

Scottish Funding Council Standing Orders

Document Control

Title	Scottish Funding Council Standing Orders
Prepared By	Clerk to the Council
Approved Internally By	Chief Operating Officer
Date of Approval	16 June 2017
Version Number	1.1
Review Frequency	Annually
Next Review Date	September 2020

Version control

Version	Date	Control Reason	Author
1.1	23-05-2017	No change	Sheila Meehan
1.2	27-03-2018	Minor change	Sheila Meehan
1.3	31/08/2018	Change from Vice to Deputy Chair	Sheila Meehan
1.4	24/09/2019	No change	Sheila Meehan

Scottish Funding Council Standing Orders

Legislative background

- 1 The Further and Higher Education (Scotland) Act 2005 established the Scottish Further and Higher Education Funding Council.
- 2 Schedule 1 of the Act makes provision for the constitution of the Council and for certain administrative and other matters with respect to the Council. It contains provisions detailing the status, membership, structure, and proceedings of the Council. Where not referred to below, relevant legislative provisions are attached to these Standing Orders.
- 3 The Council approved this version of its Standing Orders at its meeting on 3 October 2005. The Council's Standing Orders will be reviewed by the Council on an annual basis.

Membership of the Council

- 4 As set out in Schedule 1 [section 2(1)] the Council is to consist of the following members:
 - The person holding the post of chief executive
 - A person appointed by the Scottish Ministers to chair meetings of the Council (the "chairing member")
 - No fewer than 11 nor more than 14 other members appointed by the Scottish Ministers.

Proceedings of the Council

- 5 The legislation governing the Council states that it may regulate its own procedure (including any quorum) [section 10(1)] and that the validity of any proceedings of the Council is not affected by a vacancy in membership or by any defect in the appointment of a member [section 10(2)].

Quorum

- 6 The quorum for a Council meeting is seven members. However, when not quorate the members present may decide to proceed with a meeting at which items on the agenda are considered and any recommendations reached are put to the next Council meeting for decision.

Role of the Chair in Council meetings

- 7 It is the role of the Chair to see that Council business is conducted in an orderly fashion and to ensure that members obtain a fair hearing. Members wishing to speak shall do so through the Chair.
- 8 The Chair is also responsible for leading the meeting to reach decisions. The Council will normally make decisions on the basis of agreement by consensus, but where the Chair believes it to be in the interest of the progress of a debate, or where it is proposed and seconded by two members present, the Clerk may be asked to count and record a vote by a show of hands.

Collective responsibility

- 9 Council members should be encouraged to express any differing views within the Council's internal decision-making process. In the event that a member has a reservation regarding a particular decision, they may ask for their dissent to be formally recorded in the minute. Once a decision has been reached, all members should support it.

Nomination of a Deputy Chair

- 10 The Chair may nominate a Deputy Chair and this appointment will be subject to the approval of the Council. The appointment will be on a fixed term basis.
- 11 The role of the Deputy Chair is to:
 - Deputise for the Chair as necessary
 - Facilitate the process of appraisal of the chair's performance.

Chief Executive

- 12 The Chief Executive's responsibilities as a NDPB Accounting Officer include ensuring that appropriate advice is offered to the Council. In the event that the Council is contemplating a course of action that would infringe the requirements of financial propriety and regularity or the Accounting Officer's wider responsibilities for economy, efficiency and effectiveness, then it is his or her duty to draw this to the attention of the Council.

Secretary to the Council

- 13 The Secretary to the Council will advise the Chair on the conduct of Council business and agenda planning. The Secretary will also advise Council members on formal matters relating to the Council.

Conflict of interest

- 14 All members are required to complete a register of interests on appointment. Members must notify the Clerk when any changes to this need to be made. Members' registers of interests will be made publicly available on our website.
- 15 If any member has, or could be perceived to have, an interest in a matter that is being considered by the Council, then it is their duty to declare that interest at the start of the meeting or as soon as they become aware of it, whether or not that interest has already been recorded in their register of interests. This declaration will be recorded in the minutes by the Clerk. The member must decide, taking advice from the Chair, whether they should:
 - remain in the meeting and participate fully;
 - remain in the meeting but make no contribution; or
 - withdraw from the meeting for the discussion of, and any decision on, the relevant item.
- 16 The Chair may, in any event, ask a member to leave the meeting if s/he thinks it is appropriate.
- 17 Whilst individual members have a responsibility to consider their position with regard to conflict of interest, prior to the meeting the Clerk will consider the agenda in the context of the register of members' interests and advise the Chair accordingly.

