will be reviewed on a 3 yearly basis, or sooner if legislative change requires to ensure currency of content and procedures and will amend the policy as a result of any agreed changes to the terms and conditions of academic and/or support staff as a result of agreements reached at JNC.



RELOCATION AND REMOVAL SCHEME POLICY

REFERENCE: PL/HR/2018/002

Policy Owner	Director of Organisational Development
Lead Officer	HR Manager
Review Officer	HR Advisor
Date first approved by BoM	11 October 2010
First Review Date	July 2012
Date review approved by BoM	18 December 2018
Next Review Date	July 2021
Equality impact assessment	15 May 2018
Further information (where relevant)	

Reviewer	Date	Review Action/Impact
HR Manager	20.06.13	Reviewed by BoM
HR Manager	18.12.18	Review approved by BoM

Contents

1. Policy Statement	3
2. Legislative framework / related policies	3
3. Scope	3
4. Compliance	3
5. Monitoring	4

1. Policy Statement

As part of the College's commitment to securing the services of new staff, the College aims to support eligible employees who are required to move home in order to take up an appointment with Inverness College UHI and are approved for relocation and removal. It addresses relocation, removals, temporary accommodation and allowances. Notification of entitlement to relocation and removal assistance will be confirmed in the post details given to job applicants.

The policy and procedure will only apply where prior agreement is reached when advertising and when a move is of more than fifty miles from the original residence. Consideration may be given to the provision of relocation assistance where a move is less than 50 miles but this would only be in exceptional circumstances. Staff must not use this policy as authority to commit themselves to expenditure in relation to relocation or removal. All removal expenses must be authorised in advance. The This Policy is intended to support relocation and should not be used by staff for financial gain.

2. Legislative framework / related policies

2.1. Employment Rights Act 1996

2.2. General Data Protection Regulation-~~(2016/679 EU)~~

2.2.2.3. Data Protection Act 2018

2.3. ~~Preventing Fraud and Corruption Policy~~

2.4. Income Tax (Earnings and Pensions) Act 2003

2.5. The Equal Pay Act 1970 (Amendment) Regulations 2003

2.6. The Immigration, Asylum and Nationality Act 2006

2.6.2.7. UK Borders Act 2007

2.8. Inverness College Staff Recruitment and Selection Policy and Procedure

2.7.2.9. Preventing Fraud and Corruption Policy

2.8. ~~UK Borders Act 2017~~

3. Scope

3.1. The Relocation and Removal scheme applies to new employees of Inverness College UHI who have been appointed following a successful external recruitment exercise and are eligible for removal allowances as agreed at Staff Resource Panel in advance of advertising.

4. Compliance

- 4.1. This policy must be complied with and it will be audited regularly with reports going to the appropriate committee.

5. Monitoring

- 5.1. The Relocation and Removal Scheme— Policy will be monitored and its implementation evaluated. Appropriate procedures for monitoring and evaluation are the responsibility of the lead officer. These procedures will be subject to audit by the Quality Unit.

Further monitoring will be provided to the HR Committee in consideration with College wide recruitment activity and the number of instances whereby Relocation and Removal support is applied.

6. Review

- 6.1. The Relocation and Removal Scheme Policy and Procedure will be subject to ongoing review in accordance with the development of the College recruitment strategy and normally reviewed every 3 years.

Board of Management

Subject/Title:	Principal's Update
Author: [Name and Job title]	Professor Chris O'Neil Principal and Chief Executive
Meeting:	Board of Management
Meeting Date:	30 April 2020
Date Paper prepared:	22 April 2020
Brief Summary of the paper:	This report provides the Board with an overview of new and continuing activity
Action requested: [Approval, recommendation, discussion, noting]	Discussion
Link to Strategy: Please highlight how the paper links to, or assists with:: <ul style="list-style-type: none"> • compliance • partnership services • risk management • strategic plan • new opportunity/change 	
Resource implications:	N/A
Risk implications:	N/A
Equality and Diversity implications:	N/A
Consultation: [staff, students, UHI & Partners, External] and provide detail	N/A

Status – [Confidential/Non confidential]	Non-confidential		
Freedom of Information Can this paper be included in “open” business* [Yes/No]	Yes		
*If a paper should not be included within “open” business, please highlight below the reason.			
Its disclosure would substantially prejudice a programme of research (S27)		Its disclosure would substantially prejudice the effective conduct of public affairs (S30)	
Its disclosure would substantially prejudice the commercial interests of any person or organisation (S33)		Its disclosure would constitute a breach of confidence actionable in court (S36)	
Its disclosure would constitute a breach of the Data Protection Act (S38)		Other (please give further details)	
For how long must the paper be withheld? (express either as the time which needs to pass or a condition which needs to be met.)			

Further guidance on application of the exclusions from Freedom of Information legislation is available via

<http://www.itspublicknowledge.info/ScottishPublicAuthorities/ScottishPublicAuthorities.asp> and

http://www.itspublicknowledge.info/web/FILES/Public_Interest_Test.pdf

Principal's Report

Introduction

This has been an extremely challenging time for Inverness College, as it has been for all sectors as we have responded to the impact of covid-19 upon our students, colleagues, and communities. This report, because of the challenges presented by the crisis is broader than usual in that it includes highlighted input/reports from SMT to cover, as concisely as possible, a number of issues for information and recording.

It should be noted that in closing our buildings, the commitment and professionalism of our staff and the determination of our students has meant that we have not closed or stopped the business of teaching and learning. There have been a number of significant challenges ranging from teaching and assessment through to support for mental health. And, even with our buildings closed, we are still maintaining and ensuring the integrity and compliance of our buildings to our statutory obligations. We have addressed all issues through planning or response and in the main we have been effective. That however is not to claim that we have found an ideal way of working. We are managing our way through this new reality as best and as well as we can. The SMT is meeting daily and the UHI Business Continuity Group is now meeting twice a week and these are critical points of reflection and communication.

This is all in addition to developing the financial recovery plan (discussed elsewhere) and putting our house back in order to ensure our base or core (pre covid-19) position is viable and robust as we deal with a declining demographic, increased costs and competition. It should be noted that there are significant challenges across the whole of the post 16 education sector that have been acknowledged and in part addressed through financial recovery planning. The challenges around the 'base' position have been acknowledged by some institutions in Scotland who have begun the process of VSS. Others are aware that they must begin the process of financial recovery and I have been approached by partners within the UHI partnership and out-with for any guidance that we might be able to provide in building a viable FRP. The rigor of our plan has been acknowledged through discussion with EO and at the time of writing it is intended that the Chair, the VC and I meet to begin a process of collating and developing UHI wide experience to address the 'base' financial position across the whole partnership and to prepare for the inevitable financial impact and required actions of a post covid-19 world.

As a part of the base financial concerns and the work of the Programme Board, there has been a comprehensive review of EO and its functions. The review has been completed and submitted but has been subject to some challenge. As a result, the intention of releasing the report to the Chairs and Principals has been delayed.

Covid-19 has brought into sharp focus the viability of the education sector across the whole of the UK. Universities UK, to whom Universities Scotland are aligned, are presenting a case to Westminster for financial support to the level of billions as predicted international student, research and domestic student incomes disappear or is significantly reduced. There appears to be a willingness across the sector to accept mergers and a reduction in university capacity as the cost. I am aware of formally competitive institutions now exploring merger. There is an inevitability that such change will have an impact upon the FE college sector as the role of traditional universities evolves into a more tertiary model. As a consequence of both our history and location, UHI needs to ensure we benefit from such change by building and positioning what we are.

The impact of covid-19 and the post covid-19 world are concerning. I have been a part of regular online meetings with the Minister for Further Education, Higher Education and Science in which he

acknowledges the economic shock and most likely, the recession we are facing. He has made it clear that FE will be pivotal in recovery as we train and educate in the anticipated gap left by reduced or depleted sectors. At a time when some 95% of apprentices are furloughed in some sectors, he is seeking flexibility in placements, assessments, funding models and delivery to maintain a commitment to apprenticeships and the developing skill base that Scotland is committed to building. Equally, he is looking to ensure that access, equality, and progression for all students is maintained through this current period and into a post covid-19 period that may include ongoing social distancing to avoid or minimise the impact of a second wave. Social distancing will have an impact upon our rooming, timetabling, practical delivery, assessments and will most likely mean a form of blended delivery. This has led to a wider realisation in Holyrood that there is a significant challenge around 'digital poverty' which involves access to hardware and networks. There are several parallel strands of work across sectors and regions examining this problem and as a part of understanding the region's position I am liaising with the Highland Council to present a more common view back to Holyrood. The Minister and the Director of the SFC are fully aware that delivery post covid-19 will have impact upon pedagogy and cost.

Both the Minister and the Director of the SFC are committed to the principles of –

- Flexibility
- Regional Planning
- Collaboration
- Urgency

They are committed to updating the sector with guidance and guidelines on all aspects of our work from accessing the Jobs Retention Scheme through furlough to a consistent and robust exam diet.

We are, though concerned by the lack of information coming from SDS. As a result and through Colleges Scotland, we have requested a meeting with the Minister for Skills.

