

SFC LEGISLATIVE AND REGULATORY SCHEDULE

Annex 1

Section 1: Founding legislation			
Legislation	Compliance requirements for SFC	Compliance arrangements and updates	Lead responsibility
<p>Further and Higher Education (Scotland) Act 1992</p> <p><i>This Act established the Scottish Higher Education Funding Council (SHEFC), made provision for the Scottish Further Education Funding Council (SFEFC); removed colleges from local authority management and made them autonomous, subject to certain statutory controls; and set out the powers of Ministers in relation to colleges.</i></p>	<p>The Act has been amended substantially by the Further and Higher Education (Scotland) Act 2005 and the Post-16 Education (Scotland) Act 2013, but is of continuing relevance to SFC because it sets out many of the statutory powers of Scottish Ministers in relation to colleges, and other important elements of the governance framework within which colleges continue to operate.</p>	<p>The Finance Directorate has operational oversight of this piece of legislation.</p> <p>The Act was amended in 2013 by the Post-16 Education (Scotland) Act to establish a collective bargaining framework for college staff and introduce new provisions in relation to mismanagement by Boards of Management. There were other amendments relating to the constitution of boards of regional colleges etc.</p>	Chief Executive
<p>Further and Higher Education (Scotland) Act 2005</p> <p><i>This Act established the Scottish Further and Higher Education Funding Council (SFC)</i></p>	<p>The Act sets out the main powers and duties of SFC in relation to colleges and universities, and sets out the powers of Scottish Ministers in relation to the funding and functions of SFC.</p>	<p>The Finance Directorate has oversight of this Act in relation to the funding of colleges and universities. The Corporate Services Directorate has oversight in relation to SFC's governance arrangements.</p> <p>The Act was amended significantly by the Post-16 Education (Scotland) Act 2013, particularly through the establishment of regional colleges, regional strategic colleges, and assigned colleges.</p>	Chief Executive

<p>Post-16 Education (Scotland) Act 2013</p> <p><i>This Act received Royal Assent in August 2013 and implements key elements of the Scottish Government's post-16 education reform programme, including college regionalisation.</i></p>	<p>The Act gave SFC new powers in relation to good practice in governance in colleges and universities, widening access in higher education, and reviews of further and higher education.</p> <p>The Act changed significantly the governance arrangements in the college sector, through college regionalisation, and SFC's funding and accountability relationship with colleges.</p>	<p>The Finance Directorate has oversight of this Act, but liaises closely with the Outcome Agreement teams and others on implementation.</p>	<p>Lorna MacDonald, Director of Finance</p>
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Section 2: Legislation which names SFC within an Enactment Schedule

Legislation	Compliance requirements for SFC	Compliance arrangements and updates	Lead responsibility
<p>The British Sign Language (Scotland) Act 2015</p> <p><i>This Act is intended to promote the use of British Sign Language (BSL) by requiring certain public authorities to produce and publish BSL plans.</i></p>	<p>This Act placed new duties on SFC in relation to the promotion of British Sign Language</p>	<p>The National BSL Plan asked the SFC to set up a BSL Steering Group. This group is now in place and includes BSL users, Scottish Government and sector representatives. The purpose of the BSL Steering Group is to promote BSL, support the implementation of the BSL National Plan and to advise the SFC on how it can best use its processes and guidance to ensure good representation of BSL users in both sectors and equality of outcomes of BSL users.</p>	<p>John Kemp Director of Access, Skills, and Outcome Agreements</p>

