

## SFC LEGISLATIVE AND REGULATORY SCHEDULE

## Annex 1

## Section 1: Founding legislation

Legislation	Compliance requirements for SFC	Compliance arrangements and updates	Lead responsibility
<p><b>Further and Higher Education (Scotland) Act 1992</b></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 was 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 Policy, Insights and Analytics Directorate has operational oversight of this piece of legislation in conjunction with work carried out over all areas of the SFC.</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.</p> <p>There were other amendments relating to the constitution of boards of regional colleges etc.</p>	<p>Chief Executive</p>
<p><b>Further and Higher Education (Scotland) Act 2005</b></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 and Access, Learning and Skills Directorate have oversight of this Act.</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>	<p>Chief Executive</p>

Section 1: Founding legislation			
<p><b>Post-16 Education (Scotland) Act 2013</b></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 significantly changed 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>Richard Maconachie – Director of Finance</p>

Section 2: Legislation which names SFC within an Enactment Schedule			
Legislation	Compliance requirements for SFC	Compliance arrangements and updates	Lead responsibility
<p><b>The British Sign Language (Scotland) Act 2015</b></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>All Scottish colleges, universities and specialist institutions have published British Sign Language (BSL) plans, which set out how institutions will support students who use BSL, with clear and measurable commitment to improvement where necessary. The plans are normally reviewed annually by SFC to ensure that inequalities are addressed.</p>	<p>James Dunphy, Director of Access, Learning and Outcomes</p>

**Section 2: Legislation which names SFC within an Enactment Schedule**

<p><b>Freedom of Information (Scotland) Act 2002</b></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 (IMGO) with responsibility for providing guidance on information requests and for providing training for staff on the legislation and its practical impact. The IMGO works closely with other teams to manage FOI's.</p> <p>During the course of AY 2018-19, we 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>FOI policy and procedures continue to be reviewed to reflect recent changes in responsibility within SFC, and any lessons learned.</p>	<p>Lesley Aitkenhead – Assistant Director Risk, Governance &amp; Compliance</p>
<p><b>Ethical Standards in Public Life etc. (Scotland) Act 2000</b></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</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 SFC 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.</p>	<p>Lynne Raeside, Secretary to the Board</p>

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<p><i>persons holding public appointments.</i></p>		<p>SFC revised its own Code, which was approved by the Board at its meeting in June 2014.</p> <p>The Scottish Government published a consultation in October 2020 on proposals for a revised Model Code of Conduct which sets out the key principles, strengthens the obligations on individual board members and clarifies the actions that can be taken by the Standards Commission and the Commissioner for Ethical Standards in considering breaches of the Code. The consultation closed in February 2021 and the outcomes are expected to be published by the Scottish Government later this year.</p> <p><b>Update 2022:</b> Updated Code of Conduct for Board Members approved June 2022.</p>	
<p><b>Gaelic Language (Scotland) Act 2005</b> <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 prepare and implement plans which will set out how they will use the</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.</p> <p>SFC has a Gaelic language plan, which is published on our website.</p> <p>Our second Gaelic Language Plan (GLP) expired in 2020.</p>	<p>Morag Campbell, Assistant Director, Research and Innovation</p>

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<p><i>Gaelic language in the exercise of their functions.</i></p>		<p>We presented a refreshed Gaelic Language Plan to Bòrd na Gàidhlig for approval in September 2020 and expect to publish a final plan later in 2021.</p> <p><b>Update 2022:</b></p> <p>Our GLP was approved by the Board on 8 February 2022</p>	
<p><b>Gender Representation on Public Boards (Scotland) Act 2018</b></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>Lynne Raeside, Secretary to the Council/ James Dunphy, Director of Access, Learning and Outcomes</p>