Covid-19, actions

Management

UHI responded to the crisis by activating our planned emergency response and establishing an Emergency Management Team (EMT). There have been a number of phases with our local delivery overseen and reported by a Depute Principal. They include -

- Business continuity – getting up and running online with an emphasis on communicating to students and thanking staff for all their efforts
- Troubleshooting, responding to issues and recording actions e.g. students in residences, student hardship, digital connectivity challenges
- Financial impact assessment (on-going) – revenue losses, unrecoverable expenditure, additional costs due to COVID-19 and considering sustainability and resilience (staff, students, systems and processes including cybersecurity)
- Sharing effective practices/lessons learned with a recognition that many aspects should be managed through established formal processes and that we should avoid duplicating effort/parallel processing
- Collating information for lobbying influencing external stakeholders (SFC, SQA, SDS, Colleges Scotland, Universities Scotland, Scottish Government etc) – this led to the creation of three logs managed by EO (action, impact and lessons learned)

- Disseminating external and internal guidance e.g. from SQA around assessment, from SFC regarding reporting and funding etc; use of Big White Wall online system for student and staff mental health and well-being
- Preparing for managing the transition to post-lockdown operations (current phase) and preparing for the next academic session
- Standing down of EMT with review of lessons learned for UHI and the establishment of a Business Continuity Group.

Inverness College has acted in accordance with this process and, in many cases, has been working in advance of the rollout of the agenda on matters that we can control. We have also contributed to the logs at EO as well as maintaining our own more detailed analysis within IC.

Learning, Teaching and Assessment

Staff have reacted incredibly effectively in making the shift to 'virtual mode' for curriculum delivery and student support. Course teams continue to teach and support students remotely, using the Virtual Learning Environment (VLE) and other technologies whilst adjustments are being made to ensure that students can continue with their studies, complete qualifications and/or progress to the next stage. Alternative assessment arrangements with the support of the SQA have been and are being developed across all levels of FE and HE with the aim of enabling as many students as possible to complete their studies within the Semester or before the start of the new academic year. However, some more practical courses and skills-based assessments will almost certainly have to be deferred and contingencies for these are being developed. Specific information on adjusted or alternative assessments for degree courses have already been communicated to students, and course teams are (at the time of writing) completing a review of all SQA (FE and HE) qualifications against the recently produced guidance. This guidance was compiled after intensive and positive engagement between SQA, Colleges Scotland and the College Development Network, involving input and advice from practitioners across the sector. Staff are tracking and monitoring student engagement and making interventions where required to support students facing additional challenges. A small number of laptops (11) for students in hardship and with no access to IT have been funded through UHI and these should be with priority students in the next week or so.

The ongoing process of curriculum development is progressing as usual but the enforced changes in delivery has enlightened teams how learning and teaching activities within programmes could change in the future and present us with additional opportunities.

Student Recruitment and Admissions

The admissions team are working to ensure that decisions are being made quickly on new applications for the next academic year. We will adhere to the changes recently announced to an amended UCAS deadline which provides applicants with an additional 2 weeks to make their choices and we are monitoring any further guidance for the sector such as the moratorium on changing decisions on HE applications.

Detail on current student activity in 2019-20 and recruitment for 2020-21 is contained in the paper from the Depute Principal – P&SE, appended to this report. In summary, FE credits will not meet target due to the COVID-19 restrictions. SFC have stated that colleges' will not be financially penalised where a shortfall is due to the restrictions, however funding for the ESIF component of 296 credits (£129,478

including support funds) will likely be lost. Funded undergraduate HE activity is some 84 FTE below target, and this is likely to be the final position. Total applications for FE and HE courses for 2020-21 are slightly below the number at a similar time last year, although more offers have been made and accepted this year.

Course teams, the Admissions team and Marketing are working closely to ensure that applications for next year are processed quickly, positive messages are relayed to successful applicants about next year's programmes and marketing plans are adjusted to highlight places available. An 'online open week' commences on 27 April, which will feature video messages and clips from across the curriculum to promote opportunities to prospective applicants. The Admissions team will adhere to the change to the amended UCAS deadline which provides applicants an additional 2 weeks to make their choices and we are also keeping an eye on any further guidance for the sector such as the moratorium on changing decisions on HE applications.

Residences

There have been some concerns from student residents about a lack of communication and information from City Heart during the lockdown. There have been particular concerns about the potential financial strain on individuals, the implications of losing part time jobs, and queries around individuals being released from their leases during the lockdown. We have been proactive in pursuing City Heart to ensure we know which students are still living there, this was not something they felt was necessary. We have since sent a communication to all students still in residence to ensure they have the most up to date information they need and to ensure they know we are still there to support them, albeit by virtual means.

Financial Support

Additional discretionary funding has been released to the college alongside rediverting travel bursary funds to support students during this period of uncertainty. The student funding team are working to process applications alongside providing advice and guidance about applying for universal credit, for example.

Student Support for Learning and for Mental Health and Wellbeing

The student support teams have been working to ensure that a variety of support is still available remotely to those who need it. Students with additional support needs continue to receive learning support through an online appointment system and have access to an online counselling service as well. The UHI partnership has subscribed to [Big White Wall](#), a digital mental health support service which is available online to both students and staff. This was a planned resource but has been very timely.

HISA

The Highlands and Islands Students' Association (HISA) are currently working on a range of new digital clubs, societies, and activities to allow students to continue interacting and socialising at this

challenging time. They also have plans to continue to hold their monthly Student Representative Committee in a virtual way to ensure that class reps can continue to engage and feedback.

Employer Engagement

Business Solutions Advisors (BSAs) are focussed on supporting employers throughout the COVID outbreak, whether their businesses are continuing to operate fully, partially, remotely or not at all.

In the case of Apprenticeship employers, information regarding the status of companies and their employees has been collated, with the support of Assessors, to inform discussions with SDS/other stakeholders and to enable effective signposting and guidance.

BSAs have supported Assessors who may have had difficulty re-establishing contact with their Apprentices, to facilitate online engagement with their qualifications via e-portfolio, by seeking support from employers.

Intelligence is being gathered in relation to potential demand for short courses and other services.

Apprenticeships

The Apprenticeship contract year-end claim was prepared and submitted remotely by the team, in order to maximise funding draw-down against the 2019/20 contract.

Collation of evidence to support claims for the 2020/21 contract year is ongoing and has moved to an electronic format, not formerly accepted by SDS.

As at 21/4, no Apprentice to our knowledge has been made redundant due to the COVID outbreak. The majority of Apprentices have been furloughed by their employers however in some sectors, companies are still starting new Apprentices. We have ICT apprentices being signed up with WIPRO w/c 21/04 and aquaculture apprentices starting throughout April. All are being signed up electronically and will be assessed remotely.

Flexible Workforce Development Fund

Despite COVID19, we are close to budget for FWDF income for 2019/20. To date, we have claimed and have been paid £401,640 in the 2019/20 financial year against a budget of £408K and we expect to exceed the budget, with some courses being delivered online. However, it is likely that the break in face-to-face delivery will have implications for the 2020/21 FWDF contract. We are developing online delivery options for most courses and encouraging companies to transfer to online delivery, but this is currently proving a challenge. It may be that as lockdown continues, they will reconsider.

Colleges are negotiating with SFC regarding the operation of FWDF throughout and beyond lockdown and data has been provided to Colleges Scotland to support this negotiation.

Commercial Course Provision

Income from commercial course provision has been impacted by the closure of face-to-face delivery, partly because many of the planned courses for the remainder of the year were of a practical nature and partly because customers are hesitant to move to the online delivery platforms offered. The loss

of income will be partly offset by the reduction in staffing delivery costs, as around 50% of course delivery is undertaken by associate trainers, who are self-employed.

The forecast for short course income has been reduced from £170K to £106K. This was against an incorrect budget of £300K. This loss has been added to the register of commercial income losses.

Create

As Create is unable to undertake most of its normal activities during lockdown, the two members of staff have willingly undertaken other duties suited to their skills. One has done a fantastic job in chasing creditors, having a positive impact on our debtor position and the other is acting as a PDA, enabling this activity to continue at no additional cost.

Commercial Services & Events

Commercial services and events income have been severely impacted by COVID19. Unfortunately, the college is still bearing the cost of staff associated with the delivery of our commercial food service delivery but the majority of the staff (who are food service staff) are unable to work from home.

The financial impact of this is that the budgeted contribution to overhead of approx. £20K will outturn at a deficit of £73,200. This loss is lower than it would have been if lockdown had occurred earlier in the year, as demand would have fallen from April over Easter and as course attendance reduced towards exam time. This projected loss has been added to the commercial income loss register.

The Commercial Services and Events Manager, who has a commercial banking background, has been supporting financial review activity, including an appraisal of ELCC and Research.

Marketing and Communications

The Marketing and Communications team are active members of the college Business Continuity Team and the University of the Highlands and Islands Crisis Communications team. From late February through to the end of March, Coronavirus communications was the main focus on the team's efforts and resources.

An Inverness College UHI Communications Plan was created and updated on an ongoing basis. Stakeholders and primary communication channels were established. The local plan recognised the actions of wider stakeholder plans, including the university crisis communications plan.

Initial communications signposted stakeholders to Health Protection Scotland guidance through internal channels and externally using the website and social media. The Inverness College UHI website linked to a central source of information on the university landing page.

A media statement was issued on 5th March regarding contingency planning. At the same time, a communication was sent out to staff and students with an update on contingency planning, with the same message adapted and sent to suppliers, employers, schools, and parents of children in the nursery.

A team brief was sent to managers reminding them of key processes, such as logging staff absence and points to discuss with their teams. Managers were also asked to undertake an audit of essential business functions.

In response to a rumour that a student had been diagnosed with Coronavirus, a student communication was sent out to confirm that it was a false alarm and that there were no reported cases from NHS Highland.

Alternative communication channels were explored in the event of infrastructure failure. A WhatsApp group was established amongst communications practitioners and Microsoft Teams was set up and tested for the college Business Continuity group.