<p>Freedom of Information (Scotland) Act 2002</p> <p><i>This Act provides the public with a right of access to information held by, or for, Scottish public bodies and establishes a Scottish Information Commissioner.</i></p>	<p>As a public authority listed in Schedule 1, SFC is required to comply with the relevant provisions of the Act.</p>	<p>The Council employs a dedicated Information Management and Governance Officer with responsibility for processing all information requests and for providing training for staff on the legislation and its practical impact.</p> <p>During the course of AY 2018-19, we have developed and published new guidance to staff on the handling of FOI requests. This guidance clarifies responsibilities for handling FOI requests and provides good practice in responding to requests.</p>	<p>Richard Hancock, Assistant Director, Strategy</p>
<p>Ethical Standards in Public Life etc. (Scotland) Act 2000</p> <p><i>This Act established the Standards Commissioner for Scotland and a framework for securing the observance of high standards of conduct by councillors and other persons holding public appointments.</i></p>	<p>As a devolved public body listed in Schedule 3, SFC is required to comply with the relevant provisions of the Act, including the adoption of a Code of Conduct for Board members.</p>	<p>The Council has adopted a Code of Conduct based on a Model Code of Conduct published by the Scottish Government. The Code is published on SFC’s website.</p> <p>Following approval by the Scottish Parliament in 2013, the Scottish Government published a revised Model Code of Conduct. SFC revised its own Code, which was approved by the Board at its meeting in June 2014.</p>	<p>Richard Hancock, Assistant Director, Strategy</p>
<p>Gaelic Language (Scotland) Act 2005</p> <p><i>This Act established a body (Bòrd na Gàidhlig) to promote the use and understanding of the Gaelic language and enables it to require certain public bodies to</i></p>	<p>The implementation of the Act requires SFC to prepare and publish a Gaelic language plan in connection with the exercise of its functions, and to maintain and implement the plan.</p>	<p>An Assistant Director has dedicated responsibility for Gaelic issues, including liaison with Bòrd na Gàidhlig. SFC has a Gaelic language plan, which is published on our website.</p>	<p>Morag Campbell, Assistant Director, Monitoring and Evaluation</p>

<p><i>prepare and implement plans which will set out how they will use the Gaelic language in the exercise of their functions.</i></p>			
<p>Gender Representation on Public Boards (Scotland) Act 2018</p> <p><i>The Act sets an objective for public boards that 50% of their non-executive members are women. It also requires steps to be taken to encourage women to apply to become non-executive members of public boards.</i></p>	<p>Although SFC Board members are appointed by Scottish Ministers, the Act nevertheless places a general duty on named public authorities, including SFC, to take any steps that they consider necessary to achieve the gender representation objective.</p> <p>The Act is also of interest to us because it places a statutory duty on colleges and universities.</p>	<p>SFC currently meets the objective of the Act in relation to its Board. We fulfil our statutory duty by providing advice to Scottish Government on how best to achieve the gender representation objective.</p> <p>Scottish Ministers have asked SFC to take a leading role in supporting board appointments across college regions which reflect the diverse nature of the communities which they serve, and meet the gender representation objective.</p> <p>In our Outcome Agreement guidance, we expect colleges and universities to indicate how they are working towards improving gender balance and wider diversity on their Courts or Boards, including steps taken to increase the pipeline of diverse candidates, and equitable appointment procedures and practices.</p>	<p>Martin Fairbairn, Chief Operating Officer/ John Kemp Director of Access, Skills, and Outcome Agreements</p>
<p>Islands (Scotland) Act 2018</p> <p><i>The Act makes provision for a national islands plan and imposes duties on certain public bodies, including SFC, in respect</i></p>	<p>As a public authority listed in the Schedule to the Act, SFC is required to comply with the relevant requirements of the Act.</p>	<p>We currently have regard to island communities in the development of our funding methodologies, our Regional Skills Assessments with SDS, and our Outcome Agreements.</p>	<p>John Kemp Director of Access, Skills, and Outcome Agreements</p>