Attendance at meetings

Staff of the Council's executive

- 18 The Secretary to the Council and the other Directors of the Council's executive will normally attend Council meetings and may have a role in introducing papers, providing clarification, and contributing to discussions. The Clerk to the Council and a representative of the Communications branch will also normally attend.
- 19 In addition, other members of staff of the Council's executive may attend meetings as required for agenda items for which they are presenting information, to be available to respond to questions on matters arising from papers, to hear the debate where the Council's discussion will inform their work, or as part of their on-going professional development.

Observers

- 20 Observers may be invited to attend Council meetings. They may, with the permission of the Chair, speak and contribute to discussions, but may not take part in Council decisions.

Timing of meetings

Scheduled (or ordinary) meetings

- 21 The Council will meet on an appropriate number of occasions in a year to carry out its duties effectively. Past experience has shown that this will normally be seven or eight occasions.
- 22 The schedule of meetings for each year will be agreed by the Council in the previous year, following consultation with the Chair by the Clerk.

Extra (or special) meetings

- 23 At the request of the Chair, the Clerk may convene a special meeting of the Council to deal with business that will not wait until the next ordinary meeting. A special meeting may also be convened in response to a written request to the Chair from a minimum of five members of the Council specifying the business to be transacted and confirming why it can not wait until the next ordinary meeting.

Agenda and papers

Agenda items

- 24 Any member can, by contacting the Secretary to the Council, suggest items of business. The agenda and designation of business will be decided by the Chair.
- 25 Items for endorsement or for noting will be starred (*) on the agenda and the Chair will ask at the start of the meeting whether members wish to discuss any of the starred items. (Members should notify the Secretary to the Council of this wish in advance of the meeting.) Unless members specifically ask to discuss these items, the Chair will assume that they have been endorsed or noted.

Distribution of agenda and papers

- 26 The agenda of business and accompanying papers will normally be distributed no later than one week before a scheduled meeting of the Council.

Freedom of Information

Publishing papers

- 27 Council agendas, papers, and minutes will be published routinely and promptly on the Council's website and otherwise made available outside the Council on request.

Disclosure status

- 28 In some cases, particular documents may be subject to disclosure restrictions under the terms of the Freedom of Information (Scotland) Act 2002. Where this applies, the particular exemption(s) will be stated.

Procedure for urgent action

- 29 As stated in paragraph 22 above, a special meeting of the Council may be convened to deal with business that will not wait until the next ordinary meeting. Alternatively, where it is necessary for decisions normally requiring the approval of the Council to be taken in the period between Council meetings, the Chair may take appropriate action. Normally this will be authorising urgent action by the Chief Executive. Depending on the time available, the Chair may seek the views of Council members before authorising such urgent action.
- 30 In the event that the Chair is unavailable, the Chief Executive will have the power to take urgent action with the authorisation of the Council's Deputy Chair, if there is one, or, in the absence of the Deputy Chair, of one of the chairs of the Council's standing committees, who shall be a member of the Council.
- 31 In the event of all of the above mentioned Council members being unavailable, the Chief Executive may take such action as s/he deems necessary in an emergency, where a failure to act swiftly might seriously jeopardise the achievement of the Council's objectives.
- 32 In any of the above circumstances, the views of Council members may be sought if time allows and the action taken will be reported to the next ordinary meeting of the Council for homologation.

Approval of minutes of Council meetings

- 33 Minutes of a Council meeting will be submitted to the Chair for preliminary approval, and thereafter to the subsequent meeting of the Council for formal approval.