When the UK response moved to 'delay' phase, self-isolation guidance and absence reporting requirements were sent to staff and students should they develop Covid-19 symptoms.

Following the decision to suspend all face-to-face teaching, a series of communications was sent out via various channels to stakeholders updating them on the college/university position as it adapted in line with the Government's phased lockdown. This included -

- Staff communications re remote working and absence recording.
- Highlighting communication channels and tools for remote working.
- FAQs for website in relation to Admissions, Student Funding and Library services and updating key contact webpages.
- Cancellation of Sheiling and Breagha client appointments.
- Contacting employers/candidates on short courses.
- Communications to suppliers, event customers, nursery parents, international/Erasmus students, schools, employers and agencies.
- Guidance to staff on voicemail arrangements, email signatures, health & safety, ICT and Working from Home.

Staff and students are asked to routinely monitor their email, as well as the College's social media channels, MyDay newsroom (students) and iConnect (staff), and to check for updates on the university's dedicated website: <https://www.uhi.ac.uk/en/students/support/coronavirus-covid-19/>

Follow-up communication since lockdown: -

23rd March. Student communication including information on continuation of studies, access to support and absence reporting.

25th March. Email to employers signposting them to government support available to businesses during the Covid-19 outbreak, collated on the 'For employers' area of the Inverness College UHI website.

25th March. Staff communication covering Easter holiday arrangements, internal communication channels, staff engagement and health & welfare support.

27th March. Video message to staff from Chris.

30th March. Managers' email seeking content about working from home, interesting and engaging stories to share on social media, and photographs/social news for Yammer,

7th April. Student communication signposting to health and welfare support including the Big White Wall and staff support that is available.

15th April. Letter to students in residences signposting them to external financial aid packages and college support available to them. This followed media coverage relating to the residences, particularly around rebates and various concerns around hardship which were dealt with by Cityheart and the university with input from the college.

An employee engagement strategy and community engagement communications plan have been presented for approval and wider input/engagement to deliver.

The objectives of the employee engagement strategy are to: -

- Engage staff working remotely, who may feel isolated from colleagues and college life.
- Boost morale and motivate staff in these challenging times.
- Share commonality so people feel less isolated.
- Create an online social environment for staff to interact.

The objectives of the community engagement communications plan are to: -

- Strengthen the visibility of the brand during closure period
- Support the community and offer useful advice on working/staying at home
- Grow reputation as being a leader in online learning technologies.

A virtual open week in w/c 27th April will replace the scheduled open evening on 22nd April. Potential students can book a slot to have a one-to-one discussion with a member of staff using Webex Meetings or telephone. It will be advertised through paid social media. The website has been refreshed to include an event landing page, information about curriculum areas and short video clips for each subject area.

Programme Board update

The work of the Programme Board continues with some progress in the follow areas –

Governance – The paper on changes to Court committee structures and AP involvement was presented to Court and has been agreed in full. A meeting held amongst non-execs and execs to determine the process to make the changes and scope has been held and has led to calls for membership of boards and committees including the replacement for FERB.

HR strategic lead – Dawne Bloodworth has now started in the HR role and has begun the work through the HR Practitioners group of defining and creating a model for a common service.

EO Evaluation – The EO panel met on 07 April and approved a draft, this will be circulated to staff and stakeholders over the next reporting period and as presented above, is awaiting wider circulation

Common finance service – This was discussed at Partnership Council and a data sharing agreement has finally been circulated in order an assessment of partnership capacity could be made. There has been some delay in this work. I have been asked to support it as a member of the executive group and as one of the two principals of partners who have defined and are delivering a common/shared service. The process behind this piece of work is frustrating because there are currently few ideas of what a common service might mean whilst the frustration of the Tech One delays are ongoing.

Funding allocation mechanisms – The curriculum review and funding allocation work has proceeded at pace with meetings of both the steering group and the executives taking the work forward. A paper with recommendations should be ready in May. A timeline for delivery needs to be developed and this is of interest to Inverness College because of the negative impact of the Micro RAM upon our finances.

Operational Arrangements – Little work has been done on the operational arrangements workstream, but it will commence once key decisions, particularly on the curriculum have been approved.

Student working group – The student working group have confirmed its recommendations. These will be finalised and circulated during the next reporting period during May. Inverness College has played a pivotal role in shaping these proposals which are largely based upon our student partnership work led by the Director of Student Services.

Behaviour and Culture – It has been generally agreed that this work should be delayed but it has been noted that as the partnership has responded to the covid-19 crisis we are demonstrating a level of collegiality that is defined by our common commitment to the student body.

Finance Service

As reported and discussed elsewhere, we are moving to a shared service with North Highland College as well as delivering a new ledger system. The challenges we faced in the finance service have and are being addressed under the leadership of our interim Finance Director. It is clear from this work that we do have some extremely able and committed colleagues who will, with the shared structure, have clear accountabilities and a better ledger system to deliver the information and service we require.

We anticipated the ledger system going live at the beginning of April. This has been temporarily delayed by covid-19. North Highland's BoM unanimously endorsed the shared service with a commitment to their FD becoming our shared FD.

ELCC

A discussion with the Chief Executive of Highland Council involving the Chair, Director of Organisational Development and myself covered a number of issues including a discussion around the ELCC which is being followed up.

Research

Overall, there is very likely to be a delay in nearly all research projects estimated to be from between 3 – 6 months. Just as significantly there is an immediate impact on project development work – almost without exception this has come to a halt, and this will have a substantive impact on research funding for 20/21 and beyond. Combined with the ongoing, and heightened uncertainty around a BREXIT deal, this situation is likely to worsen. The exceptions are projects nearing completion where write up and reporting can continue. In some cases this involves associated meetings/final conferences...but where these cannot take place on line they can be postponed, but the direct impact on budgets/staffing etc. is not substantive.

While most PGRs have been able to temporarily divert to writing/review and analysis of data etc., for those in the 1st and 2nd year of their research (6 students at IC) there is increasing concern for students needing to undertake field and laboratory work that as the movement restrictions continue they will be unable to further their projects, and in some case (3 students at IC) will miss an entire season of data collection.

Professor Chris O'Neil

Student Enrolment 2019-20 - Update

Executive summary

Student activity for 2019-20:

- FE credits will not meet target due to the COVID-19 restrictions. SFC have stated that colleges' will not be financially penalised where a shortfall is due to the restrictions, however funding for the ESIF component of 296 credits (£129,478 including support funds) will likely be lost.
- Funded undergraduate HE activity is some 84 FTE below target, and this is likely to be the final position.

Background information

Student recruitment can be measured in several ways: enrolments, head-count, credits and full-time equivalents (FTE). For reporting purposes, and in line with funding methodologies, credits are used as the measurement for student activity at further education (FE) level and FTE is used for the measure at higher education (HE) level.

The college is allocated a FE credit target via the FE Regional Board (FERB). The allocation (or target) is a share of the total FE funding provided to the region by the Scottish Funding Council (SFC). There is also a small allocation of European Structural Investment Funds (ESIF) funding available for additional credits.

The majority of HE FTE is SFC funded undergraduate (UG) activity. Each year, the Academic Partners submit their UG funded FTE targets to the Partnership Planning Forum (PPF). These are collated to create the university's UG funded numbers target: the individual and collated targets are known as the *PPF targets*. 130 FTE of this target is funded through ESF this year, up from 67 last year.

Student enrolment activity against 2019-20 targets as at 20 April 2020

FE Activity

The FE core credit target for 2019-20 is 28,915, with an additional ESIF credit target of 296, making a total of 29,211.

FE	2019-20
Core Credit Target	28,915
ESIF Target	296
Total Target	29,211
Total Credits as at 20/04/2020	27,856
<i>Total Credits as at 16/04/2019</i>	<i>28,831</i>

The table above shows the current total credits on the student records system. This is 975 credits below the position at this time last year, and 95.4% of our target. The difference is largely due to the COVID-19 restrictions which have prevented the college enrolling further part-time, work-based and commercial courses.

The current forecast for FE activity is that the college will not meet its credit target. In her letter to college principals on 19 March, Karen Watt (Chief Exec of SFC) stated that a shortfall against credit targets was to be expected and that SFC will not recover funds for shortfalls against targets for 2019-20 where these are related to COVID-19.

However, the ESIF component of credit funding, amounting to £129,478, is unlikely to be recovered as draw down is dependent on achieving the core credit activity and the ESIF component.

Enrolments by fee status

The following tables provide a breakdown of FE enrolments by fee status, showing the number of enrolments from Scottish, International EU and Rest of UK students.

FE enrolments by Fee Status:

FEE STATUS	ENRs
EU	98
Scottish	3946
International	17
RUK	2
Grand Total	4063

HE enrolment activity

The HE (PPF) target for 2019-20 for undergraduate students with a fee status of 'Scottish' or 'European' is 1,603.9 FTE. This includes a cohort of 130 FTE funded through ESF grant.

As at 20 April 2020 the estimated FTE, counting by module attachment is 1,519.6 FTE. The 'count by Module attachment' FTE estimate is used by EO Student Records Office to provide a running total of FTE throughout the year: FTEs always accrue as the year goes on.

However, the current estimate is likely to be the year-end position, leaving the college 84 FTE short of target.

PPF Target HE FTE (Undergraduate students, including SC and EU fee statuses, excluding PGDE)	1,603.9
Current HE students as at 20/04/2020 - count by Module attachment.	1,519.6

Estimated HE FTE Against Targets and by Fee Status:

The table below shows the **estimated** HE FTE by fee category based on current and planned enrolments, and against targets set by Partnership Planning Forum (PPF) and the Teacher Education Management Group (TEMG).