<p><i>of island communities. In particular, SFC must have regard to island communities in carrying out its functions.</i></p>		<p>The Act places a duty on Scottish Ministers to publish a National Islands Plan, which will set out the main objectives and strategy for how relevant authorities might help to improve outcomes for island communities. We will consider what further action we may need to take to fulfill our duties once the national plan is published.</p>	
<p>Public Records (Scotland) Act 2011</p> <p><i>The Act requires named public authorities in Scotland to prepare and implement a records management plan (RMP) which sets out proper arrangements for the management of their records. RMPs will be agreed with the Keeper of the Records of Scotland.</i></p>	<p>As a public authority listed in the Schedule to the Act, SFC is required to comply with the relevant requirements of the Act, including developing a Records Management Plan (RMP).</p>	<p>The Council employs a dedicated Information Management and Governance Officer with responsibility for managing SFC’s records in line with statutory and regulatory requirements, and best practice.</p> <p>SFC submitted its Records Management Plan to the Keeper for approval in July 2014. The Keeper approved the Plan without change in November 2014 and it is available on the SFC website.</p> <p>We have recently completed a self-assessment of our progress in implementing our RMP and sent it to the National Records of Scotland for review. The outcomes of the review will help us develop our plan and ensure that we are complying fully with the Public Records (Scotland) Act and good practice in records management.</p>	<p>Richard Hancock, Assistant Director, Strategy</p>

Section 3: Governance legislation			
Legislation	Compliance requirements for SFC	Compliance arrangements and updates	Lead responsibility
<p>Bribery Act 2010</p> <p><i>This Act reformed the criminal law of bribery to provide for a new consolidated scheme of bribery offences to cover bribery both in the United Kingdom and abroad.</i></p>	<p>SFC is required to comply fully with the provisions of the Act.</p>	<p>Following the introduction of Act, the Council’s executive took steps to respond to the legislation by:</p> <ul style="list-style-type: none"> • Providing a briefing to all staff on the details of the Act. • Updating the staff code of conduct to reflect the new legislation. • Obtaining general guidance from the Council’s solicitors on the application of the Act to public bodies. • Providing the guidance to Universities Scotland and Scotland’s Colleges. <p>With help from our solicitors, we reviewed and updated our procurement terms and conditions and guidance to ensure that they addressed effectively the implications of the Bribery Act.</p>	<p>Martin Fairbairn, Chief Operating Officer</p>
<p>Climate Change (Scotland) Act 2009</p> <p><i>This Act created a statutory framework for reducing greenhouse gas emissions in Scotland by setting an interim 42% reduction target by 2020. The Act also places duties</i></p>	<p>The Act requires SFC to act in the best way to help deliver targeted reductions in carbon emissions, and to act sustainably. The Climate Change (Scotland) Order 2015 requires certain public bodies, including SFC, to</p>	<p>An Assistant Director has responsibility for Climate Change issues.</p> <p>We undertake a wide range of work in support of our duties, which are reported regularly to the SFC Board.</p>	<p>Martin Kirkwood, Assistant Director, Capital and Climate Change</p>

<p><i>on Scottish public bodies in relation to climate change.</i></p>	<p>prepare a report on compliance with the climate change duties.</p>		
<p>General Data Protection Regulation (EU) 2016/679 and Data Protection Act 2018</p> <p><i>The General Data Protection Regulation (GDPR) came into force on 25 May 2018 and replaced the UK Data Protection Act 1998 (DPA). GDPR expands the rights of individuals to control how their personal data is collected and processed, and places a range of new obligations on organisations to be more accountable for data protection.</i></p> <p><i>The GDPR has direct effect across all EU member states, but it gives member states opportunities to make provisions for how it applies in their country. These provisions are covered in the Data Protection Act 2018, which received Royal assent on 23 May 2018.</i></p>	<p>SFC is required to comply fully with the relevant provisions of GDPR and the Act.</p>	<p>The Council employs a dedicated Information Management and Governance Officer with responsibility for Data Protection issues including data handling and data security training, maintaining ICT security and data processing policies, and annual registration of SFC as a data processor with the UK Information Commissioner.</p> <p>SFC processes large volumes of personal data, including data of FE students, HE and FE institutions' staff and SFC staff. SFC also shares data with third parties including other public sector organisations, as well as the private sector.</p> <p>We have established a GDPR project plan, which identifies the main changes from GDPR and the actions we need to take in order to achieve compliance. We report regularly to ACC on progress in implementing our project plan.</p>	<p>Richard Hancock, Assistant Director, Strategy</p>

