



# Further and Higher Education (Scotland) Act 2005

2005 asp 6

## PART 1

### FURTHER AND HIGHER EDUCATION ETC.

#### *[<sup>F1</sup>Regional colleges: functions*

#### Textual Amendments

- F1** Ss. 23A-23D and cross-heading inserted (3.3.2014) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), **ss. 5(2)**, 23(2); S.S.I. 2014/21, art. 2, Sch. 1

#### **23A Regional colleges: general duty**

- (1) It is the duty of a regional college to exercise its functions with a view to securing the coherent provision of a high quality of fundable further education and fundable higher education in the locality of the regional college.
- (2) In doing so, the regional college must have regard to any fundable further education and fundable higher education provided by other post-16 education bodies in the locality of the regional college.

#### **23B Regional colleges: planning, consultation and collaboration**

- (1) A regional college must plan for—
  - (a) how it proposes to provide fundable further education and fundable higher education; and
  - (b) how it intends to exercise its other functions.
- (2) When making plans, a regional college must have regard to the importance of ensuring that funds made available to it under section 12 are used as economically, efficiently and effectively as possible.

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*Changes to legislation:* There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 2005, Cross Heading: Regional colleges: functions. (See end of Document for details)

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- (3) A regional college must, where it considers it appropriate to do so in the exercise of its functions, consult—
- (a) the representatives of any trade union which it recognises or which otherwise appears to it to be representative of its staff;
  - (b) its students' association;
  - (c) the local authority for the area in which the regional college is situated;
  - (d) the governing body of any other post-16 education body which provides fundable further education or fundable higher education in the locality of the regional college;
  - (e) any other regional college or regional strategic body whom it considers likely to have an interest in the matter concerned;
  - (f) any person who appears to it to be representative of employers in the locality of the regional college;
  - (g) any person who appears to it to be representative of the interests of any sector for which the regional college provides specialist education or training;
  - (h) The Open University;
  - (i) The Skills Development Scotland Co. Limited;
  - (j) the Scottish Qualifications Authority; and
  - (k) Scottish Enterprise [<sup>F2</sup>, South of Scotland Enterprise] or Highlands and Islands Enterprise (as appropriate).
- (4) Any particular requirement for consultation imposed on a regional college by virtue of this or any other enactment is without prejudice to subsection (3).
- (5) A regional college must, so far as is consistent with the proper exercise of its functions, seek to secure the collaboration with the regional college of the following persons—
- (a) the representatives of any trade union which the regional college recognises or which otherwise appears to it to be representative of its staff;
  - (b) the regional college's students' association;
  - (c) the local authority for the area in which the regional college is situated;
  - (d) the governing body of any other post-16 education body which provides fundable further education or fundable higher education in the locality of the regional college;
  - (e) any other regional college or regional strategic body whom it considers it appropriate to collaborate with;
  - (f) The Open University;
  - (g) The Skills Development Scotland Co. Limited;
  - (h) the Scottish Qualifications Authority; and
  - (i) Scottish Enterprise [<sup>F3</sup>, South of Scotland Enterprise] or Highlands and Islands Enterprise (as appropriate).
- (6) The Scottish Ministers may by order modify subsection (3) or (5) by—
- (a) adding or removing persons, or types of persons, to which those provisions apply; or
  - (b) varying the description of any such person or type of person.
- (7) But such an order may not modify paragraph (a) or (b) of subsection (3).

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**Changes to legislation:** There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 2005, Cross Heading: Regional colleges: functions. (See end of Document for details)

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#### Textual Amendments

- F2** Words in s. 23B(3)(k) inserted (16.10.2019) by South of Scotland Enterprise Act 2019 (asp 9), s. 24(2), **sch. 2 para. 5(3)(a)**; S.S.I. 2019/308, reg. 2
- F3** Words in s. 23B(5)(i) inserted (16.10.2019) by South of Scotland Enterprise Act 2019 (asp 9), s. 24(2), **sch. 2 para. 5(3)(b)**; S.S.I. 2019/308, reg. 2

### **23C Regional colleges: improvement of economic and social well-being**

- (1) A regional college is to exercise its functions with a view to improving the economic and social well-being of the locality of the regional college.
- (2) In doing so, the regional college is to have regard to—
  - (a) social and economic regeneration needs in the locality; and
  - (b) social cohesion and social inclusion issues in the locality.
- (3) For the purposes of subsection (2)(a), “ needs ” means needs which appear to the regional college—
  - (a) to exist for the time being or be likely to exist in the future; and
  - (b) to be capable of being addressed (wholly or partly) by the provision of fundable further education or fundable higher education.
- (4) For the purposes of subsection (2)(b), “ issues ” means issues which appear to the regional college—
  - (a) to exist for the time being or be likely to exist in the future; and
  - (b) to be capable of being addressed (wholly or partly) by the provision of fundable further education or fundable higher education.

### **23D Regional college to have regard to particular matters**

- (1) In exercising its functions, a regional college is to have regard to—
  - (a) skills needs in the locality of the regional college;
  - (b) issues affecting the economy of the locality of the regional college;
  - (c) social and cultural issues in the locality of the regional college; and
  - (d) the needs and issues in relation to Scotland identified by the Council for the purposes of section 20(1).
- (2) In exercising its functions, a regional college is to have regard to the desirability of the achieving of sustainable development.
- (3) In exercising its functions, a regional college is to have regard to the—
  - (a) United Kingdom context; and
  - (b) international context,in which it carries on its activities.
- (4) In exercising its functions, a regional college is to have regard to the educational and related needs (including support needs) of persons who are, and the likely educational and related needs (including support needs) of persons who might wish to become, students of the college.

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- (5) In exercising its functions, a regional college is to have regard to the desirability of enabling, encouraging and improving participation in fundable further education and fundable higher education by persons belonging to any socio-economic group which the regional college reasonably considers to be under-represented in such education.
- (6) For the purposes of subsection (1)(a), “ skills needs ” means any requirement or desirability for skills or knowledge which appears to the regional college—
  - (a) to exist for the time being or be likely to exist in the future; and
  - (b) to be capable of being addressed (wholly or partly) by the provision of fundable further education or fundable higher education.
- (7) For the purposes of subsection (1)(b) and (c), “ issues ” means issues which appear to the regional college—
  - (a) to exist for the time being or be likely to exist in the future; and
  - (b) to be capable of being addressed (wholly or partly) by the provision of fundable further education or fundable higher education.
- (8) For the purposes of subsection (5), a socio-economic group is to be treated as under-represented in fundable further education or fundable higher education if participation in such education by persons in that group is disproportionately low.
- (9) A regional college may take into account any social or economic characteristics which it considers appropriate when determining which groups are to constitute “ socio-economic groups ” for the purposes of subsection (5).
- (10) A regional college is to have regard to the under-represented socio-economic groups identified by the Council for the purposes of section 20(4A) when determining—
  - (a) which groups are to constitute “ socio-economic groups ” for the purposes of subsection (5); and
  - (b) whether a socio-economic group so determined is under-represented in fundable further education or fundable higher education.]

**Changes to legislation:**

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