Level	PPF/TEMG Target	Current estimated FTE	Variance
Undergraduate Scottish & EU	1603.9	1519.6	-84.3
Graduate Apprentices	60	34.1	-25.9
Postgraduate Taught Scottish & EU	21.9	61.7	39.8
Undergraduate International & RUK*	(2+19) 21	(10.6+19) 29.6	8.6
Postgraduate Taught Int & RUK	-	(0.7+10.3) 11	11.0
PGD Education (Primary & Secondary)	41	37	-4
TOTAL	1747.8	1693.0	-54.8

* these are largely students living in Scotland who do not qualify for Scottish fee status.

Student Recruitment 2020-21

The status of applications for 2020-21 are shown in the tables below.

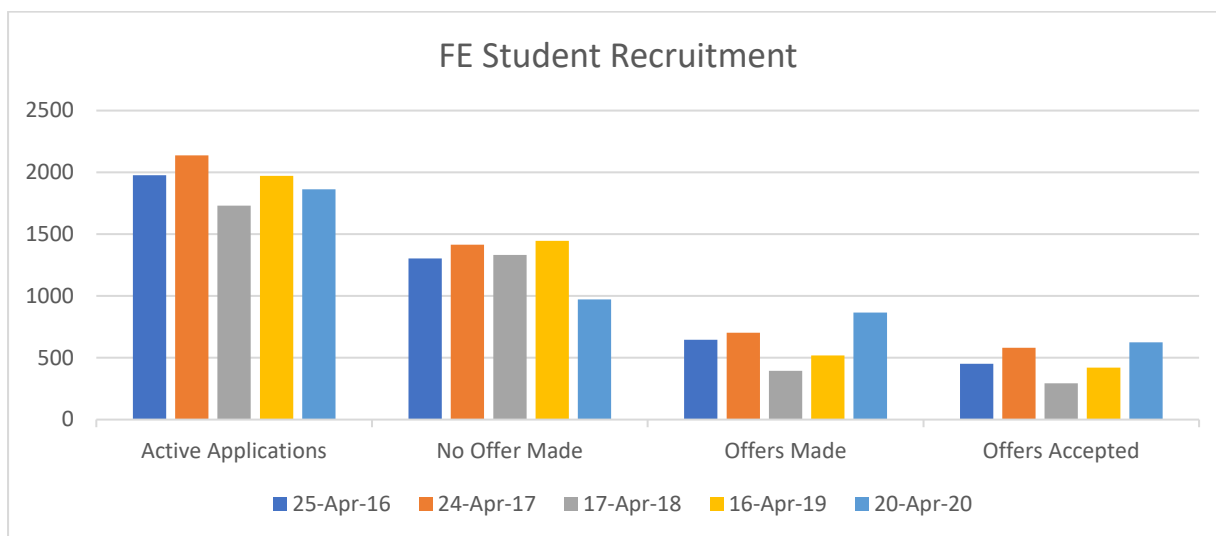
FE Applications at 20/04/2020:

Department	All Active Applications Total	No Offer Total	No Decision	Waiting Interview Arranged	Reserve Total	Total Offers Made	Active Offers in Progress Total	Active Accepted Total
Business, Computing & Hospitality	190	92	91	1	0	98	24	74
Care, Health & Wellbeing	575	375	316	59	8	192	50	142
Construction & the Built Environment	137	123	121	2	0	14	2	12
Creative Arts	521	178	149	29	15	328	93	235

Department	All Active Applications Total	No Offer Total	No Decision	Waiting Interview Arranged	Reserve Total	Total Offers Made	Active Offers in Progress Total	Active Accepted Total
Education & Applied Sciences	170	76	73	3	1	93	26	67
Engineering Technology	184	99	96	3	0	85	30	55
Scottish School of Forestry	85	29	29	0	0	56	15	41
Total 20 April 2020	1862	972	875	97	24	866	240	626
<i>Total 16 April 2019</i>	<i>1972</i>	<i>1446</i>	<i>644</i>	<i>802</i>	<i>7</i>	<i>519</i>	<i>99</i>	<i>420</i>
<i>Total 17 April 2018</i>	<i>1730</i>	<i>1332</i>	<i>444</i>	<i>888</i>	<i>3</i>	<i>395</i>	<i>102</i>	<i>293</i>
<i>Total 24 April 2017</i>	<i>2137</i>	<i>1414</i>	<i>403</i>	<i>1011</i>	<i>20</i>	<i>703</i>	<i>123</i>	<i>580</i>
<i>Total 25 April 2016</i>	<i>1978</i>	<i>1303</i>	<i>387</i>	<i>916</i>	<i>29</i>	<i>646</i>	<i>195</i>	<i>451</i>

The No Offer total includes approximately 650 school-college applications which will be progressed by Friday 1 May, as per agreed timescale.

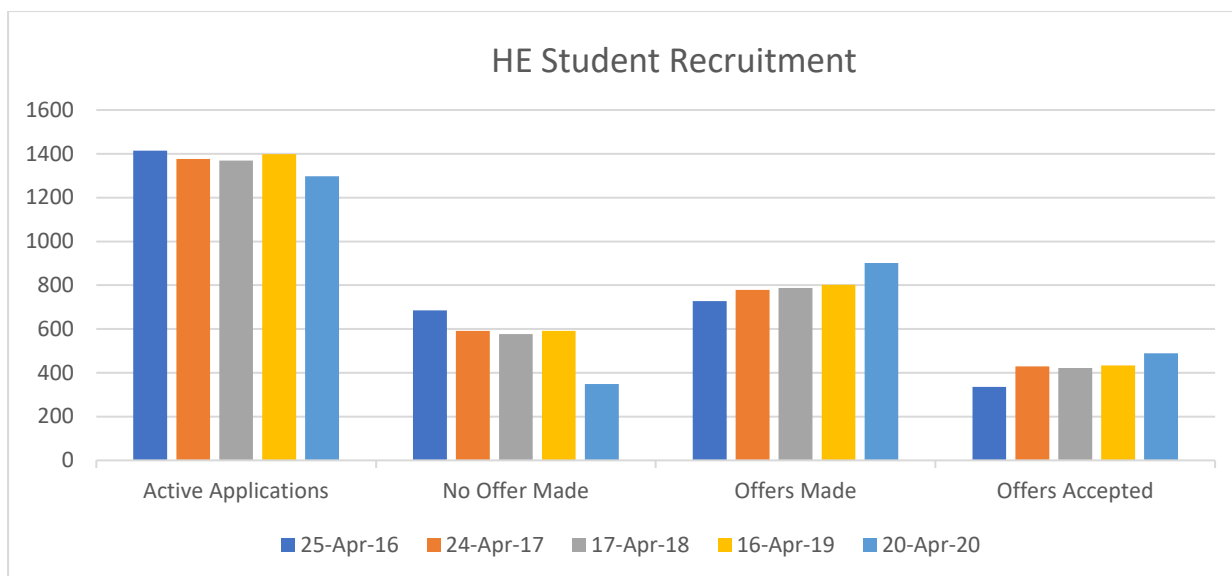
The chart below indicates a marginal downward trend in active applications over the past 5 years, however the number of offers made and accepted at a similar point in time over the past 5 years shows an upward trend. However, the pattern of FE applications is erratic with a late surge in applications in some years.



HE Applications at 20/04/2020:

Subject Network	All Active Applications Total	No Offer Total	No Decision	Waiting Interview Arranged	Reserve Total	Total Offers Made	Active Offers in Progress Total	Active Accepted Total
Applied Life Studies	336	96	86	10	35	205	69	136
Business, Management and Leisure	297	37	32	5	11	249	108	141
Creative and Cultural Industries	115	68	22	46	0	47	27	20
Engineering and the Built Environment	133	52	52	0	0	81	38	43
Humanities Education & Gaelic	262	63	59	4	0	199	115	84
Science, Technology and the Environment	154	33	29	4	0	121	56	65
Total 20 April 2020	1297	349	280	69	46	902	413	489
<i>Total 16 April 2019</i>	<i>1399</i>	<i>592</i>	<i>379</i>	<i>213</i>	<i>5</i>	<i>802</i>	<i>369</i>	<i>433</i>
<i>Total 17 April 2018</i>	<i>1369</i>	<i>577</i>	<i>340</i>	<i>237</i>	<i>5</i>	<i>787</i>	<i>365</i>	<i>422</i>
<i>Total 24 April 2017</i>	<i>1377</i>	<i>592</i>	<i>292</i>	<i>300</i>	<i>0</i>	<i>778</i>	<i>349</i>	<i>429</i>
<i>Total 25 April 2016</i>	<i>1415</i>	<i>685</i>	<i>321</i>	<i>364</i>	<i>3</i>	<i>727</i>	<i>391</i>	<i>336</i>

The chart below indicates a downward trend in active applications over the past 5 years, however the number of offers made and accepted at a similar point in time over the past 5 years shows an upward trend.