<p>The Environmental Information (Scotland) Regulations 2004</p> <p><i>This Act requires every Scottish public authority to make environmental information available on request.</i></p>	<p>SFC is required to comply fully with the relevant provisions of the Act.</p>	<p>The Council employs a dedicated Information Management and Security Officer with responsibility for processing all information requests and for providing training for staff.</p>	<p>Richard Hancock, Assistant Director, Strategy</p>
<p>Nature Conservation (Scotland) Act 2004</p> <p><i>This Act places duties on public bodies in relation to the conservation of biodiversity; in particular, public bodies have a duty to think about their impact on the natural world and must reduce any negative effects for biodiversity of their work.</i></p>	<p>SFC is required to comply fully with the relevant provisions of the Act.</p>	<p>An Assistant Director has responsibility for Climate Change issues, and issues around biodiversity.</p> <p>We have established an organisational Corporate Social Responsibility (CSR) strategy setting out how we will enhance the impact of our activities on the environment, society, community and economy.</p>	<p>Martin Kirkwood, Assistant Director, Capital and Climate Change</p>
<p>Public Interest Disclosure Act 1998</p> <p><i>This Act established protection for individuals who make certain disclosures of information in the public interest and allows such individuals to bring action in respect of victimisation.</i></p>	<p>SFC is required to comply fully with the relevant provisions of the Act.</p>	<p>The organisation has in place arrangements for ‘whistle blowing’ in its staff Code of Conduct. The Audit and Compliance Committee’s remit also includes responsibility for considering the SFC’s policies for ‘whistle-blowing’.</p>	<p>Martin Fairbairn, Chief Operating Officer</p>
<p>The Re-use of Public Sector Information Regulations 2005</p> <p><i>The Re-use of Public Sector Information Regulations 2005 came into force on 1 July 2005 and promote the re-use of information held by UK public sector bodies (for</i></p>	<p>SFC is required to comply fully with the regulations.</p>	<p>The Public Sector Information (Amendment) Regulations 2015 amend the 2005 regulations and make compliance with the EU Directive on Reuse of Public Sector Information mandatory. The Regulations mean that any information created as part of the Public Task of a</p>	<p>Richard Hancock, Assistant Director, Strategy</p>

<p><i>example, it would allow businesses or other organisations to use statistical data on FE and HE collected by SFC for their own purposes). The Regulations implement EU Directive 2003/98/EC on the re-use of public sector information and, up until this year, were voluntary.</i></p>		<p>Public Sector body should be made available for reuse on request (unless it is exempt under the Freedom of Information (Scotland) Act).</p> <p>As SFC already makes such information available for reuse with no charge, this will not require any significant changes to current working practices.</p>	
<p>The Waste Electrical and Electronic Equipment Regulations 2006</p> <p><i>These regulations implement the main provisions of a European Parliament and Council Directive on waste electrical and electronic equipment and make it mandatory to dispose of electronic hardware in a way that does not have an adverse impact on the environment.</i></p>	<p>SFC is required to comply fully with the relevant provisions of the Act.</p>	<p>The Council disposes of electrical and electronic equipment through a certificated organisation and logs the destruction and disposal of all ICT equipment.</p>	<p>Martin Fairbairn, Chief Operating Officer</p>

Section 4: Employment and equalities legislation

Legislation	Compliance requirements for SFC	Compliance arrangements and updates	Lead responsibility
<p>The Children and Families Act 2014</p> <p><i>The Act deals with a wide-range of issues, including significant changes to how adoption works and major reforms to improve</i></p>	<p>As an employer, SFC is required to comply with the relevant provisions of the Act.</p> <p>From 30 June 2014, any employee with more than 26 weeks service can request to work</p>	<p>The organisation has reviewed and revised its flexible-working policy to accommodate fully the changes arising from the Act. The revised policy was agreed with UNITE, the recognised staff trade union.</p>	<p>Martin Fairbairn, Chief Operating Officer</p>