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<p><b>Islands (Scotland) Act 2018</b>  <i>The Act makes provision for a national islands plan and imposes duties on certain public bodies, including SFC, in respect of island communities. In particular, SFC must have regard to island communities in carrying out its functions.</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 work on skills with SDS, and our Outcome Agreements.</p>	<p>James Dunphy,          Director of Access, Learning and Outcomes</p>
<p><b>Public Records (Scotland) Act 2011</b>  <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. The IMGO works closely with other areas to manage and embed RMP.</p> <p>SFC submitted its Records Management Plan to the Keeper of the Records of Scotland 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><b>Update for 2022:</b>          We expect to be asked by the Keeper of the Records of Scotland to re-submit our Records Management Plan for review in 2022-23 and a Records Management Policy was presented to the Senior Management Team in July for consultation.</p>	<p>Lesley Aitkenhead – Assistant Director Risk, Governance &amp; Compliance</p>

## Section 2: Legislation which names SFC within an Enactment Schedule

## Section 3: Governance legislation

Legislation	Compliance requirements for SFC	Compliance arrangements and updates	Lead responsibility
<p><b>Bribery Act 2010</b>  <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 the Act, the SFC's executive took steps to respond to the legislation by:</p> <ul style="list-style-type: none"> <li>• Providing a briefing to all staff on the details of the Act.</li> <li>• Updating the staff code of conduct to reflect the new legislation.</li> <li>• Obtaining general guidance from the Council's solicitors on the application of the Act to public bodies.</li> <li>• Providing the guidance to Universities Scotland and Scotland's Colleges.</li> </ul> <p>With help from our solicitors, we reviewed and updated our procurement terms and conditions and guidance to ensure that they effectively addressed the implications of the Bribery Act.</p>	<p>Richard Maconachie,            Director of Finance</p>
<p><b>Climate Change (Scotland) Act 2009</b>  <i>This Act created a statutory framework for reducing greenhouse gas emissions in Scotland by setting an interim 42%</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</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>SFC Director of Research and Innovation</p>

**Section 3: Governance legislation**

<p><i>reduction target by 2020. The Act also places duties on Scottish public bodies in relation to climate change.</i></p> <p><i>The Act was amended by the Climate Change (Emissions Reduction Target) (Scotland) Act 2019, which sets targets to reduce Scotland’s emissions of all greenhouse gases to net-zero by 2045 at the latest, with interim targets for reductions of 75% by 2030, and 90% by 2040.</i></p>	<p>requires certain public bodies, including SFC, to prepare a report on compliance with the climate change duties.</p>	<p><b>Update 2022:</b> <b>The Climate Change Bill</b> remains at its second reading in the House of Commons. This Bill will place a duty on the Government to declare a climate emergency; to amend the Climate Change Act 2008 to bring forward the date by which the United Kingdom is required to achieve net zero greenhouse gas emissions; to place a duty on the Government to create and implement a strategy to achieve objectives related to climate change, including for the creation of environmentally friendly jobs.</p>	
<p><b>General Data Protection Regulation (EU) 2016/679 and Data Protection Act 2018</b></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>SFC is required to comply fully with the relevant provisions of GDPR and the Act.</p>	<p>SFC 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</p>	<p>Lesley Aitkenhead – Assistant Director Risk, Governance &amp; Compliance</p>

### Section 3: Governance legislation

*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.*

**UK General Data Protection Regulation**

*UK GDPR came into effect 1 January 2022 to reflect UK's withdrawal from the European Union (EU). UK GDPR mirrors EU GDPR, sitting alongside the DPA 2018 and now reflects a domestic law.*

organisations, as well as the private sector.

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 have also recommended the establishment of an internal Data Governance Committee, chaired by the Chief Information Officer, to provide advice and monitor developments in data sharing.

**Update 2022:**

The Information Commissioner has published his intention to revise the approach to working with public authorities in order to streamline their interactions, and improve data protection standards.

This initiative is in response to feedback which the Information Commissioners Office (ICO) received during a recent tour of UK in which they sought the views of stakeholders on how the Office can best support both public authorities and private organisations.

The ICO's aim with the changes is to improve data handling and data protection within the public sector to minimise risks and breaches.