Roddy Henry

Depute Principal – P&SE

Background

ADR and Water Claim

At the Project Board Meeting on 7th February 2020, the outcome of the Facilitated Mediation and the Subsequent serving of protected proceedings was reported to the Board along with the following options as set out by the College solicitors in their advice note:

1. **Do nothing and force GTEIL to progress the claim.** GTEIL has served proceedings but this does not automatically progress the claim. GTEIL has effectively 1 year from the date of service (4 Feb 2020) to decide on whether it wishes to progress the claim.¹
2. **Continue to negotiate with GTEIL.** This has effectively been the strategy employed to date. GTEIL/Galliford Try have produced very little underlying evidence in support of their claims and the College has tried, through negotiation, to flush out what further evidence is available.
3. **Take the initiative to try and resolve the dispute through formal dispute resolution.** If GTEIL are not intent on progressing the legal claim quickly, then rather than wait on GTEIL taking action, this course would see the College ask the Court to make a determination on relevant matters.²

The colleges' approach to date has been on the basis of option 2 including the submission of particulars and evidence that GTC could bring to bear. While parties did not reach a resolution to the matter on the day of the ADR, parties did resolve to adjourn to consider further the points of clarification that the college were seeking to establish. Notably what

¹ The proceedings have been raised at this time to protect against time-bar (prescription).

² The College could seek that determination through adjudication but in our view that course is less appealing in the circumstances of the present case. The reasons for that are threefold (1) The GTEIL claim is very significant and so the College would want comfort that any decision is reached using a fair and structured process - rather than the rougher and less prescribed process afforded by adjudication (2) Decisions of adjudicators are only provisionally binding and so either party could litigate the claim thereafter anyway leading to greater time and expense (3) The College would not recover its costs at adjudication even if successful – and in due course parties might end up incurring costs to lawyers and experts.

evidence the other party could bring to bear to prove that the failure of the college to connect the water in line with the project agreement was the dominant cause of the delay of 12 weeks between planned completion and practical completion date. It was expressed, and understood by all parties, that the college needed more detailed information regarding the claim so that the board could properly and fully consider any potential risk without losing sight of the costs associated with protracted legal action.

As reported to the Board a formal request in writing specifying the information the college required was sent to Burness Paull, GTC solicitors on Friday 31 January 2020. In response to the apparent lack of engagement in Project Co on the day of the mediation, the college also wrote to Tom Cunningham Project Co, Director on Monday 3 February 2020 and furthermore on Monday 24 February 2020 to set out the shared liability that they have in the matter and the ongoing relationship, beyond the dispute, that needs to continue over the period of the project agreement.

Lastly a request was made to our college solicitors to prepare further advice note on the relative risks to the college and next steps. See attached advice note received by Brodies on 24th February 2020.

On the 4th of March, the college lawyers (Brodies LLP) received correspondence from Burness Paull which is appended to this paper. This response fell significantly short of the information that the college had specified would be required and as set out in the letter dated 31 January 2020. It suggests a restricted bundle of information.

The board met on 24 March and considered further correspondence with Burness Paull and Project Co. The Board also considered the merits or otherwise of making an application to the courts for recovery of the documents. This would necessitate the college lodging defences and force the court action to continue and the associated legal expenses associated with this.

While the restricted bundle suggested is unhelpful and reduces the scope of finding a resolution through ADR, the recommendation to the Board is that we review this documentation, once received, and take a view on next steps at that point. COVID-19 and the financial implications of the measures on all parties may help to progress matters.

A further consideration at the Project Board meeting on 24th March 2020 was the contractual obligations on Project Co to supply the documentation, referencing in particular their document retention obligations. I would be minded to point out to Project Co that they have obligations to us under Sch. Part 19 of the Project Agreement to retain documents on Delay Events and the consequences of them if these are not provided. In the event they do retain these records themselves – it is worth pursuing if in fact this is a breach of the contract and in doing so would the losses incurred by seeking this information through the courts and or through audit be an additional costs deductible from GTFM through the pay mech might be a question that could focus the mind/provide some leverage for the Board.

Our Ref MIL/2140/33/FXM/EJD
Your Ref SIL/CDU/INV59.1

50 Lothian Road
Festival Square
Edinburgh
EH3 9WJ

T +44 (0)131 473 6000
F +44 (0)131 473 6006

LP-60 Edinburgh 2
DX ED73 Edinburgh

www.burnesspaull.com

FAO Chris Duff
Brodies LLP
DX ED 10
EDINBURGH-1



Also by email: chris.duff@brodies.com

4 March 2020

Dear Sirs

**GALLIFORD TRY BUILDING 2014 LIMITED
THE BOARD OF MANAGEMENT OF INVERNESS COLLEGE
WATER CONNECTION**

We refer to your letter dated 31 January 2020.

We echo your client's view of the facilitated workshop held on 28 January and would also thank your client for its participation in the day.

We are grateful for your letter setting out what further information your client considers it requires in order to make an assessment on the claim.

Our client has been working through its records in an effort to meet the requests set out in your letter. Our client is very keen to put your client in a position where it can satisfy itself on the veracity of our client's claim. However, the enormity of the task required to satisfy your client's requests is now becoming apparent. The breadth of the information sought by your client is involving our client in a scale of exercise that would not normally be considered appropriate for a negotiated resolution.

In relation to the request for all of the papers from the adjudication between our client and its sub-contractor, Vaughan Engineering Limited (“VEL”), we now understand that these papers run to approximately twenty boxes and contain a mixture of relevant and irrelevant material. To provide further context, we should explain that we were not instructed in relation to the VEL adjudication and the firm of solicitors who were, have advised us that they only hold hard copy records of the adjudication submissions etc and not a full electronic file. The time and resource required to interrogate this information does not seem to us or to our client proportionate to the point upon which your client seeks to satisfy itself.

In particular, in so far as your client seeks documents that might cast light on any issues of potential concurrent delay, it seems to us that such information could only be relevant to our client’s claim for loss and expense. It has no relevance to our client’s claim for an EOT. Acceptance by your client of the claim for EOT alone would result in payment to our client of a substantial sum. No interrogation of any notions of concurrency are required in relation to this head of claim. This is on the basis that it was the provision of the permanent water connection that drove the critical path on the programme, and was the dominant cause of the delay or at the very least was one of equal causative potency to any other delays that may have been occurring on the project.

The failure to provide the permanent water connection constitutes a Delay Event that should have resulted in the Authority’s Representative: (i) allowing Project Co an extension of time equal to the delay or impediment caused by the Delay Event; and (ii) revising the Beechwood Phase Completion Date. As a matter of law, it is irrelevant as to whether or not there are other causes of delay that do not constitute Delay Events, as long as the events are at least of equal causative potency. Given that the permanent water connection lies on the critical path, as supported by the expert opinion of Gordon Morris, this Delay Event will either be the dominant cause or of equal causative potency to any other events which may have caused delay during the period 1 May to 15 August 2015. We are therefore content that an extension of time should have been granted as a result of the claimed Delay Event, whether or not there are other causes of delay, of equal causative potency or otherwise.

In the circumstances our client proposes that it produce a restricted bundle of information to satisfy your client in relation to the application process for water connection. If your client is able to satisfy itself on our client’s entitlement to an EOT, and to make an appropriate release of LADs on that basis, our client would not continue to insist on its claim for loss and expense. If the foregoing proposal is not acceptable and our client requires to expend additional time and resource in interrogating the VEL claim, extracting any relevant factual information contained in it and preparing a full delay analysis, our client sees no point in continuing the current dialogue and will direct its resource towards more formal proceedings. Our client is reluctant to take this course, given the goodwill and collaboration evident at the workshop, and trusts that matters can move forwards as suggested above.

This correspondence is written in a genuine attempt to reach settlement of a dispute. It is written without prejudice to our client and Project Co's whole rights, remedies and pleas and may not be founded upon in any proceedings except at our client's sole instance.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'Fenella Mason', is positioned above a faint, light-colored rectangular stamp. The signature is fluid and cursive.

for and on behalf of Burness Paul LLP

T: +44 (0)131 473 6304

E: Fenella.Mason@burnesspaul.com

Subject: GTEIL ('Project Co') WATER CONNECTION CLAIM
Date: 24 February 2020



Introduction

1. This advice note follows three earlier notes of March 2019, November 2019 and February 2020. The College has requested a high-level risk appraisal and updated views on our recommendations having regard to the consultation with Senior Counsel on 21 February 2020.

Risk Appraisal

2. We have identified the 'best' and 'worst' case scenarios for the College, and then reviewed matters more analytically having regard to the guidance provided by Project Co/its Contractor at the recent facilitation on what they might be prepared to accept in resolution of the claim.

Best Case

3. Project Co is suing for approximately £1.8m. The College's best case is that it successfully defends that claim in full. In that situation it will have incurred substantial legal and possibly expert costs. Just how substantial those costs are will turn on whether the College can resolve the case after a Restricted Hearing or a Full Hearing. We addressed this in our advice note of 5 February 2020.
4. Where the College has succeeded with its defence, Project Co should be found liable to the College in respect of its legal and expert fees (referred as its 'judicial expenses'). Typically, judicial expenses are recovered at around 50-60% of actual expense. In this situation the following recovery and shortfall would arise.¹

	Cost Incurred	Cost Recovered²	Shortfall
Restricted Hearing	£190,000	£105,000 (rounded)	(£85,000)

¹ Base expenditure figures taken from Advice Note of 5/2/20.

² Assumes 55% recovery for present purposes

48069827v1

Full Hearing	£675,000	£372,000 (rounded)	(£303,000)
--------------	----------	--------------------	------------

5. In summary, the College's best case should maters progress is somewhere between a shortfall of £85k - £303k. ³ This reinforces two points for the College in our view: (1) that settlement dialogue should be maintained because it would be in the College's interest to explore settlement at an acceptable level (2) that if the Court proceedings are progressed, the College's interests are better served trying to resolve the case using some form of Restricted Hearing. Whether such a hearing would be appropriate and achievable is difficult to judge until the action progresses and Project Co has properly developed their written case.