<p><i>the lives of looked-after children. It also creates a right for employees to request flexible working arrangements.</i></p>	<p>flexibly (SFC already permits any member of staff to make a request if they had 26 weeks service).</p> <p>Future changes from April 2015 will enable mothers, fathers and adopters to share their parental leave between them, so that parents can either have several months off at the same time or swap leave throughout their baby's first year.</p>		
<p>Employment Act 2002</p> <p><i>This Act enhanced statutory rights in relation to parental and adoption leave and pay; reformed the employment tribunal procedures and workplace dispute resolution mechanisms, in response to the rising number and cost of employment tribunal claims in recent years. It also included provisions on a range of other issues, including equal treatment for fixed-term employees and time off for trade union learning representatives</i></p>	<p>As an employer, SFC is required to comply with the relevant provisions of the Act.</p>	<p>The organisation has in place a maternity, paternity, adoption and parental leave policy which comply with the requirements of the Act. The policy was negotiated and agreed with UNITE, the recognised staff trade union.</p>	<p>Martin Fairbairn, Chief Operating Officer</p>
<p>Equality Act 2010</p> <p><i>This Act replaced previous legislation (such as the Race Relations Act 1976 and the Disability Discrimination Act 1995) and ensures consistency in</i></p>	<p>As an employer and a public body, SFC is required to comply with the relevant provisions of the Act.</p>	<p>The SFC has a Single Equality Scheme and associated Action Plan, which was agreed by the Council's Board and is published on our website. Operational monitoring of progress with the scheme is</p>	<p>Externally:</p> <p>John Kemp, Director of Access, Skills, and Outcome Agreements</p>

<p><i>what employers need to do to make their workplace a fair environment. The public sector Equality Duty (section 149 of the Act) came into force on 5 April 2011 and requires public bodies to consider how different people will be affected by their activities. The Equality Duty is supported by specific duties, set out in regulations which came into force on 10 September 2011, which require public bodies to publish relevant, proportionate information demonstrating their compliance with the Equality Duty; and to set themselves specific, measurable equality objectives.</i></p>		<p>undertaken by the Access, Skills, and Outcome Agreements Directorate and reported directly to the Council Board.</p> <p>The organisation's Human Resources (HR) team maintains an internal Equal Opportunities Policy.</p> <p>We have an SFC Equality and Diversity Group which supports the organisation in achieving its 2017-21 equality outcomes. The Group is chaired by the Chief Executive.</p>	<p>Internally:</p> <p>Martin Fairbairn, Chief Operating Officer</p>
<p>Fire (Scotland) Act 2005 and Fire Safety (Scotland) Regulations 2006</p> <p><i>This Act and the associated regulations contain provisions for fire safety in non-domestic premises in Scotland.</i></p>	<p>As an employer, SFC is required to comply with the relevant provisions of the Act (these are contained mainly in Part 3 (Fire Safety)).</p>	<p>The organisation has well-developed fire evacuation procedures and fire prevention systems, which are tested routinely by the Human resources team and the Building Landlord.</p>	<p>Martin Fairbairn, Chief Operating Officer</p>
<p>Health and Safety at Work etc. Act 1974</p> <p><i>This Act defines the fundamental structure and authority for the encouragement, regulation and enforcement of workplace health, safety and welfare</i></p>	<p>As an employer, SFC is required to comply with the relevant provisions of the Act.</p>	<p>The organisation has a Health and Safety Policy and an internal committee which undertakes periodic, comprehensive assessments of health and safety conditions.</p>	<p>Martin Fairbairn, Chief Operating Officer</p>