Committees

- 34 As set out in Schedule 1, the Council may establish committees for any purposes relating to its functions. It will determine the composition and the procedure (including any quorum) of its committees and the terms and conditions of committee membership.
- 35 The membership of a committee will be determined by the chair of the committee and the Chair of the Council.
- 36 The Council is required by the legislation to establish a skills committee for the purposes of advising the Council on matters relating to skills. The Council is also required to establish a research committee for the purposes of advising the Council on matters concerning research.
- 37 Minutes of meetings of the Council's committees will be reported to the Council at the next scheduled meeting for noting – whether they have been confirmed or are unconfirmed but approved by the chair. Each committee will also conduct an annual self-evaluation and the Audit and Compliance Committee shall present its annual report to the Council for consideration.

Self-assessment

- 38 Periodically the Council will assess its performance and consider the implications of the review for improving its effectiveness.

Standing Orders - Annex

The Council should be aware of the legislative requirements below, which are not included in the Standing Orders. These appear in Schedule 1 of the Further and Higher Education (Scotland) Act 2005.

Membership of the Council

- 2 (2) Each member (apart from the chief executive) is to be appointed for a period not exceeding 4 years.
- 2 (3) The Scottish Ministers may, on the expiry of a period of appointment of a member (apart from the chief executive), extend that appointment for a single further period not exceeding 4 years.
- 2 (4) A member (apart from the chief executive) –
- (a) may by giving notice in writing to the Scottish Ministers resign office as a member of the Council; and
 - (b) otherwise, holds and vacates office in accordance with the terms and conditions of appointment.
- 2 (5) If the Scottish Ministers are satisfied that a member (apart from the chief executive) –
- (a) has been absent from meetings of the Council for a period longer than 6 consecutive months without the permission of the Council; or
 - (b) is otherwise unable or unfit to discharge the functions of a member,
- the Scottish Ministers may by giving notice in writing to the member remove the member from office.
- 2 (6) A person is, on ceasing to be a member, eligible for reappointment.

Remuneration, allowances and pensions for members

- 5 (1) The Council is to pay to its members (apart from the chief executive) such remuneration as the Scottish Ministers may in each case determine.

- 5 (2) The Council is to pay to its members such allowances as the Scottish Ministers may in each case determine.
- 5 (3) The Council is, in respect of any person who is or has been a member (apart from the chief executive), to pay, or make such payments towards the provision of, such pensions, allowances and gratuities as the Scottish Ministers may in each case determine.
- 5 (4) Where a person ceases to be a member (apart from the chief executive), the Scottish Ministers may, in special circumstances, direct the Council to make to the person a payment of such amount of compensation as the Scottish Ministers may determine.

Committees

- 10 A (1) The Council must establish a committee (a “skills committee”) for the purposes of advising the Council on matters relating to skills.
- 10 A (2) The Council is to appoint one of its members to chair meetings of the skills committee.
- 10 A (3) In appointing members of the skills committee, the Council is to have regard to any guidance issued to it under sub-paragraph (4) (a).
- 10 A (4) The Scottish Ministers may issue to the Council guidance about –
- (a) the composition of the skills committee; and
 - (b) the committee’s functions.
- 11 (1) The Council must establish a committee (a “research committee”) for the purposes of advising the Council on matters concerning research.
- 11 (2) The Council is to appoint one of its members to chair meetings of the research committee.
- 11 (3) In appointing members of the research committee, the Council is to have regard to the desirability of including persons who –
- (a) have experience, and have shown capacity, relating to research or the application of research; and

(b) are currently engaged in research or the application of research.

- 12 The Council may establish other committees for any purposes relating to its functions.
- 13 (1) The Council is to –
- (a) subject to paragraphs 10A(2) and (3) and 11(2) and (3), determine the composition of its committees;
 - (b) determine the terms and conditions of committee membership; and
 - (c) determine the procedure (including any quorum) of its committees.
- 13 (2) Any of the committees of the Council may include persons who are not members of the Council.
- 13 (3) The Council is to pay to the members of its committees (whether or not they are also members of the Council) such allowances as the Scottish Ministers may determine.
- 13 (4) The Council is to keep under review the structure of its committees and the scope of the activities of each.

Participation of Scottish Ministers at meetings

- 15 A representative of the Scottish Ministers is entitled to participate in any deliberations (but not in decisions) at meetings of the Council or of any committee of the Council.