Worst Case

6. Whilst we do not necessarily regard it as a realistic outcome, in strict terms on a worst-case view, the College should assume that Project Co succeeds on the sum sued for and recovers its judicial expenses. The sum sued for is c£1.8m.
7. Project Co's legal expense will be of a similar order to that estimated for the College if not slightly more. ⁴ We would assume, say £700,000 for this scenario, on which they might recover £385,000 (55%). This brings an outturn position of approximately £2,185,000. In addition, the College will have incurred their own legal and expert costs (assume £675,000 for worst-case). This would bring out an overall outturn position of £2,860,000.

Comment

8. The foregoing analysis is often carried out by pursuers with a view to presenting the choice to any defender as one between a bad and a very bad outcome, i.e. that even on a best case, the defender will incur irrecoverable expense.
9. In the present case we think this sort of analysis is too crude to properly inform realistic and prudent settlement parameters. What other guidance do we have? The College will note that Project Co's Contractor indicated at facilitation that a settlement figure < £1m would be acceptable. We now review this.

Project Co / Contractor's Position

³ This also assumes no appeal proceedings are necessary

⁴ It is often the case that pursuer's costs are more because of the additional burden of proving their claim

10. The College has been informed that Project Co's Contractor would settle for < £1m. At face value this would suggest they recognise that the claim heads above £1m are more difficult for them. That accords with our view.⁵
11. The claim up to £1m effectively all turns on the extension of time / liquidated damages claim – though it will be advanced slightly differently between Project Co and the College. The Summons places this claim at £1,017m for 12 weeks. Expressed on a weekly basis, the claim is £84,750. Accordingly, for each week that Project Co justifies an entitlement to additional time, it will 'win' £84,750.
12. In an earlier advice note we pro-rated the claim, as it was then, to a period of three weeks to reflect the advice earlier received by Hunter Consulting. That advice was to the effect that a 3-week delay might be the worst case, on the facts then known, for the College.⁶ That exercise brought out a total of c£354k, however that pro-rated other claim elements as well. Pro-rating just the liquidated damages element, would lead to c£254k.
13. Until the further documentation recently requested by the College is made available it is not possible to update these views. Read shortly, we consider the College's realistic exposure here is nearer £84,750 per week of the claim⁷. The critical question for the College in finalising any risk appraisal is assessing how many weeks of delay Project Co might, realistically, be able to establish. We do not think final advice can be given on that on the basis of the current documentation.

Recommendations

14. We would advise as follows:

1. Maintain dialogue with Project Co re a possible settlement of the Contractor claims
2. Maintain the pursuit of document recovery with Project Co /their Contractor. In this regard, if voluntary disclosure cannot be achieved then a court regulated document recovery exercise should be progressed. We address this below.

Court regulated document recovery

⁵ See earlier advice notes, in particular that from March 2019.

⁶ This does not take account of the College's defence based on notices, nor does it take account of the contractor's final progress – the report being prepared in May 2015.

⁷ Rather than the £1.8m/12 figure which would be higher, but which would include some other costs which on the facts currently known are likely to have been incurred during a period of concurrent delay and so would be more difficult to recover in full in our view.

15. An application for document recovery can be made in the Court action following the service of proceedings. However, to maximise the prospect of that application being granted we would first want to lodge defences to the claim, to place 'in issue' the relevancy of the documentation we wish to recover. That would involve a process known as protesting the calling of the Summons and then lodging defences.
16. In basic terms this means that the College would force Project Co, by application, to start the Court proceedings in earnest by returning the Summons to the Court.⁸ Thereafter, the College would apply to have the case transferred into commercial procedure (a quicker procedure and a procedure necessary if the College wants to explore a Restricted Hearing in due course) and defences would be lodged.
17. The timescales for the foregoing steps be around 4 weeks. The earliest an application could be made is 3rd March; with the case then calling around 10th March; and defences lodged by around 17th March – though these dates are all subject to slight variation. The defences would be accompanied by a formal application for document recovery. The cost of the foregoing steps is estimated at between £5k - £10k.
18. Once an order for the recovery of documentation has been made the parties could arrange to have the case paused (sisted) to avoid it progressing further, with that attendant expense, until the documents have been reviewed. However, that would require agreement of **both parties**.
19. If that cannot be agreed, then the Court action would progress thereafter. We do not necessarily see that as a negative for the College – though accept the College will wish to avoid all possible expense. The reason for that is it will place the onus on Project Co/their Contractor to fund and progress their claims and so should flush out (a) whether they have any genuine appetite to do so; and (b) if they do not, what their realistic settlement expectations are. We remain of the view that the guidance given at facilitation is unlikely to be their bottom line.

Brodies LLP

February 2020

⁸ This expedites the period they would otherwise have to take this step – see our Advice Note of 5 Feb 2020.

Board of Management

Subject/Title:	Proposed Fees for 2020/21
Author: [Name and Job title]	Helen Simpson, Interim Director of Finance
Meeting:	Board of Management
Meeting Date:	30 April 2020
Date Paper prepared:	19 April 2020
Brief Summary of the paper:	To provide the Board of Management with the proposed fee rates for those FE tuition fees set by Inverness College UHI, and an update on the ELCC rates for the academic year 2020/21. Agreeing these fees now will enable front line staff to provide accurate definitive prices to enable customers to make informed decisions. An update to this report may follow pending discussions held at the F&GP Committee meeting on 23 April 2020.
Action requested: [Approval, recommendation, discussion, noting]	For Approval.
Link to Strategy: Please highlight how the paper links to, or assists with:: <ul style="list-style-type: none"> • compliance • partnership services • risk management • strategic plan • new opportunity/change 	
Resource implications:	No If yes, please specify:
Risk implications:	Yes If yes, please specify: Operational: without new fee rates staff unable to provide prospective students with accurate information. Organisational: delays in providing fee information could lead to students making alternative choices thereby impacting on recruitment
Equality and Diversity implications:	No If yes, please specify:
Consultation: [staff, students, UHI & Partners, External] and provide detail	N/A

Status – [Confidential/Non confidential]	Non-confidential		
Freedom of Information Can this paper be included in “open” business* [Yes/No]	Yes		
*If a paper should not be included within “open” business, please highlight below the reason.			
Its disclosure would substantially prejudice a programme of research (S27)		Its disclosure would substantially prejudice the effective conduct of public affairs (S30)	
Its disclosure would substantially prejudice the commercial interests of any person or organisation (S33)	X	Its disclosure would constitute a breach of confidence actionable in court (S36)	
Its disclosure would constitute a breach of the Data Protection Act (S38)		Other (please give further details)	
For how long must the paper be withheld? (express either as the time which needs to pass or a condition which needs to be met.)			

Further guidance on application of the exclusions from Freedom of Information legislation is available via

<http://www.itspublicknowledge.info/ScottishPublicAuthorities/ScottishPublicAuthorities.asp> and

http://www.itspublicknowledge.info/web/FILES/Public_Interest_Test.pdf

Confidential - Proposed Fees 2020/21

1.0 Executive summary

Under the terms of the Further and Higher Education (Scotland) Act 1992, College Boards of Management are required to set and charge fees for education provision with some exceptions. The full time fee rates are not within our control and are set nationally. HE fee rates are set by UHI and there is agreement that all academic partners charge the same rates.

Commercial courses are costed to ensure the charges made enable the courses to run on a financially viable basis and provide an element of contribution towards overheads. These charges are not included in the schedule of proposed fees. A proposed schedule of fees for 2020/21 has been set out in the attached Appendices.

There is great uncertainty and risks relating to the ongoing COVID-19 crisis; the proposed fees should be considered as part of the increasing risks for the sector and the economy as a whole.

2.0 Higher Education (HE) Fees

In the case of HE fees, there is agreement that all Academic Partners (APs) will levy uniform fee charges, as set by UHI EO and approved by University Court. Full time HE fees are set nationally on an annual basis but have not changed for a number of years. Part-time fees and those for non-EU students for HE level courses have been considered and set by UHI and are shown within appendix 1 for information only.

3.0 Further Education (FE) Fees

For FE courses, full-time fees are set nationally. Part-time FE level course fees remain to be set by colleges' Boards of Management locally. In setting the rate of increase, we have considered the following:

- consumer price index (CPI and CPIH) as our inflation measures
- anticipated cost of living pay awards
- Brexit
- market forces
- potential impact of Covid-19

An increase of approximately 2.5% is proposed for our FE tuition fee rates for 2020/21. The most recent published figures for inflation for February 2020 are 1.7% (CPI/CPIH - CPIH is the CPI but also includes owner occupiers' housing costs). RPI (2.5% at February 20) is no longer used as a national statistic. Whilst the proposed increase of 2.5% is higher than the February CPIH position, it is broadly consistent with the 2019/20 increase of 2.2% and the RPI.

Teaching staff have yet to conclude negotiations in relation to the 2020/21 pay position so the final outcome is unknown. Support staff in April 2020 came to the end of a 2½ year

deal which reflected a range of uplifts from a minimum of £650 to a maximum of £1,600 with the majority of staff falling in between these boundaries and receiving either 3% or 2% depending on their salary levels in 2018/19 and 2019/20. A new pay settlement date of 1 September 2020 has been agreed but there is as yet no indication as to what increase will result from that.

The impact of Brexit on our cost base remains unclear. It is widely believed that consumables costs will rise after the UK leaves the EU but it is not possible to quantify at this stage. Also the effect of Covid-19 is unknown also but it is likely to have a similar effect on the cost of supplies.