<p><i>within the United Kingdom. The Act defines general duties on employers, employees, contractors, suppliers of goods and substances for use at work, persons in control of work premises, and those who manage and maintain them, and persons in general.</i></p>			
<p>The Pensions Act 2011</p> <p><i>This Act accelerated the existing timetable for increasing the State Pension age to 66; amended the legislative framework requiring employers to automatically enrol employees into a qualifying pension system and make contributions to that scheme; and amended legislation providing for the indexation and revaluation of occupational pensions.</i></p>	<p>As an employer, SFC is required to comply with the relevant provisions of the Act.</p>	<p>SFC commenced auto-enrolment of staff in May 2014.</p>	<p>Martin Fairbairn, Chief Operating Officer</p>
<p>The Scotland Act 2012</p> <p><i>This Act gives the Scottish Parliament the power to set a Scottish rate of income tax to be administered by HM Revenue & Customs (HMRC) for Scottish taxpayers. The act also provides powers for new taxes to be created in Scotland and for additional taxes to be devolved. As a result of</i></p>	<p>HMRC issued tax codes to employers, including SFC, in the months before April 2016 which will identified those employees who are Scottish taxpayers. Employers are required to deduct tax at the appropriate rates, which may be higher or lower than, or the same as, those which apply in the rest of the UK.</p>	<p>The Scottish (S) tax rates came into force from 1 April 2016 and the collection is undertaken by HMRC, who pay the new element to Revenue Scotland. In terms of SFC's role as an employer, we pay the relevant tax elements to HMRC and the Scottish elements are then paid to Revenue Scotland by HMRC.</p>	<p>Martin Fairbairn, Chief Operating Officer</p>

<i>the Act, Revenue Scotland has been established to collect devolved taxes in Scotland.</i>			
<p>Work and Families Act 2006</p> <p><i>This Act sets out the framework for improvements to existing rights in relation to maternity and adoption leave, and pay, and flexible working rights.</i></p>	As an employer, SFC is required to comply with the relevant provisions of the Act.	The organisation has in place a Flexible Working Procedure, which is contained in the Staff Handbook.	Martin Fairbairn, Chief Operating Officer
<p>Other employment and equalities legislation</p> <p><i>There is a wide range of detailed legislation and regulations that governs national Insurance, taxation and sick pay.</i></p>	As an employer, SFC is required to comply with the relevant provisions of the legislation.	Tax rates are incorporated into payroll software, which is certified by HMRC to ensure correct deductions are made from employees. In accordance with the regulatory framework, SFC pays the tax deductions to the relevant statutory authorities. Developments in the legislation are monitored by the Council's HR team and implemented where required.	Martin Fairbairn, Chief Operating Officer

Section 5: Budgeting, financial and accountability legislation

Legislation	Compliance requirements for SFC	Compliance arrangements and updates	Lead responsibility
<p>Procurement Reform (Scotland) Act 2014</p> <p><i>This Act received Royal Assent on 17 June 2014 and makes provision</i></p>	SFC is required to comply fully with the relevant provisions of the Act.	The executive has revised completely its procurement guidance and arrangements to meet the requirements of the new Act, including a greater level of reporting	Martin Fairbairn, Chief Operating Officer

<p><i>about the procedures relating to the award of certain public contracts and requires certain public authorities to produce procurement strategies and annual reports.</i></p>		<p>and engagement. We have worked with Scottish Enterprise – which has significant experience of procurement – and a cluster of other public bodies to ensure that we meet fully the new requirements of the Act.</p> <p>The Procurement (Scotland) Regulations 2016 brought all of the provisions of the Act into force by 18 April 2016.</p>	
<p>Public Finance and Accountability (Scotland) Act 2000</p> <p><i>This Act sets out the rules for spending money, accounting requirements, accountability of officials and auditing arrangements for public expenditure in Scotland. The basic principle is that spending can take place only if authorised by the Parliament in Budget Acts and must not exceed any amount so authorised in relation to that purpose. The Act also establishes Audit Scotland, the post of Auditor General for Scotland, the role of Principal Accountable Officer for the Scottish Administration and the concept of ‘Accountable Officers’.</i></p>	<p>As a public body in receipt of funds voted by the Scottish Parliament, SFC is required to comply with the relevant requirements of the Act. Section 15 of the Act sets out the specific duties of the Accountable Officer, which include:</p> <ul style="list-style-type: none"> • Signing the annual accounts • Ensuring propriety and regularity of SFC’s finances • Ensuring that resources are used efficiently and effectively. <p>The duties and responsibilities of SFC’s Accountable Officer are set out in more detail in a <i>Memorandum to Accountable Officers for Other Public Bodies</i> published by the Scottish</p>	<p>The use of resources by SFC is governed by both the Scottish Public Finance Manual (SPFM) and a Framework Document with Scottish Government, which set out the detailed rules for the use of, and accountability for, public funding, in line with the requirements of the Public Finance and Accountability Act. Compliance is assessed through the internal and external audit function.</p> <p>The Council regulates its funding relationship with colleges and universities primarily through the Financial Memorandum.</p>	<p>Chief Executive (as the Accountable Officer for SFC).</p>

