Glasgow Kelvin College

Audit and Risk Committee - 29 November 2022

Governance Update

Report by Director of Corporate Services

1. Introduction

The purpose of this report is to provide an update to members in relation to the following areas of corporate governance:

- 2 Copyright Licensing Agency Royalties Data Collection Survey 2022
- 3 Ethical Standards Commission
- 4 Code of Good Governance/Good Governance Steering Group
- 5 In-Person Charity Trustee Training with Turcan Connell
- 6 Complaint Escalation to SPSO

2. Copyright Licensing Agency (CLA) Royalties Data Collection Survey 2022 3 October 2022 to 18 November 2022

As members are aware, this survey ran between 3 October 2022 to 18 November 2022. The last survey was conducted in the College in 2017.

Prior to the CLA survey commencing, a refresher on Copyright was provided by Alan Rae, the sector Copyright expert. These sessions were delivered on-line and were well received by staff attending. The slides are attached as **Appendix 1** via the link below:

Glasgow Kelvin College - The Story of Copyright

As part of this survey, the College also provided a list of 'favourite resources' used by each Faculty.

Top Publications and Websites

Faculties and Library Staff have supplied the following:

- 64 top publications, of which:
 - 53 were Print publications
 - 9 were Digital publications
 - o 2 were unspecified
- 28 websites

Copies

College staff were asked to provide information on copies they made from published sources via a link to an online form. Over the course of the audit College Staff provided 36 responses, the breakdown is:

- 19 were copied from Print Books
- 9 printed from the Web

- 3 printed from E Books
- 3 printed from Newspapers
- 1 printed from a Journal
- 1 printed from Other

Audit and Risk Committee members will be kept apprised of any update we receive in relation to the Survey outcome.

3. Ethical Standards Consultation Questionnaire/Annual Report for 2021/22

This consultation paper invited comments on the Investigations Manual of the Ethical Standards Commissioner's Office in relation to the complaints handling process.

This questionnaire was considered by the Director of Corporate Services and the Secretary to the Board and a response submitted by the deadline date of 28 November 2022.

The Acting Ethical Standards Commissioner has also published his <u>Annual Report</u> for the year 2021/22; this is available at **Appendix 2** via this link.

In publishing, the Acting Commissioner, Ian Bruce said: At the time of writing I continue to fulfil the role of Acting Ethical Standards Commissioner, following my temporary appointment on 20 April 2021. Although, as the report attests, our office has faced a number of challenges, we are very positive about the future. This summary of the year does little justice to the challenges we faced as an office and to the extraordinary efforts that the Senior Management Team and staff have gone to in order to repair an almost broken organisation and to restore trust in us and in the ethical standards framework in Scotland. We have worked very hard to implement all of the recommendations made by our auditors and have done so alongside acquitting our core statutory functions. At times, it has felt akin to rebuilding a plane in flight. We are very grateful for the constructive criticism as well as the support that we have received from the many organisations with a stake in our work.

Key statistics for the year include:

- 330 complaints about the conduct of local authority Councillors and board members of public bodies were received during the year. These were processed as 164 cases. (238 complaints/130 cases in 2020/21)
- There were six hearings before the Standards Commission for Scotland (16 in 2020/21)
- 118 complaints about the conduct of MSPs were received. These were processed as 54 cases. (799 complaints/54 cases in 2020/21)
- 50.8% of the board members of regulated public bodies were women (51.7% in 2020/21)
- 8.6% of the board members of regulated public bodies declared a disability compared to 19.6% in the wider population (7.4% in 2020/21)
- We regulate appointment to 733 board positions on 99 public bodies
- There were 133 appointment rounds active in 2021/22 (98 in 2020/21)
- Staff turnover during the year reduced to 9% reflecting the key work undertaken to stabilise the workforce (2020/21: 60%)

4. Code of Good Governance/Good Governance Steering Group

An updated Code of Good Governance for Scotland's Colleges has recently been circulated by Colleges Scotland. The Good Governance Steering Group will be reviewing and revising the Code again during 2023 to ensure it remains current and in line with the imminent governance reforms. The updated Code and related documentation are attached as **Appendix 3** via this link.

These are listed as follows:

- Audit and Assurance Committee Handbook
- Code of Good Governance for Scotland's Colleges September 2022
- Framework for the Development of Strong and Effective College Students' Associations in Scotland.
- Guidance Note Conducting Externally Facilitated Effectiveness Reviews -September 2022
- Guide for Board Members
- OSCR Guidance and Good Practice for Charity Trustees
- Staff Governance Standard

The Director of Corporate Services and the Secretary to the Board are in the process of reviewing all above documentation and will ensure these are actioned accordingly. Furthermore, the Director of Corporate Services and Secretary to the Board have read the updated Code and this has been plotted against the old Code – refer to **Appendix** via this link. Changes to the Code are denoted in blue text and deletions are highlighted via strikethroughs.

The Director of Corporate Services and Secretary to the Board will note work being undertaken against each item and, along with the Governance and Executive Support Manager, will ensure this is being documented to show compliance; any gaps uncovered will be closed. This will form part of the routine Externally Facilitated Effectiveness Review.

In relation to the Good Governance Steering Group we are advised of the following:

- Trade Union Nominees on Boards there has been a delay in the Scottish Government publishing its 12-week consultation on the Draft Order. It is now planned that the consultation will run between the end-October 2022 and mid-January 2023. There is no change to the implementation date of August 2023.
- Review College Sector Board Appointments: Ministerial Guidance 2014 –
 The intention is now to publish the 6-week consultation on the Guidance after the
 Trade Union Nominees on Boards consultation has been published, so that
 changes to the Guidance will reflect governance reforms and ensure that it is up
 to date as possible.
- Externally Facilitated Effectiveness Reviews in line with the agreed changes
 to conducting board externally facilitated evaluation reviews 'every three to five
 years'. As aforementioned, the updated Guidance Note is contained within the
 link at Appendix 3.

Given the very positive Externally Facilitated Effectiveness Review which was previously carried out in 2021, it is anticipated that the College could extend its review to the maximum period of five years.

5. In-Person Charity Trustee Training with Turcan Connell

The Director of Corporate Services attended the above training in Glasgow on 10 November 2022. This was a useful refresher event which detailed the legal obligations of being a charity trustee. The presentation is attached at **Appendix 5** via this link.

6. Complaint Escalation to Scottish Public Services Ombudsman (SPSO)

Notification has been received that an individual has escalated their complaint to the SPSO as they are discontent with the College response. The SPSO is the final stage for complaints about public service organisations in Scotland. A deadline date of 30 November 2022 has been requested for the College to provide all necessary documentary evidence for SPSO to review. The Director of Corporate Services and the Corporate Support and Administration Manager will attend to this matter by the date requested.

7. Resource Implications

There are no negative resource implications arising as a consequence of matters contained within this report.

8. Impact on Students

There are no negative impact on students identified as a consequence of anything within this report.

9. Equalities

There are no equality implications arising as a consequence of matters contained within this report.

10. Risk and Assurance

This report seeks to provide members with assurance that a number of governance matters related to the smooth running and operations of the College are being taken forward accordingly and will be carefully handled.

11. Data Protection

There are no data protection implications arising as a consequence of this report.

12. Recommendations

It is recommended that members note the content of this report and appendices.

13. Further Information

Further information can be obtained from Lisa Clark, Director of Corporate Services - lisaclark@glasgowkelvin.ac.uk

Lisa Clark Director of Corporate Services November 2022