**Section 3: Governance legislation**

		<p><b>Data Protection and Digital Information Bill introduced into UK Parliament</b></p> <p>Following the publication of the outcome of the Department for Digital, Culture, Media and Sport’s Consultation “Data: a New Direction” covered last month, on 18 July, the UK Government introduced the <u>Data Protection and Digital Information Bill</u> to Parliament on 18 July 2022.</p> <p>The Bill reflects the UK Government’s desire to move away from EU standards post-Brexit by altering the UK’s GDPR and Data Protection Act 2018. The Government claims the Act will reduce the burdens imposed on organisations handling data by allowing for a more flexible system, while maintaining high standards of protection. The Bill is expected to pass through Parliament in September 2022 following the summer recess and enter into law across the UK later this year.</p>	
<p><b>The Environmental Information (Scotland) Regulations 2004</b>  <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>Lesley Aitkenhead – Assistant Director Risk, Governance &amp; Compliance</p>

## Section 3: Governance legislation

<p><b>Nature Conservation (Scotland) Act 2004</b></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>Rufus Logan Assistant Director, Capital and Climate Change</p>
<p><b>Public Interest Disclosure Act 1998</b></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>Richard Maconachie, Director of Finance</p>
<p><b>The Re-use of Public Sector Information Regulations 2005</b></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 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</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 Public Sector body should be made available for reuse on request (unless it is exempt under the Freedom of Information (Scotland) Act). SFC already makes such information available for reuse with no charge.</p>	<p>Steve McDonald, Chief Information Officer</p>

### Section 3: Governance legislation

<i>the re-use of public sector information.</i>			
<p><b>The Waste Electrical and Electronic Equipment Regulations 2006</b></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>	SFC is required to comply fully with the relevant provisions of the Act.	The SFC disposes of electrical and electronic equipment through a certificated organisation and logs the destruction and disposal of all ICT equipment.	Laurence McDonald, Assistant Director, Information Systems

### Section 4: Employment and equalities legislation

Legislation	Compliance requirements for SFC	Compliance arrangements and updates	Lead responsibility
<p><b>The Children and Families Act 2014</b></p> <p><i>The Act deals with a wide-range of issues, including significant changes to how adoption works and major reforms to improve the lives of looked-after children. It also creates a right for employees to request flexible working arrangements.</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 flexibly (SFC already permits any member of staff to make a request if they had 26 weeks service).</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 at SFC.	Helen Gibson, Assistant Director, Organisational Development and HR
<p><b>Employment Act 2002</b></p> <p><i>This Act enhanced statutory rights in relation</i></p>	As an employer, SFC is required to comply with the relevant provisions of the Act.	The organisation has in place a maternity, paternity, adoption and parental leave policy which	Helen Gibson, Assistant Director, Organisational

Section 4: Employment and equalities legislation			
<p><i>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.</i></p> <p><i>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>comply with the requirements of the Act.</p> <p>The policy was negotiated and agreed with UNITE, the recognised staff trade union.</p>	<p>Development and HR</p>
<p><b>Equality Act 2010</b></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 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.</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 SFC’s Board and is published on our website. Operational monitoring of progress with the scheme is undertaken by the Access, Learning and Outcomes 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><b>Externally:</b></p> <p>James Dunphy, Director of Access, Learning and Outcomes</p> <p><b>Internally:</b></p> <p>Helen Gibson, Assistant Director, Organisational Development and HR</p>

**Section 4: Employment and equalities legislation**

<p><i>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>In 2021, we refreshed our Equality Outcomes, and our Equality Outcome two (relating to SFC) commits us to continually improving our approach to equality impact assessment and demonstrating the impact of this activity.</p>	
<p><b>Fire (Scotland) Act 2005 and Fire Safety (Scotland) Regulations 2006</b> <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>Ryan Bell, Deputy Director for People and Transformation</p>
<p><b>Health and Safety at Work etc. Act 1974</b> <i>This Act defines the fundamental structure and authority for the encouragement, regulation and enforcement of workplace health, safety and welfare 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</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 regular, comprehensive assessments of health and safety conditions.</p>	<p>Ryan Bell, Deputy Director for People and Transformation</p>