These cost rises against the recruitment position is increasingly challenging to both FE and HE and significant increases in fees for those who are self-funding, or for employers, may not be acceptable to the market thereby creating avoidable barriers to student recruitment.

In the case of international fee rate students, the College policy has historically been to set a fee that broadly equates income from these students to combined fee and grant income received by the College for home and EC students.

The same fee rate has been set for student with an RUK fee status. RUK refers to rest of the UK and this applies to students from within the UK but out with Scotland who come here specifically to study. The rate is set at the same level as international students as these students are not fundable and therefore do not count towards our credit target. Whilst RUK students studying at HE level can normally receive tuition fee loans from the Student Loans Company, there is little support available for those studying at FE level.

Part-time courses for overseas students are charged at circa four times the standard rate for EU students.

4.0 Fee Waivers

FE fee waivers are expected to continue to be available in 2020/21 to eligible students under the SFC scheme. Fee waiver grant forms part of the funding received from SFC to compensate for revenues lost by colleges as a consequence of not making direct charges to students. This is included within the main core grant and not paid separately. As a UHI college, fee waivers are only available at FE level and not for HE activity. Part-time HE students must apply to SAAS for funding.

5.0 Professional Development Award (PDA) and Other Fees

There are some courses which are priced independently to take account of the activity required for successful delivery. Some of these courses, such as the SVQs, relate to activity which is largely delivered under contractual arrangements with employer organisations. Many of the PDA courses are HE level activity. These fees have not been covered in this review.

6.0 Nursery Fees

The current fee structure for the ELCC requires a level of subsidy with the annual budget for the current financial year containing an annualised deficit of £138k. The funding of the nursery, its business model and the consequential fees will be considered by the Board of Management at its meeting on the 30 April 2020 and is not therefore included within this paper.

7.0 Recommendation

The Committee are requested to consider the contents of this paper and the attached Appendices and make a recommendation for approval to the Board of Management meeting to be held on 30 April 2020.

TUITION FEES

HE	2019/20 Fee (£)	2020/21 Fee (£)	%increase
FULL TIME COURSES			
SC & EU Students - HNC/D	1,285	1,285	0.00%
SC & EU Students - Degree Courses	1,820	1,820	0.00%
RUK Students - HNC/D	6,720	6,720	0.00%
RUK Students - Degree Courses - Arts (note 1)	9,000	9,000	0.00%
RUK Students - Degree Courses - Science (note 1)	9,000	9,000	0.00%
Off-campus (no term-time address in Scotland)			
RUK/EU Students - Degree Courses - Arts	6,120	6,120	0.00%
RUK/EU Students - Degree Courses - Science	6,120	6,120	0.00%
PART TIME COURSES			
HN SQA modules / units			
0.5 Credit SC & EU	43	43	0.00%
1 Credit SC & EU	86	86	0.00%
Double Credit SC & EU	172	172	0.00%
RUK per SQA credit	448	448	0.00%
Undergraduate modules			
SC & EU - per 20 credit module	215	215	0.00%
SC & EU - structured part-time	644	644	0.00%
RUK per 20 credit degree module - Arts	1,500	1,500	0.00%
RUK per 20 credit degree module - Science	1,500	1,500	0.00%
RUK per 20 credit degree online module - Arts	1,020	1,020	0.00%
RUK per 20 credit degree online module - Science	1,020	1,020	0.00%
Postgraduate Progs (MSc):			
UK & EU fee per 20 credit module	560	560	0.00%
UK & EU fee for dissertation (equiv 60 credits)	1,680	1,680	0.00%
UK & EU fee (120 credits plus dissertation)	5,000	5,000	0.00%
RUK fee per 20 credit module	650	650	0.00%
RUK fee for dissertation (equiv 60 credits)	1,950	1,950	0.00%
RUK fee (120 credits plus dissertation)	5,850	5,850	0.00%
International Students - Full Time Courses			
Degree Courses - Arts, Humanities, Social Sciences, Business	11,650	12,000	3.00%
Degree Courses - Science and Technology (min 90 credits)	12,800	13,200	3.13%
HNC/D - Arts, Humanities, Social Sciences, Business (min 12 SQA credits)	6,855	7,020	2.41%
HNC/D - Science and Technology (min 12 SQA credits)	6,855	7,020	2.41%
International Students - Part Time Courses			
Per 20 credit degree module – Arts	1,941	2,000	3.04%
Per 20 credit degree module – Science	2,133	2,200	3.14%
Per 20 credit degree online module – Arts	1,020	1,080	5.88%
Per 20 credit degree online module – Science	1,120	1,180	5.36%
Per single SQA credit - Arts	457	468	2.41%
Per single SQA credit – Science Subjects	457	468	2.41%
International Students - Postgraduate MSc			
On campus (term-time address in Scotland)			
Per 20 credit degree module	1,340	1,380	2.99%
Int fee for dissertation (equiv of 60 credits)	4,020	4,140	2.99%
Int fee (120 credits plus dissertation)	12,060	12,420	2.99%
Off-campus (no term-time address in Scotland)			
Per 20 credit degree module	960	980	2.08%
Int fee for dissertation (equiv of 60 credits)	2,880	2,940	2.08%
Int fee (120 credits plus dissertation)	8,640	8,820	2.08%
UHI Diploma in Counselling			
Year 1 - 40 Credits (P/T) SCQF Level 7 (COSCA Certificate)	430	430	0.00%
Year 2 - 80 Credits (P/T) SCQF Level 7	860	860	0.00%
Year 3 - 120 Credits (F/T) SCQF Level 8	1,285	1,285	0.00%

SC = Scottish Domiciled Students

RUK = Rest of UK Students

EU = European Union Member States Students

UK = both Scottish Domiciled and RUK

International = Students not covered by the above

All HE fees set by UHI

TUITION FEES

FE	2019/20 Fee (£)	2020/21 Fee (£)	2020/21 % increase
FULL TIME COURSES			
Non-Advanced (FE) level ie NC/NQ:			
Home and EU students	1,008	1,008	Set nationally
RUK Students	5,846	5,990	2.5%
International Students	5,846	5,990	2.5%
PART TIME COURSES			
Non-Advanced (FE) level:			
SQA modules / units			
0.5 Credit	60	62	2.5%
1 Credit	119	124	4.2%
Double Credit	238	248	4.2%
NQ Higher – all levels (including 1 examination entry)	338	345	2.2%
Intermediate 2	338	345	2.2%
English for Speakers of Other Languages (ESOL)			
ESOL - Lower Elementary to Upper Intermediate per course	583	598	2.5%
ESOL Advanced	777	796	2.5%
PART TIME COURSES - International Students			
Non-Advanced (FE) level:			
SQA modules / units			
0.5 Credit	238	244	2.5%
1 Credit	475	488	2.7%
Double Credit	949	976	2.8%
NQ Higher – all levels (including 1 examination entry)	1,326	1,360	2.6%
Intermediate 2	1,326	1,360	2.6%
English for Speakers of Other Languages (ESOL)			
ESOL - Lower Elementary to Upper Intermediate per course	2,341	2,400	2.5%
ESOL Advanced	3,138	3,216	2.5%

Tuition Fees

HE	2019/20 Fee (£)	2020/21 Fee (£)	% increase
FULL TIME COURSES			
SC & EU Students - HNC/D	1,285	1,285	0.00%
SC & EU Students - Degree Courses	1,820	1,820	0.00%
RUK Students - HNC/D	6,720	6,720	0.00%
RUK Students - Degree Courses - Arts (note 1)	9,000	9,000	0.00%
RUK Students - Degree Courses - Science (note 1)	9,000	9,000	0.00%
Off-campus (no term-time address in Scotland)			
RUK/EU Students - Degree Courses - Arts	6,120	6,120	0.00%
RUK/EU Students - Degree Courses - Science	6,120	6,120	0.00%
PART TIME COURSES			
HN SQA modules / units			
0.5 Credit SC & EU	43	43	0.00%
1 Credit SC & EU	86	86	0.00%
Double Credit SC & EU	172	172	0.00%
RUK per SQA credit	448	448	0.00%
Undergraduate modules			
SC & EU - per 20 credit module	215	215	0.00%
SC & EU - structured part-time	644	644	0.00%
RUK per 20 credit degree module - Arts	1,500	1,500	0.00%
RUK per 20 credit degree module - Science	1,500	1,500	0.00%
RUK per 20 credit degree online module - Arts	1,020	1,020	0.00%
RUK per 20 credit degree online module - Science	1,020	1,020	0.00%
Postgraduate Progs (MSc):			
UK & EU fee per 20 credit module	560	560	0.00%
UK & EU fee for dissertation (equiv 60 credits)	1,680	1,680	0.00%
UK & EU fee (120 credits plus dissertation)	5,000	5,000	0.00%
RUK fee per 20 credit module	650	650	0.00%
RUK fee for dissertation (equiv 60 credits)	1,950	1,950	0.00%
RUK fee (120 credits plus dissertation)	5,850	5,850	0.00%
International Students - Full Time Courses			
Degree Courses - Arts, Humanities, Social Sciences, Business	11,650	12,000	3.00%
Degree Courses - Science and Technology (min 90 credits)	12,800	13,200	3.13%
HNC/D - Arts, Humanities, Social Sciences, Business (min 12 SQA credits)	6,855	7,020	2.41%
HNC/D - Science and Technology (min 12 SQA credits)	6,855	7,020	2.41%
International Students - Part Time Courses			
Per 20 credit degree module – Arts	1,941	2,000	3.04%
Per 20 credit degree module – Science	2,133	2,200	3.14%
Per 20 credit degree online module – Arts	1,020	1,080	5.88%
Per 20 credit degree online module – Science	1,120	1,180	5.36%
Per single SQA credit - Arts	457	468	2.41%
Per single SQA credit – Science Subjects	457	468	2.41%
International Students - Postgraduate MSc			
On campus (term-time address in Scotland)			
Per 20 credit degree module	1,340	1,380	2.99%
Int fee for dissertation (equiv of 60 credits)	4,020	4,140	2.99%
Int fee (120 credits plus dissertation)	12,060	12,420	2.99%
Off-campus (no term-time address in Scotland)			
Per 20 credit degree module	960	980	2.08%
Int fee for dissertation (equiv of 60 credits)	2,880	2,940	2.08%
Int fee (120 credits plus dissertation)	8,640	8,820	2.08%
UHI Diploma in Counselling			
Year 1 - 40 Credits (P/T) SCQF Level 7 (COSCA Certificate)	430	430	0.00%
Year 2 - 80 Credits (P/T) SCQF Level 7	860	860	0.00%
Year 3 - 120 Credits (F/T) SCQF Level 8	1,285	1,285	0.00%