	Government.		
<p>Public Services Reform (Scotland) Act 2010</p> <p><i>This is a wide-ranging Act, which made provision for reducing the number of public bodies in Scotland; introduced new requirements on the publication of information on expenditure by certain public bodies; and amended the Scottish Public Services Ombudsman Act 2002 to make provision in relation to complaints handling procedures of listed authorities.</i></p>	<p>Sections 31 and 32 of the Act imposed new duties on SFC to publish information on expenditure as soon as is reasonably practicable after the end of each financial year.</p>	<p>SFC complies with the requirements and publishes in its Annual report and accounts information on public relations, overseas travel, hospitality and entertainment, and external consultancy.</p> <p>In response to the Act, SFC was required by the Scottish Public Services Ombudsman (SPSO) to develop and publish a new Complaints Handling Procedure (CHP) by the end of March 2014. The new procedure was agreed by the Chief Executive and published on our website in March 2014.</p>	<p>Council expenditure:</p> <p>Lorna MacDonald, Director of Finance</p> <p>Complaints handling:</p> <p>Richard Hancock, Assistant Director, Strategy</p>

Section 6: Other legislation of relevance to SFC

Legislation	Compliance requirements for SFC	Compliance arrangements and updates	Lead responsibility
<p>The Education (Scotland) Act 2016</p> <p><i>The Act contains a wide range of provisions dealing with school attainment and Gaelic-medium education.</i></p>	<p>Although the Act does not place any duties on SFC, it is of interest to us in the context of our policies for widening access, learning, and Gaelic.</p>	<p>There are no compliance requirements for SFC, but we take account of the provisions of the Act in our policy development – particularly in widening access – and our negotiation of Outcome Agreements with colleges and universities.</p>	<p>John Kemp, Director of Access, Skills, and Outcome Agreements</p>

<p>The Higher Education Governance (Scotland) Act 2016</p> <p><i>This Act introduces changes to the composition of, and appointment to, the governing bodies and academic boards of higher education institutions; and provides a revised definition of academic freedom.</i></p>	<p>This Act is of interest to SFC because of our responsibility for the promotion of good governance, and our oversight of governance arrangements in the university sector.</p>	<p>There are no compliance requirements for SFC, but we take account of the provisions of the Act in our monitoring of governance in the university sector.</p>	<p>Lorna MacDonald, Director of Finance</p>
<p>The Higher Education and Research Act 2017</p> <p>An act of the UK Parliament which brings together the seven Research Councils, Innovate UK, and the research functions of HEFCE, under a single strategic body called UK Research and Innovation (UKRI).</p>	<p>Although the Act does not place any duties on SFC, it is of interest to us because of our responsibility for the funding of the research infrastructure in Scotland's universities under the 'dual-support' system.</p>	<p>The Act received Royal Assent on 27 April 2017 and various commencement regulations came into effect in 2017 and 2018, including the formal establishment of UKRI on 1 April 2018. The SFC Board has received various updates on our relationship with UKRI.</p>	<p>Stuart Fancey, Director of Research and Innovation</p>