## Section 4: Employment and equalities legislation

<p><i>and maintain them, and persons in general.</i></p>			
<p><b>The Pensions Act 2011</b>  <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>Ryan Bell, Deputy Director for People and Transformation</p>
<p><b>The Scotland Act 2012</b>  <i>This Act gives the Scottish Parliament the power to set a Scottish rate of income tax to be administered by HM Revenue &amp; Customs (HMRC) for Scottish taxpayers.</i>  <i>The act also provides powers for new taxes to be created in Scotland and for additional taxes to be devolved. As a result of the Act, Revenue Scotland has been established to collect devolved taxes in Scotland.</i></p>	<p>HMRC issued tax codes to employers, including SFC, in the months before April 2016 which will identify 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>Richard Maconachie, Director of Finance</p>

#### Section 4: Employment and equalities legislation

<p><b>Work and Families Act 2006</b> <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>	<p>As an employer, SFC is required to comply with the relevant provisions of the Act.</p>	<p>The organisation has in place a Flexible Working Procedure, which is contained in the Staff Handbook.</p>	<p>Ryan Bell, Deputy Director for People and Transformation</p>
<p><b>Other employment and equalities legislation</b> <i>There is a wide range of detailed legislation and regulations that governs national Insurance, taxation and sick pay.</i></p>	<p>As an employer, SFC is required to comply with the relevant provisions of the legislation.</p>	<p>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.</p>	<p>Ryan Bell, Deputy Director for People and Transformation</p>

#### Section 5: Budgeting, financial and accountability legislation

Legislation	Compliance requirements for SFC	Compliance arrangements and updates	Lead responsibility
<p><b>Procurement Reform (Scotland) Act 2014</b> <i>This Act received Royal Assent on 17 June 2014 and makes provision about the procedures relating to the award of certain public contracts and requires certain public authorities to produce</i></p>	<p>SFC is required to comply fully with the relevant provisions of the Act.</p>	<p>The executive revised completely its procurement guidance and arrangements to meet the requirements of the new Act, including a greater level of reporting and engagement.  We have worked with Scottish Enterprise – which</p>	<p>Richard Maconachie, Director of Finance</p>

**Section 5: Budgeting, financial and accountability legislation**

<p><i>procurement strategies and annual reports.</i></p>		<p>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. The Scottish Government published a new Procurement Strategy in March 2021 covering the period 2021-23. The Strategy will inform our approach to procurement.</p> <p><b>Update 2022:</b></p> <p>We are refreshing our Procurement Strategy, which will be completed by the end of 2022.</p>	
<p><b>Public Finance and Accountability (Scotland) Act 2000</b></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.</i></p> <p><i>The basic principle is that spending can take place only if authorised by the Parliament in Budget Acts</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"> <li>• Signing the annual accounts</li> <li>• Ensuring propriety and regularity of SFC’s finances</li> </ul>	<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 SFC regulates its funding relationship with</p>	<p>Chief Executive (as the Accountable Officer for SFC).</p>

**Section 5: Budgeting, financial and accountability legislation**

<p><i>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>	<ul style="list-style-type: none"> <li>• Ensuring that resources are used efficiently and effectively.</li> </ul> <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 Government.</p>	<p>colleges and universities primarily through the Financial Memorandum.</p>	
<p><b>Public Services Reform (Scotland) Act 2010</b></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 procedure was agreed by the Chief Executive and published on our website in March 2014.</p>	<p><b>SFC expenditure:</b></p> <p>Richard Maconachie, Director of Finance</p> <p><b>Complaints handling:</b></p> <p>Lesley Aitkenhead, Assistant Director Risk, Governance &amp; Compliance</p>

Section 6: Other legislation of relevance to SFC			
Legislation	Compliance requirements for SFC	Compliance arrangements and updates	Lead responsibility
<p><b>The Education (Scotland) Act 2016</b></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>James Dunphy, Director of Access, Learning and Outcomes</p>
<p><b>The Higher Education Governance (Scotland) Act 2016</b></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>Richard Maconachie, Director of Finance</p>
<p><b>The Higher Education and Research Act 2017</b></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 SFC Board receives periodic updates on our relationship with UKRI.</p>	<p>Director of Research and Innovation</p>