SC = Scottish Domiciled Students
RUK = Rest of UK Students
EU = European Union Member States Students
UK = both Scottish Domiciled and RUK
International = Students not covered by the above

All HE fees set by UHI

Board of Management

Subject/Title:	OSCR Return for 2018-19
Author: [Name and Job title]	Lisa Ross, Board Secretary, Helen Simpson, Interim Director of Finance
Meeting:	Board of Management
Meeting Date:	30 April 2020
Date Paper prepared:	28 April March 2020
Brief Summary of the paper:	To provide the Board of Management with the draft return to be submitted to the Office of the Scottish Charity Regulator (OSCR) in respect of the College financial year 2018-19.
Action requested: [Approval, recommendation, discussion, noting]	Noting
Link to Strategy: Please highlight how the paper links to, or assists with:: <ul style="list-style-type: none"> • compliance • partnership services • risk management • strategic plan • new opportunity/change 	Compliance – OSCR regulations
Resource implications:	No If yes, please specify:
Risk implications:	Yes If yes, please specify: Operational: Organisational: reputational risk if not submitted on time
Equality and Diversity implications:	No
Consultation: [staff, students, UHI & Partners, External] and provide detail	N/A

Status – [Confidential/Non confidential]	Non confidential		
Freedom of Information Can this paper be included in “open” business* [Yes/No]	Yes		
*If a paper should not be included within “open” business, please highlight below the reason.			
Its disclosure would substantially prejudice a programme of research (S27)		Its disclosure would substantially prejudice the effective conduct of public affairs (S30)	
Its disclosure would substantially prejudice the commercial interests of any person or organisation (S33)		Its disclosure would constitute a breach of confidence actionable in court (S36)	
Its disclosure would constitute a breach of the Data Protection Act (S38)		Other (please give further details)	
For how long must the paper be withheld? (express either as the time which needs to pass or a condition which needs to be met.)			

Further guidance on application of the exclusions from Freedom of Information legislation is available via

<http://www.itspublicknowledge.info/ScottishPublicAuthorities/ScottishPublicAuthorities.asp> and

http://www.itspublicknowledge.info/web/FILES/Public_Interest_Test.pdf

OSCR Return 2018/19

1.0 Executive Summary

The attached appendix contains a pdf of the draft online return to be submitted to OSCR for 2018/19; the deadline for submission of this return is 30 April 2020. The submission will be accompanied by a copy of the Inverness College UHI audited Annual Report and Accounts for 2018/19.

2.0 Background

In addition to being an incorporated public sector body, Inverness College UHI is a charity registered in Scotland. Charities in Scotland are monitored through the Office of the Scottish Charity Regulator (OSCR).

All charity trustees have legal duties and responsibilities under The Charities and Trustee Investment (Scotland) Act 2005. A duty is something that trustees must comply with, and all the duties must be met. These duties are separated out into general duties that set out a broad framework that all charity trustees must work within, and specific duties detailed in the 2005 Act. The general and specific duties apply equally to all charity trustees and to all charities registered in Scotland.

One of the specific duties under the 2005 Act is the requirement to submit our audited Annual Accounts along with an annual return.

3.0 Annual Return

The annual return is fully online. The return is completed by the Board Secretary and a qualified accountant member of the finance team and reviewed by the Board of Management before final submission. The interim project accountant has completed the return with the Board Secretary.

Final submission can only take place once the Inverness College UHI accounts have been laid before Parliament but must meet the OSCR deadline of nine months from the financial year end date. For Inverness College UHI, our return date is 30 April each year. The Principal received confirmation from the Scottish Funding Council dated 23 April 2020 that the accounts for 2018/19 have been laid before Parliament, our accounts can now be made publicly available that the submission can now be made.

4.0 Recommendation

The Board of Management are asked to approve the attached submission of the OSCR return for 2018/19.

Charity : SC021197 - Annual Return : SC021197.2019.1

Principal Contact Details

Title

Miss

Forename

Lisa

Surname

Ross

Suffix

Position in the organisation

Company Secretary

Address Line 1 

Inverness College UHI

Address line 2 

Finance Department

Address line 3 

1 Inverness Campus

Address line 4 

Inverness

Address Line 5 

Postcode 

IV2 5NA

Country

Scotland

Telephone number

01463273508

Mobile number

Fax number

Email

financialservices.manager.ic@uhi.ac.uk

Principal Office Or Trustee Address 

Principal

Website Address 

www.inverness.uhi.ac.uk

Alternative Contact Email

boardsecretary.ic@uhi.ac.uk

Annual Return / Monitoring Return Details**Section A****Charity Number** 

SC021197

Legal Name 

Board Of Management Of Inverness College

1. Accounting Reference Date 

31/07/2019

2. Gross Income 

£28,387,563

3. Gross Expenditure 

£28,722,539

4a. Does your charity publish its annual reports and accounts on its website?

Yes

4b. Copy & paste the link to your published accounts here <https://www.inverness.uhi.ac.uk/about-us/board-of-management/>**5. Your charity's purpose, according to the Scottish Charity Register is** 

The advancement of education; The advancement of health; The advancement of civic responsibility or community development; The advancement of arts, heritage, culture, or science; The advancement of public participation in sport.

6. In order to achieve this purpose, does your charity do any of the following?

Deliver services and / or hold meetings/sessions and / or undertake activities/events,
Provide facilities

7. Does your charity receive income from investments (excluding bank interest but including income from stocks, shares, bonds etc.)?

No

8. Total Number Of Charity Trustees

18

9. Total Number Of Paid Staff

411

Does Your Charity Have Children And Or Vulnerable Adults As Beneficiaries

Yes

10.b If yes, can you confirm that your charity has appropriate policies in place to protect these vulnerable individuals?

Yes

10.c If you do not have appropriate policies, please explain how you plan to resolve this?

Section B

B.1 When did the charity trustees last look at and consider the content of the charity's governing document?

In the last 12 months

B.2 In the last financial year, did your charity operate with at least the minimum number of charity trustees required by your charity's governing document?

Yes

B.3 Does your charity have the following procedures in place? Please select all that apply.

Trustees are provided with information about financial performance of the charity at least every 6 months,
Cheque books are kept in a secure place with access only by nominated persons,
More than one person authorises significant payments or expenditure,
Funds are banked without deduction of expenses,
Where the charity employs staff, statutory deductions (tax and NIC) are made from employees' wages and regularly paid to HMRC

B.4 Did any: (i) Charity trustee or (ii) Any Person or organisation connected to a charity trustee receive any payment or benefit from the charity in the last financial year?

Yes

B.4 a) Names of all persons/organisations who received a benefit

See related parties disclosure in Annual Accounts (pages 66 and 67)

B.4 b) The total money or benefit, paid or provided to them during the year

212128

B.4 c) How many charity trustees received a payment or benefit or were connected to this person/organisation?

8

B.5 Is your charity part of a group either as a parent or a subsidiary?

No

B.5 a) If yes, please tell us if your charity prepares consolidated accounts as a parent organisation with a subsidiary of if your charity is included as a subsidiary in the consolidated accounts of another body.

B.6 Did your charity receive 20% or more of its income from a person or organisation connected to a charity trustee in the last financial year?

No

B.6 a) If yes, please explain what was received and where it came from.

Section C

Please provide a breakdown of the charity's income for the last financial year using the following categories:

C.1 Donations and legacies 

0

C.2 Charitable Activities 

28376624

C.3 Other Trading Activities 

0

C.4 Investments 

10939

C.5 Other 

0

C.6 Total Income 

28387563

Please provide a breakdown of the charity's expenditure for the last financial year using the following categories:

C.7 Raising Funds 

0

C.8 Charitable Activities 

28722539

C.9 Other 

0

C.10 Total expenditure 

28722539

C.11 Please enter the charity's net current assets

1025418

C.12 Please enter the charity's total funds

-1654607

Accounts Information

Accounts Submission Option

I will attach an electronic copy of my signed accounts (including a signed trustees' annual report and signed auditor's or independent examiner's report) in .pdf format.

[View Accounts Files](#)

Declaration Information

I certify that the information entered in this form is correct to the best of my knowledge

Yes

I confirm the information entered has been approved by the charity trustees and I am authorised to submit this information

Yes

Name of person submitting

Lisa Ross

Role of person submitting

Secretary to the Board of Management

Declaration Date

Received Date

Submitted Date